

input, to allow the conversion of residential development rights into recreational/eco-tourism uses.

- Explore possible alternatives to provide tax incentives for recreational land uses in the Pine Barrens region.

### ***Other Open Space/Recreational Opportunities***

Throughout the Study Area there are several sites that provide, or have the potential to provide, open space or recreation opportunities, without impacting municipal financial resources.

For example, approximately 145 acres of land in the northwestern portion of the Study Area, within the Compatible Growth Area of the Central Pine Barrens, are currently vacant or are used for commercial nurseries. Portions of properties, including Central Suffolk Hospital, Sommer’s Nursery, Country Gardens, and the former Town dump, located on the south side of Sunrise Highway and the north side of Old Country Road, have already been cleared. The reuse of this disturbed property would be preferable to the clearing of other forested land for golf course development. Based on the size and location of these properties near a gateway to the Study Area and within the Compatible Growth Area, this land would best be used for a low intensity commercial tourism or recreational use, such as a golf course resort. A golf course would include revegetation and landscape buffering. The associated clubhouse, possible inn/spa and ancillary recreational amenities could provide a tax ratable for the Eastport /South Manor School District. A resort/tourism facility would encourage eco-tourism for the area, provided care is taken to ensure that traffic patterns connect to the Sunrise Highway service road extension running along the northerly property line and the country ambiance is maintained along Old Country Road. A portion of the site abutting Old Country

Road could continue in nursery stock use, or be used for another agricultural pursuit such as equestrian uses, which could facilitate further enjoyment of trails within the nearby-forested areas.



*Existing equestrian uses in the Study Area should be encouraged to promote commercial recreation, agri-tourism and eco-tourism economic development.*

The section entitled “Recommendations involving Incentive Zoning” provides more detail on potential alternative zoning for these properties to facilitate recreational amenities, land conservation and eco-tourism.

### **UTILIZATION OF INCENTIVE ZONING**

Incentive zoning is a technique for regulating land use, in which zoning incentives are provided to developers on the condition that specific physical, social or cultural benefits are provided to the community. Incentive zoning is particularly adaptable to promoting compact development within a community (and therefore open space conservation) since the incentive itself is usually an increase in the density of development permitted on a particular parcel. By providing a density bonus for the developer, specific community

benefits or amenities being sought by the community, such as affordable housing, open space, recreational facilities, infrastructure or cash-in-lieu thereof can be obtained.<sup>6</sup>

*New York State permits municipalities to utilize “Incentive Zoning” for the purpose of obtaining “Community Benefits.” New York State Town Law §261-b of the State of New York defines “Community benefits or amenities” as “ open space, housing for persons of low or moderate income, parks, elder care, day care, or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the Town Board.”*

Section 330-9 of the Southampton Town Zoning Law permits the Planning Board or Building Department to grant Density Incentives pursuant to Town Law §261-a and §261-b in limited circumstances.

Section 330-240 of the Southampton Town Zoning Law also permits the Town Board to establish Planned Development Districts (PDDs) as a method of providing incentives or bonuses for development providing substantial community benefits or amenities pursuant to the provisions of Town Law §261-b. In accordance with §330-240, “the development incentives or bonuses and the community benefits or amenities must be consistent with the recommendations of the Central Pine Barrens Comprehensive Land Use Plan and/or the Town’s Comprehensive Plan.”

A PDD may also be established as a receiving site for development rights or PBCs pursuant to the applicable

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<sup>6</sup>Partially adopted from *Well Grounded Local Land Use Law and Practice in New York State*, John Nolan, 1998, Pace University.

transfers of development rights (TDR) portions of the Town’s Zoning Law and §261-a of Town Law of the State of New York.

*The purpose of the Planned Development District legislation is noted in the Town Code as a means “to facilitate 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 recommendations of the Town’s Comprehensive Plan. The implementation of planned development districts shall be established on a floating zone basis with attendant controls and regulations intended to provide the means to accomplish the salutary purposes and goals set out herein.”*

The 1999 Comprehensive Plan noted that the Town Board needed to strengthen the Planned Development District zoning regulations in several ways. PDD zoning provides the ability to modify the uses and densities normally allowed by the underlying zoning, in order to create substantial public amenities, and/or in connection with TDR credit purchases and implementation of the Central Pine Barrens Plan or farmland preservation programs. These modifications must conform to an area-wide plan that also provides guidelines with regard to design, landscaping, public access, amenities, use, wastewater treatment, community benefits, etc. PDD zoning entails a two-stage review process: (1) an area-wide concept plan laying out the range of uses, densities, and guidelines, to be approved by the Town Board, acting on the advice of the Planning Board; (2) site-specific plans, to be approved by the Planning Board. The PDD can be any size,

and under single or multiple ownership. The Town Code permits the Town Board to act on its own motion to establish a PDD or to use its discretionary zoning powers acting upon petition of a property owner seeking an amendment to the Zoning Map to allow a site-specific Planned Development District, with attendant controls.

The current PDD regulations require applicants to prepare a concept plan, but the 1999 Comprehensive Plan recommended that the Town be the author of these concept plans and that PDD plans created by the Town can help facilitate the pipeline for TDR / PBC purchases. The Town Comprehensive Plan also recommends that, where a PDD plan has been prepared by the Town and at the Town's expense, an application fee should be charged of all subsequent site-specific plans over a certain size, as defined by the PDD plan – structured in a manner mindful of the total cost to the Town to prepare the concept plan and related SEQRA documents. State legislation permits “applicant charge-back fees” in connection with developments that follow Generic Environmental Impact Statements (GEIS's).

***The Town's Comprehensive Plan also pointed out that PDDs need to be used with restraint in order to reassure residents, and siting must be consistent with recommendations outlined in the Town's Comprehensive Plan or subsequent Hamlet Studies or Area-Wide Planning Studies which are adopted as updates to the Town Comprehensive Plan.***

Planned Development District (PDD) zoning originated in the Town Code as part of ratification of the Central Pine Barrens Plan. In addition to as-of-right Receiving Area Districts (RRADs), potential receiving overlay zones for TDRs and PBCs were identified as part of the Generic Environmental Impact Statement associated with the Central Pine Barrens Plan, including a portion of Suffolk County

Gabreski Airport, the 180+-acre Suffolk County BOMARC site, the 35+-acre Bailey's Motel property, and the 300+-acre area located west of Speonk-Riverhead and north of Old Country Road.

Planned Development District (PDD) zoning is not limited to implementation of the Central Pine Barrens Plan to accommodate transfers of development rights. The Town Board has utilized PDD zoning to achieve other community benefits as well. Landowners have sought PDD zoning to legalize and expand pre-existing, non-conforming uses, such as the Lobster Inn Restaurant and Marina Maritime PDD and the Hampton Classic Recreation-Tourism PDD. Study groups formed by the Town in response to longstanding community complaints working with the Town Planning Department have also sought PDD zoning to facilitate expeditious elimination of pre-existing, non-conforming uses on certain properties, such as the dragstrip site in Westhampton and an auto salvage yard in the Aquifer Protection Overlay District in the eastern portion of Southampton Town.

The Southampton Town Zoning Code presently indicates the following classifications of Planned Development Districts:

- Residential (RPDD)
- Mixed-Use (MUPDD)
- Commercial/Industrial (CIPDD)
- Recreation/Tourism (RTPDD)
- Maritime
- Agricultural
- Specific PDDs
  - Airport CIPDD (55 acres- Suffolk County Gabreski Airport)
  - Hampton Bays MUPDD (9 acres – former Key Food Supermarket area)
  - Shinnecock Hills Maritime PDD (Lobster Inn Restaurant/Marina)
  - Hampton Classic RTPDD
  - Quogue East and West RTPDDs (Potential Golf Course)

- and Recreation Center)
- Westhampton RPDD (Dragstrip)
- Whitecap Farm Agricultural PDD
- North Sea MUPDD (Kutchuk Junkyard)
- Sebonack MUPDD (Bayberry Golf Course)

The following is a summary of design standards from the Central Pine Barrens Plan and its Environmental Impact Statement, relative to encouraging PDDs as a zoning tool in the Town Code to be used as “innovative planning areas” to “creatively accommodate Pine Barrens Credits through a variety of development schemes.” This zoning tool would “convert Pine Barrens Credits to highly tax ratable uses such as resort and tourism, commercial and retail, senior housing and care centers, and medical centers.”<sup>7</sup> Each plan or scheme must include a redemption schedule, a table of densities or a change of use schedule, as appropriate.”<sup>8</sup> The following recommendations are outlined in the Central Pine Barrens Joint Planning and Policy Commission Draft plan and EIS<sup>9</sup>:

1. An important component of the planning process for a planned development district is the involvement of local citizens. This is essential to ensure the plan meets the needs of the community.
2. Members of the community should be informed of the planning process for a planned development district prior to the preparation of final plans and shall have the opportunity to participate in the planning.
3. A planned development district should not have a negative impact on special districts within the

community and should not cause undue or unreasonable growth in any given area.

4. Open space in a planned development district could be designed to protect natural resources and provide for active and passive recreation areas.
5. Ecologically sensitive areas should be preserved and buffered as necessary.
6. The natural topography should be respected and used to nestle buildings into the landscape. Reducing cut and fill will minimize clearing and prevent erosion and sedimentation. Sites containing highpoints should be developed near the middle or bottom of the slopes utilizing natural vegetation as a buffer.
7. The design for a planned development district or new development in a designated residential overlay district should take the opportunity to create a unified architectural character without becoming too repetitive. Recognition of certain style that has been established and accepted within any given area will aid in blending new development with existing. Building heights, materials and rooflines are components that determine the quality of the built form and should have specific guidelines. Other design criteria include building siting, fenestration, massing, scale, proportion, signage, lighting, landscape, roads, open space, parking, drainage, utilities and setbacks.

Where development right transfers are deemed by decision-makers to be required to achieve density increases or other allowances under zoning, the Town should also consider formalizing procedures to permit a “Bank” for development rights, and on a case-by-case basis, the acceptance of a “cash-in-lieu amount” equivalent to the estimated purchase

<sup>7</sup>1995 *Central Pine Barrens Plan, Volume 1, Policies, Programs and Standards*; Section 6.4.4.1.

<sup>8</sup>*Ibid.*, Section 6.5.3.1.1.

<sup>9</sup>*Central Pine Barrens Joint Planning and Policy Commission Draft Plan and EIS*, section entitled “Recommendations for Community Design for Designated Receiving Districts”; pp. 220-228.

price of the development rights within the same school district, to address situations where development rights are not immediately available for purchase by a developer. Such procedures should be applicable to development applications before the Town Board, Planning Board, and Zoning Board of Appeals, rather than decision-makers simply permitting a waiver under hardship provisions.

Again, the key to ensure that the Town Board balances the best interest of the public with that of the private sector (landowner/developer) in considering development plans for PDD proposals. A developer requires economic feasibility in order to make the project a worthwhile investment. Community benefits need to be elucidated and on par with the substantial bonuses or incentives being provided through zoning. Community involvement is essential in the planning process, building consensus, environmental review, site design and achievement of community planning objectives.

On the “Issues and Opportunities” Exhibit, potential sites are identified as areas where incentive zoning tools such Planned Development Districts may be utilized to obtain community benefits with attendant controls and site plan conditions.

#### **ACTION ITEMS**

- Consider amending the Zoning Code concerning PDDs to require location standards and conformity to “Smart Growth” principles, redirecting development interests to appropriate sites. PDDs need to be used with restraint in order to reassure residents and siting must be consistent with recommendations of the Town’s Master Plan, for example – receiving zones identified in the Central Pine Barrens Plan and potential sites identified in the “Hamlet Business Centers Chapter” of the 1999 Comprehensive Plan, or subsequent Hamlet Studies or Area-Wide

Planning Studies which are adopted as “Updates to the Town Master Plan.”

- Consider amending the Zoning Code concerning PDDs to require additional standards pertaining to consistency with the Town Comprehensive Plan, conformance to hamlet area concept plans, and to require market studies as necessary. PDDs must conform to the Comprehensive Plan, including Hamlet Studies or other planning studies adopted as Updates to the Comprehensive Plan, and should also provide guidelines with regard to design, landscaping, public access, amenities, use, wastewater treatment, community benefits, etc.
- Consider amending the Zoning Code for PDDs to permit the Town to be the author, or co-author with the developers of PDD concept plans, and consider a “chargeback system” for costs incurred for conceptual design and environmental review. PDD plans created by the Town can help facilitate TDR / PBC purchases.
- Maintain citizen participation as a key part of the planning process. An important component of the planning process for a PDD is the involvement of local citizens, according to the Central Pine Barrens Plan, which facilitated its establishment as a zoning overlay tool in the Town Code. Citizen involvement is essential to ensure the plan meets the needs of the community. PDD design charettes could be formed for PDD proposals. Members of the community should be informed of the planning process for a PDD prior to the preparation of final plans and should have the opportunity to participate in the planning.
- Amend the Town Code for PDDs to restate the SEQRA requirement that potential project impacts are to be reviewed, mitigated or avoided by decisions-makers,

as a responsibility of the lead agency (e.g., impacts on land, water, air, plants and animals, agricultural land resources, aesthetic resources and community character, archaeological resources, open space and recreation, transportation, energy, noise, public health and safety, growth and neighborhood impacts, critical environmental areas, community services). Since PDDs are floating zones, decision-makers need to ensure that ecologically sensitive areas of the site are preserved and buffered as necessary, and that community benefits are achieved. A developer requires economic feasibility in order to make the project a worthwhile investment. Community benefits need to be elucidated and on par with the substantial bonuses or incentives being provided through zoning. A PDD should not have a negative impact on special districts within the community and should not cause undue or unreasonable growth in any given area.

- Amend the Town Code to formalize procedures to establish a “Bank” for development rights, and on a case-by-case basis, allow the acceptance of a “cash-in-lieu amount” equivalent to the estimated purchase price of the development rights within the same school district, to address situations where development rights are not immediately available for purchase by a developer. Such procedures should be applicable to development applications before the Town Board, Planning Board, and Zoning Board of Appeals, rather than decision-makers simply permitting a waiver under hardship provisions.

## RECOMMENDATIONS INVOLVING INCENTIVE ZONING

### *Bailey’s Motel Property (KMT Realty), Westhampton*

This 35±acre land tract is located at the community crossroads at “Beaverdam” and is noted as a critical scenic

vista framing the intersection of Montauk Highway and Old Country Road. Its western boundary is Seabreeze Avenue, formerly Rogers Avenue – named for the Rogers family which had purchased the whole west side of Beaverdam from the Raynor family in 1799. At one time, the property was in agricultural use, and has a history of taking in boarders since the 1890s. Presently, the property is split zoned MTL (Motel Business) along Montauk Highway and R-40 (Residential one-acre lots) along Seabreeze Avenue and Old Country Road. It is located outside of the Aquifer Protection Overlay District, Pine Barrens Overlay District, and Agricultural Overlay District. The Central Pine Barrens Land Use Plan identifies this site as part of a “geographical area” that may be “suitable as a receiving area for Pine Barren Credit redemption mechanisms, to promote tourism and related facilities.”<sup>10</sup>

At the time of pre-application before the Town’s Planning Board, the developer proposed a density incentive subdivision for a condominium housing complex in a clustered site plan to preserve approximately 22 acres (about 70%) of the property for open space and scenic conservation purposes, and providing a requisite number of below market rate housing units for moderate income persons. The development also proposes a community building, pool and tennis court for the recreational enjoyment of its future occupants. The historic home is slated by the developer for continued use as a single-family home and/or a bed and breakfast facility.

<sup>10</sup>In Chapter 6 of the CPB Land Use Plan, the redemption of PBCs through mechanisms other than as-of-right RRADs is encouraged as a development / preservation strategy, subject to further Town Board review and approval in the future and possibly “the use of Planned Development Districts which would allow for the conversion of residential development rights into commercial, industrial, tourism and other uses.” The CPB Land Use Plan states that “Pine Barrens Credits could promote tourism uses and related facilities” for the “geographical area” labeled “M” and “would serve to limit the ultimate amount of residential dwelling units that could be built in the Town while still providing for a strong tax base.”

Incentive zoning would be used to achieve the following community benefits in this land use scenario:

- Preservation of substantial open space and scenic gateway to Old Country Road and along Montauk Highway – at no cost to the Town;
- The clustering of housing provides for a more compact development, with less sprawl, reduced infrastructure requirements and less site disturbance (compared to 35 conventional single-family homes, each with swimming pools, tennis courts, fenced-in yards, etc., and no open space);
- Provision of set-aside units for below market-rate housing opportunities for persons or families of moderate income;
- Protection of cultural resources, including an archeologically-sensitive area near Nadine Drive and historic home dating back to the late 1800s.

At the onset of the Area Study, there was widespread lament at the loss of the “Mom & Pop” small-scale lodging facility which the Bailey family had run since the 1940s. Several community members pointed out a desire for a country inn or family resort at this location given its existing Motel Business (MTL) zoning and the ability to transfer development rights from the R-40 portion of the site to the MTL-zoned portion of the site to achieve greater economies of scale and meet Suffolk County Board of Health regulations.

Hotel development, however, typically requires greater on-site amenities or intrinsic qualities at the location for tourism viability (such as a waterfront location or surrounding woodland). This site is now surrounded by residences and a car dealership. Moreover, the Village of Westhampton Beach has re-zoned several properties in recent years to

facilitate hotel development. The Town of Southampton has also permitted the possibility of hotel development and related uses (i.e., conference center, recreation) for the Airport Planned Development District at Suffolk County’s Grabeski Airport.

Many community members also have urged that the Town of Southampton consider the purchase of the Bailey Motel site to achieve a number of community planning goals such as open space preservation, potential recreational parkland (i.e., ball fields, trails) and clustered community housing for low, moderate and middle income families (i.e., adaptive re-use of the historic rooming house and construction of townhouses in place of the existing motel and former motel footprint). The overall community objective is open space preservation for the majority of this site, which represents a critical scenic gateway into the hamlet of Westhampton and the “Beaverdam Hamlet Heritage Area,” as viewed from the Montauk Highway intersection with Mill Road and Old Country Road.

However, through consensus building, community members involved with this Area-Wide Planning Study have indicated support for the proposed Incentive Zoning land use plan due to its substantial preservation elements. The general concepts of clustering, open space preservation and recognition of important viewsheds were discussed as part of this Area-Wide plan; specific details relative to site design, such as where site access would be, are design details to be determined at the Planning Board level. Additional design suggestions are as follows:

- The site plan design should also ensure that the proposed open space dedication area in the vicinity of Nadine Drive and Old Country Road provides enhanced public access to Cook’s Pond (a.k.a. Beaverdam Lake) in the form of continued informal parking area provisions.

- On Old Country Road across from the former Bailey’s Motel site is Beaverdam Lake (Cooks Pond), which also has the potential for access enhancement. Parking area on Nadine Drive, if part of the Bailey Motel Site, should be dedicated to the Town Trustees to continue historic use as rural parking area for waterfront access to the pond.

If the Bailey’s Motel land tract is developed in accordance with the pending Density Incentive Planned Residential Development Plan, clustering to preserve substantial open space is essential to protect not only the critical scenic gateway interest at the Montauk Highway and Old Country Road intersection but also to maintain the rural vista along Old Country Road up to its intersection with Seabreeze Avenue. The Motel Business (MTL) Zoning should be removed from the Bailey’s Motel property by amendment to the Zoning Map, upon completion of planned residential development under R-40 standards. The Zoning Map for this area should reflect R-40 zoning for the entire Bailey’s Motel land tract, with the exception of the restaurant parcel on the northeast corner of Seabreeze Avenue.

#### **ACTION ITEMS**

- The Bailey’s Motel site has the potential to provide meaningful community open space. If this privately-owned site is to be redeveloped, any construction should reflect the community-gateway interest, and utilize a clustering method. Construction should be concentrated on the center of the site, preserving at least 70 percent of the site as open space, so as to preserve the community viewshed, particularly along Old Country Road, Nadine Drive and Seabreeze Avenue.
- Support balanced conservation site development plan being sought by developer/landowner of Bailey’s

Motel tract, with substantial preservation elements and affordable set-aside housing units. Ensure that design addresses community concerns pertaining to the open space area along Montauk Highway (e.g., prevent used cars, ensure mowing plan), and protection of the existing historic home and any remaining significant cultural resources on the property.

#### **“Seabreeze Commons,” Westhampton**

There is an application pending before the Town Board seeking a zone change from Highway Business (HB) to a Residential Planned Development District (RPDD) to permit the construction of a 69-unit “active seniors” housing development on approximately 8.5 acres of land. Active seniors retirement communities are typically restricted to persons aged 55 years or older, together with their spouses and caregivers and children aged 19 years or older.

The community involvement process posed the following questions for discussion - Is this a good location for this type of senior housing project? Is the existing Highway Business zoning appropriate for this area? If not, then what is the most appropriate zoning for this area? How is the proposed project impacted by the other projects approved or pending in the Study Area (e.g., Westhampton Dragstrip, Bailey’s Motel, Remsen Crossing)? Is there sufficient market demand locally for senior housing condominium lifestyles, warranting density bonuses through incentive zoning? What are the community benefits of Seabreeze Commons?

Discussion during the initial community input phase of this study focused on the type of senior housing that may be appropriate for the site, in particular an assisted living facility. As part of those discussions, examples were provided of high quality assisted living facilities in other parts of Suffolk County and the New York Metropolitan region that may

prove to be a more compatible fit given the less intensive nature of assisted living compared with active senior housing (e.g., less traffic generation). Several community members cited the need for a local assisted living senior housing facility for aging community members and parents of baby boomers rather than more active seniors retirement communities, with the advent of the Westhampton Dragstrip rezoning and large numbers of senior housing complexes on western Long Island and in the neighboring Town of Brookhaven. In addition, community members noted no need for an additional nursing home due to the existing Westhampton Care Center on Old Country Road and the adjoining acreage they own for future expansion. Assisted living is primarily for the elderly who do not yet need skilled nursing care.

Many residents pointed out that the existing Highway Business zoning was not desirable and a well-buffered, appropriately-scaled residential use of the property was more in keeping with community character than a strip retail development, auto-oriented business use. Community members also noted that the more recently built senior housing complex in East Quogue is an example of inappropriate design, scale, density, siting, and inadequate buffering – therefore urging attendant controls if Seabreeze Commons is deemed appropriate for rezoning to a PDD.

The Central Pine Barrens Land Use Plan identifies this site as part of a geographical area that may be suitable as a receiving area for Pine Barren Credit redemption mechanisms, as an alternative to as-of-right residential transfers of development rights, and potentially for tourism or related facilities. Use of Pine Barrens Credits could also permit density increases for senior citizen housing

and elder care facilities, subject to Town Board approval according to the CPB Land Use Plan.<sup>11</sup>

The Town's 1999 Comprehensive Plan Update also recommended that the introduction of land uses defined as retirement communities, assisted living or continuing care retirement communities be coupled with TDRs and PBCs program requirements. In addition, the Update recommended that the Town keep pace with current trends in senior housing and health care sectors. The Comprehensive Plan Update recommended that the Town encourage use of PDD zoning to build adequately-sized and appropriately-sited retirement communities and affordable housing opportunities and employ the use of TDRs and/or PBCs, to implement the Central Pine Barrens Plan.<sup>12</sup>

The Seabreeze Commons site is adjacent to Montauk Highway and a Suffolk County Bus Transit municipal bus stop. A significant aspect of the Suffolk County Smart Growth Policy Plan, adopted in 2000, recommends senior housing and multi-unit housing be located within, or within walking distance of, the central business shopping area of a hamlet or village for convenient access to services, businesses, community centers, municipal facilities, employment, and public transit.

The original zone change petition called for a PDD with an extensive yield without transfers of development rights. Preliminary analysis suggested that, before rezoning is permitted, the Town should consider requiring the provision

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<sup>11</sup>The CPB Land Use Plan states that "Pine Barrens Credits could promote tourism uses and related facilities" for the "geographical area" labeled "M" and "would serve to limit the ultimate amount of residential dwelling units that could be built in the Town while still providing for a strong tax base."

<sup>12</sup>The Build Out Analysis contained in this Report indicates that of the total potential build-out under existing conditions within the Westhampton Beach School District is 545 single family housing units, which includes 318 potential transfers of development rights from the Central Pine Barrens Area.

of certain development guarantees and amenities. If the property owner is permitted to have additional units, then it should be guaranteed that either these units be affordable, or that development rights are transferred from another property. Additionally, certain amenities should be required, such as landscaping, sidewalk improvements, construction of the Town's cedar-clad municipal bus shelter model for the existing bus stop, and other transportation mitigation measures, if deemed necessary.<sup>13</sup>

However, by a recent letter submitted with a request for exemption from the moratorium, if the change of zone is approved, the developer has offered to market all of the housing units exclusively to Town residents for the first six months from the date of the unit's certificate of occupancy for the individual units. In addition to the typically required 20 percent set-aside for moderate income persons (with sales prices between \$160,000 to \$180,000), the developer has offered to restrict first offering of the remainder of the units to a sales price cap of \$300,000, which is consistent with sales prices within the reach of middle income persons.

Another alternative to consider for this site is a rezoning strategy as a Multi-Family Planned Residential District (MFPRD) to yield either affordable rental housing opportunities or starter home ownership opportunities for young professionals and others. Many community members have pointed out that with the Westhampton Dragstrip rezoning, over 189 units of active seniors housing development is being provided in the hamlet of Westhampton. In addition, there are several sites existing in the neighboring village of Westhampton Beach that have

been zoned for senior housing development along Montauk Highway across from the Westhampton Beach High School, and on Old Riverhead Road across from North Mall and other commercial establishments.

Additionally, some community members have suggested that Hamlet Commercial (HC) zoning is appropriate for this site, which allows two-family residences as-of-right, as well as mixed uses provided that a residential design scheme is maintained. HC zoning would also permit three-family and four-family homes, provided that Transfers of Development Rights (TDRs) and Pine Barrens Credit (PBC) redemption occur under Planning Board review, or a requisite number of units are set aside for moderate income housing as a community benefit. There was some concern among community members, however, about the potential for over-commercialization of the site if zoned HC, with a multiplicity of signage and lost opportunity to require ample site buffers, unlike the opportunities under a PDD zoning scenario.

This Area-Wide Planning Study asserts that the majority of community members in the Westhampton area are likely to be in favor of some form of planned residential development on this Highway Business site, necessitating a change of zone. The issues of scale, design, density, landscaped buffers, age restrictions and/or eligibility, transportation mitigation and longer term affordability of the below-market rate units need to be worked out as part of the change of zone deliberation process and site plan considerations.

Provided that the Town agrees that below-market rate housing is a community benefit (provided by the private sector at no cost to the Town), that senior housing is a tax ratable, that senior housing that is adaptable to the needs of those with physical limitations is needed, and that higher density housing developments ought be consistent with Smart Growth location standards oriented to hamlet centers and/or public transit, then the proposed PDD for this site should be given consideration.

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<sup>13</sup>In the case of an active seniors retirement community recently developed in East Quogue under SC-44 change of zone approval and located over 1/2-mile from the shopping district and grocery store, the Town Board required a shuttle service as transportation mitigation. In lieu of providing such shuttle service, the developer offered and the Town Board accepted a \$50,000 contribution to the Department of Human Services for future purchase of a senior shuttle bus.

## ACTION ITEMS

- Provide the opportunity for community input as to whether or not the Seabreeze Commons applicant's offer of below-market rate housing opportunities and first offerings for all units to Town residents is considered a community benefit. PDD needs to require certain development guarantees, design controls and amenities (such as landscaping, sidewalk improvements, and construction of a municipal bus shelter, in a form consistent with the Town's cedar clad model, and other transportation mitigation measures, if deemed necessary).
- Consider MFPRD zoning as an alternative for the Seabreeze Commons site to yield either affordable rental housing opportunities or starter home ownership opportunities for young professionals and others.
- Consider HC zoning as an alternative for the Seabreeze Commons site with conditions that respect the community's concern for over-commercialization, avoidance of multiplicity of signage, and the need for ample site buffers.

### ***Central Suffolk Hospital/Sommer's Nursery/Country Gardens, Eastport***

These properties are located in the northwestern portion of the Study Area, on the north side of Old Country Road. The Central Suffolk Hospital property is currently vacant, although a portion has been used by the neighboring Sommer's Nursery. The Country Gardens Nursery is located due east. Since portions of these properties have already been cleared, their reuse would be preferable to the clearing of other, forested land for development.



*Two large wholesale nursery operations in the northwest quadrant of the Study Area provide rural ambiance and present opportunities for potential future recreation-based development (e.g., golf course), thereby avoiding residential development impacts.*

In an effort to provide potential tax-ratable development, avoid sprawl and preserve open space, consideration should be seriously given for a PDD designation for the Central Suffolk Hospital property and adjoining nursery properties in the northwest corner of the Study Area to accommodate resort-tourism economic development.

Alternatively, working with the community through a design charette, alternative uses could be explored for the site, such as medically related development in keeping with the mission of the hospital. Community benefits, in addition to maintaining scenic/rural qualities, could include transportation mitigation to assist with extension of the Sunrise Highway service road to Speonk-Riverhead Road.

The property assemblage is designated in the Central Pine Barrens Land Use Plan as a series of as-of-right RRADs to accommodate transfers of residential development rights/redemption of Pine Barrens Credits. If developed under residential subdivision, clustering may achieve an open space set-aside, however it is more likely to be clustered closer to Old Country Road, thereby potentially impacting community character.

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**ACTION ITEM**

- Consider undertaking a RTPDD Study of the property assemblage, working with the property owners and community members comprising a PDD Study Group, to consider options for the establishment of RTPDD Incentive Zoning Overlay for the land holdings of Central Suffolk Hospital /Sommer’s Nursery / Country Gardens. Recreation/Tourism appears to be well-supported, provided that country ambiance be maintained along Old Country Road, traffic patterns be directed to the Sunrise Highway service road, and design of any clubhouse and resort accommodations be in keeping with the character of Eastern Long Island.

***Woodfield Gables, Speonk***

Woodfield Gables is a 160+-acre site located at the intersection of Speonk-Riverhead Road and Old Country Road that is designated as a residential receiving area within the Central Pine Barrens Compatible Growth Area. As such, as-of-right (or increased density) development is permitted through transfers of development rights from within the same school district.

There have been various proposals presented to the Town and civic associations by the developer during the course of the past several years. The latest proposal calls for the development of Woodfield Gables Golf Course and Country Club Community, which includes a 116-unit hotel, 18-hole golf course and conference center. However, there have been various alternatives suggested by the developer for the site, initially proposing a private golf course development with golf villas and an ambitious catering facility and thereafter announcing a public golf course and possibility of

developing a hotel/spa/conference center instead of the golf villas condominium complex.<sup>14</sup>

The property is located in the Speonk-Remsenburg School District and Aquifer Protection Overlay District. Fragmenting forested areas is generally inconsistent with long-standing Southampton Town Open Space policies. Existing zoning provides for a clustered subdivision of at least 40 single family homes as well as an as-of-right residential receiving area district (RRAD) designation in the Central Pine Barrens Plan for TDRs and PBCs permitting additional development yield.

If a residential development is pursued for this site, the use of clustering for purposes of securing dedication of open space would achieve preservation of the more substantially wooded areas of the property assemblage, particularly along Speonk-Riverhead Road. However, clustering with the development shifted towards Old Country Road might impact the scenic/rural character. (i.e., former Klug farm fields).

Some community members indicated a desire to pursue alternatives to residential subdivision, viewing golf courses as taxable recreational open space. Moreover, a public golf course and catering facility could provide a venue for weddings, fire department dinner dances or other similar events. The concept of a country inn or resort complex that maintains substantial open space along Old Country Road and Speonk-Riverhead Road, potentially providing not only public golf, but also nature trails and equestrian amenities for public enjoyment, and other community benefits, has also been suggested.

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<sup>14</sup>The current application filed in the Town Clerk’s Office requests RTPDD zoning to accommodate the construction of an 18-hole golf course, 119 golf villas, and a catering facility on roughly 150 acres. In 2002, the developer announced alternative plans at a Speonk-Remsenburg Civic Association potentially involving the Marriot Corporation and construction of a hotel instead of golf villas or retirement townhouses.

RTPDD designation for this property assemblage should also be further explored through a Town-sponsored community design charette and discussion of potential community benefits, that could be provided by the developer as part of the Incentive Zoning and SEQRA mitigation process. This Area-Wide Planning Study also recommends the RTPDD Study Area include the holdings of Hampton Sand and Gravel, the auto salvage yard to the north, Montecalvo Asphalt and the Light Industrial Zone on the west side of Speonk Riverhead Road, and possibly the adjoining Cornell Duck Research Laboratory property to the west. In doing so, a greater amount of acreage could be considered for community planning purposes and a planned development incorporating substantial open space and transfers of development rights from more sensitive areas could be created.

Additional consideration should be given to the 1999 Comprehensive Plan's recommendation to realign Speonk-Riverhead Road through an extension of North Phillips Avenue through the property assemblage comprising this RTPDD. A realignment at this location on Old Country Road would also require a traffic calming feature, such as the roundabout proposed in a later section of this report, to facilitate turning movements and avoid traffic signalization along the scenic country road. Such a realignment could also facilitate the creation of a cul-de-sac on the residentially-zoned portion of Speonk-Riverhead Road, as shown in Exhibit VI-5. All thru-traffic heading to points north, such as the Suffolk County Community College, industrial sites on Speonk-Riverhead Road, or the proposed Sunrise Highway interchange, would utilize the new North Phillips Avenue extension. If such realignment is determined not to be feasible, additional traffic calming would likely be necessary on Speonk-Riverhead Road along the residentially-zoned portion, such as neck-downs or a landscaped center median with intermittent turning areas to help slow down traffic.

Potentially, the proposed RTPDD can offer the following community benefits:

- Provide for a recreational/tourism-oriented facility in a compatible-growth area recommended by the Town's 1999 Comprehensive Plan Update and the 1995 Central Pine Barrens Plan for resort and recreational development. The project is currently proposed in a specific area of the westernmost portion of the Town, that has been identified by Southampton Town for possible planned resort-tourism development, due to its ability to accommodate traffic patterns and provide for intermodal access for conferences, via train and bus service. Coupled with a conference facility or spa and public 18-hole golf course, the resort development will likely have the critical mass necessary to ensure the success of the resort development as a viable tourist accommodation, within driving distance to other area amenities such as ocean beaches, shopping, dining, and other forms of leisure activities and recreation. A country inn/spa resort lodging facility located in the Pine Barrens region has the potential to help expand the critical seasonal nature of the area, promote eco-tourism, provide tax base and jobs, and increase economic vitality of hamlet centers and businesses in traditional downtown areas.
- Preserve a substantial amount of the total acreage in its forested state and integrate hiking and bridle trails available for public use, potentially in excess of the 50% minimum required by the Aquifer Protection Overlay District. The dedication of preserved open space will provide for a significant expansion of contiguous open space, at no land acquisition cost to the Town, with both active and passive recreational areas. The dedication of preserved open space will also significantly mitigate potential impacts to ecology, groundwater, visual resources and community character.



- Locate much of the development and recreational open space in that portion of the property that has been previously disturbed by agricultural use, commercial use, industrial use, sand mining activities, and illegal dumping while allowing for preservation of the portion that is most valuable with respect to ecology and aesthetics. The proposed project also entails reclamation of a former sand mine comprising 53± acres and, in its place, providing a recreational and scenic resource for community enjoyment.
- Provide potential community benefits in the form of contributing to necessary transportation improvements to meet a long-standing need for convenient access to Sunrise Highway as advocated by residents of the area, emergency service providers, commercial trucks servicing the industrially-zoned area along Speonk Riverhead Road and North Phillips Avenue, and students, faculty and staff of Suffolk County Community College. This improvement is in keeping with the transportation recommendations of the 1999 Comprehensive Plan Update and a recent report issued by the New York State Department of Transportation with regard to extension of the County Road 111 service road to Speonk-Riverhead Road.
- Provide potential community benefits in the form of additional transportation improvements and traffic calming for Old Country Road and Speonk-Riverhead Road. For example, as recommended in a later section of this report, the Town could require, as mitigation, that developers contribute funds to accomplish construction of the two roundabouts proposed for Old Country Road for traffic calming needs (i.e., the intersection at North Phillips Avenue and the intersection at Speonk-Riverhead Road)

and construction of neckdowns on Speonk-Riverhead Road to slow down traffic entering the residentially-zoned portion of the roadway.

- Provide community benefits such as parks and recreational amenities (e.g., nature trails, riding stables open the public, ice skating pond, sledding hill, bike path, farmer's market or scenic vistas, depending upon community interest and incentive zoning discussions)
- Potentially a portion of the acreage could be dedicated to the Town for emergency services needs, such as a long-term lease with the Fire District or Ambulance service area, to assist with their potential future need to construct substations in the vicinity of Speonk-Riverhead Road.

The Town could also consider alternative scenarios for the Woodfield Gables parcels involving recreation/tourism uses. For example, if the larger assemblage with Hampton Sand and Gravel, the auto salvage yard, Montecalvo Asphalt and Light Industrial-zoned properties on the west side of Speonk-Riverhead Road, and the Duck Laboratory cannot be achieved to meet current clearing restrictions on the 160+ acre property, a 9-hole public golf course with 50-units of clustered townhouses (i.e., a golf course resort community) may be a preferred development scenario, which achieves greater conservation goals.

#### **ACTION ITEM**

- Consider RTPDD designation for the Woodfield Gables property assemblage, subject to further exploration of alternative project concepts and design through a Town-sponsored design charette and discussion of potential community benefits that could be provided by the developer as part of the Incentive Zoning and SEQRA process. The RTPDD Study Area should include the holdings of Hampton Sand and Gravel, the auto salvage

yard to the north, Montecalvo Asphalt and LI-zoned properties on the west side of Speonk-Riverhead Road, and possibly the adjoining Cornell Duck Laboratory property to the west.

***Old Feather Factory (Speonk)***

The Old Feather Factory site is a vacant 15±acre parcel located on the west side of North Phillips Avenue, in the Speonk hamlet. The site, which has been identified by the community for redevelopment, is currently zoned CR-40 (Country Residence, one-acre lots). There have been environmental issues reported due to prior activities, with suspected leaching into the local groundwater system. Similar to the conditions affecting the Suffolk Life site (which is discussed in a later section), the Old Feather Factory needs to be further evaluated with respect to potential mitigation from alleged environmental contamination and in order to provide a more significant contribution to tax ratables for the community. While there is an agricultural use (horse farm) to the north and an industrial use (welding shop) to the south, it is primarily surrounded by residential uses.

It has been suggested that the 15-acre property be rezoned to either a light industrial park designation or PDD. Given the extent of the alleged environmental contamination from previous users, there is likely a need to provide economic incentives to encourage reuse of the site for low-impact tax ratable uses, such as senior housing, particularly assisted living. It is suggested that the Town undertake a PDD Study to examine opportunities for alternative uses for the Old Feather Factory property, as well as the adjoining welding shop site. Some community members have suggested another Light Industrial Contractor’s Park, while others have suggested senior housing, as it is located in close proximity to the hamlet center and may present a better tax ratable for the Eastport/South Manor School District, with less traffic and

other potential impacts. LI-40 may be too broad and have negative impacts on the adjoining residential community to the west of the site, in terms of noise, vibrations, etc. A new “Non-Nuisance Industrial Zoning Classification” has been suggested during the course of the community involvement process. Alternatively, a Mixed-Use PDD to allow medical offices and senior assisted living could be considered.

**ACTION ITEM**

- Undertake a PDD Study of the Old Feather Factory property, working with the property owner and community members comprising a PDD Study Group, to consider options involving a PDD (Residential restricted to seniors, Mixed-Use, or Non-Nuisance Industrial). Provide economic incentive for redevelopment of allegedly contaminated site.

***Adelworth’s Bus Maintenance Facility (Eastport)***

Adelworth’s Bus Maintenance Facility is a pre-existing, non-conforming business assemblage located at Montauk Highway and South Bay Avenue in Eastport which presents redevelopment opportunities should the bus maintenance facility relocate to a more compatible location. Current



*The existing bus storage facility at the corner of South Bay Avenue and Montauk Highway in Eastport needs to be screened/buffered from Montauk Highway. This prominent location presents redevelopment opportunities should the bus facility relocate to a more compatible zoning district.*

zoning is R-20/R-40 (Residential ½-acre and one-acre lots). Presently, the site also contains some limited retail uses.

The on-site structure (or façade) abutting Montauk Highway has local significance, and the community has suggested that it should be retained as part of any redevelopment. An opportunity exists to facilitate a coordinated mixed-use development. Any planning for further development of the site should be done in conjunction with input from the community in a design charette to identify permitted uses, community benefits, facade restoration, streetscape, and overall site design details. Rezoning from R-20/R-40 to Hamlet Mixed-Use PDD is recommended. The following preliminary uses were suggested through the community involvement process associated with the Area-Wide Study: coffee shop, bait and tackle, bicycle shop, antiques, professional offices, apartments above, restaurant (with prohibitions on fast-food, drive-thrus, high impact uses), etc. Alternatively, rezoning to Hamlet Office/Residential (HO) or Hamlet Commercial/Residential (HC) may achieve the desired mixed-use redevelopment objectives.

#### **ACTION ITEM**

- Undertake a planning study of the Adelworth's Bus Maintenance Facility property assemblage, working with the property owner and community members, to consider options involving either a PDD (Mixed-Use Eastport Hamlet PDD) or alternatively HO/HC to focus on use and design, potentially permitted and prohibited uses.

#### **OTHER ZONING MAP CHANGES AND RECOMMENDATIONS**

##### ***Polsinelli Property (Speonk)***

A rezoning petition was filed with the Town to rezone a 15± acre property from R-40 residential to LI-40 light industrial.

The proposed LI-40 portion would allow for an extension of Windermere Court, off North Phillips Avenue, which already serves an industrial subdivision to the west. The current rezoning proposal calls for 11 lots ranging in size from 41,000± s.f. to 79,000± s.f. The rezoning has made accommodations for extending the Town's pedestrian trail along its northern property line. It is proposed that the rezoning affect the main portion of this flag lot (the "flag" portion) adjacent to the railroad, and not the portion that fronts on Old Country Road (the "flag pole" portion).

This site was also included in an area identified in the Central Pine Barrens Comprehensive Land Use Plan, as one which could potentially make use of Pine Barren Credit redemption. The development strategy for this area states that an overlay district "could promote revitalization and concentrated development patterns within existing hamlet center." Specific land uses were not discussed. The site adjoins an auto salvage yard that is also zoned LI-40.

#### **ACTION ITEM**

- Rezone Polsinelli Property from R-40 to LI-40.

##### ***Light Industrial Zone, Speonk-Riverhead Road (Speonk)***

Currently, both the east and west sides of Speonk-Riverhead Road have portions which are zoned Light Industrial (LI-40). The 1992 Speonk-Remsenburg Hamlet Study recommended rezoning several parcels to residential use. During the course of the Area Study, the need for places of employment opportunity and appropriate places for light industrial land uses was emphasized.

An earlier section of this report recommended consideration of RTPDD designation for the Woodfield Gables property assemblage and holdings of Hampton Sand and Gravel, the auto salvage yard, Montecalvo Asphalt and other

light industrial-zoned properties along the west side of Speonk-Riverhead Road. This section recommends that an additional PDD Study be conducted for the east side of Speonk-Riverhead Road for possible designation as a Commercial-Industrial Planned Development District.

As shown on Exhibit VI-5 this potential CIPDD encompasses parcels currently zoned LI-40, some additional properties currently zoned residential, as well as one or two former sand mines. In addition to required traffic mitigation measures and providing ample buffers from residential areas, there may be recreation (e.g. ATV Park/BMX Trail) as well as PBC redemption opportunities to explore as potential community benefits as part of this CIPDD Study and Town-sponsored design charette that could be provided as part of the Incentive Zoning and SEQRA process.

In addition, another potential CIPDD is suggested for the property owned by an entity related to Speonk Lumber located on the north side of Montauk Highway abutting the Long Island Rail Road, in an area slated for rezoning from Highway Business to Hamlet Commercial. This potential CIPDD could accommodate PBC redemption as well as provide for an opportunity for a well-buffered contractor's park area with a railroad siding, in keeping with other planning objectives for economic development and use of freight rail service. The Town may desire to undertake a PDD Study of this property, as well as the auto salvage yard located north of the tracks, which is adjacent to property currently zoned LI-40.

#### **ACTION ITEMS**

- Consider conducting a PDD Study for the east side of Speonk-Riverhead Road for possible designation as a Commercial-Industrial Planned Development District, including one or two former sand mines. In addition to

required traffic mitigation measures and providing ample buffers from residential areas, there may be recreation opportunities to explore as potential community benefits as part of this CIPDD Study and Town-sponsored design charette that could be provided as part of the Incentive Zoning.

- Consider conducting a PDD Study for the Speonk Lumber property located on the north side of Montauk Highway abutting the Long Island Rail Road, in an area slated for rezoning from Highway Business to Hamlet Commercial. This potential CIPDD might include the auto salvage yard located north of the tracks and could accommodate PBC redemption as well as provide for an opportunity for a well-buffered contractor's park area with a railroad siding, which is in keeping with other planning objectives for economic development and use of freight rail service.

#### ***Village Business, South Phillips Avenue (Speonk)***

The Village Business (VB) zone in Speonk is proposed for HC zoning, except for three parcels on the north side of Montauk Highway adjacent to North Phillips Avenue and three parcels on the south side of Montauk Highway adjacent to South Phillips Avenue. In addition, two parcels located south of Peppercorn's Country Market are proposed for rezoning to residential R-20 (½- acre lots), which is their current use, or Hamlet Residential (HR), a new zoning classification described in a later section. HR is intended to have many of the same attributes as Hamlet Office (HO) and Hamlet Commercial (HC), but with a more concerted focus on residential uses, including as-of-right two-family homes and additional accessory apartments restricted to moderate income persons and year-round use.

**ACTION ITEM**

- Rezone two VB lots on west side of South Phillips Avenue to R-20, or to Hamlet Residential (HR).

***Surf Club Nightclub/Motel Zone (Westhampton)***

The Surf Club nightclub is located on Montauk Highway in Westhampton adjacent to a small motor lodge facility in a Motel Business Zone (MTL).



*The Surf Club nightclub and neighboring motel property have been identified as a potential location for a farmers market which could support local business and strengthen the agri-tourist market base. Agricultural products from points in eastern Southampton Town and the North Fork could be marketed from this location. A Farmers Market is recommended in the 1999 Comprehensive Plan for western Southampton Town.*

The Central Pine Barrens Land Use Plan states that “Pine Barrens Credits could promote tourism uses and related facilities” for the “geographical area” labeled “M” and “would serve to limit the ultimate amount of residential dwelling units that could be built in the Town while still providing for a strong tax base.”

Many community members indicated a desire to retain the existing small economical motel use offered by this property, with the desire to see the motel expand onto the adjoining nightclub property, perhaps with additional attached units, landscaped buffers and recreational facilities.

The nightclub was formerly “Gene’s Sandwich Shop,” a roadside stand that was enjoyed in the past by residents and visitors alike. The current nightclub use, although pre-existing, is a permitted use in a Motel Business Zone, and therefore could potentially meet standards prescribed in the Town Code to continue this commercial use, which many area residents find presents negative impacts on their quality of life. A suggestion for municipal purchase has been made where the Town could facilitate a farmer’s market and promote agriculture in the westernmost portion of Southampton, consistent with a recommendation made in the 1999 Comprehensive Plan. Locally grown produce, flowers, and agricultural products from the North Fork, East Quogue, and farms in eastern Southampton could be marketed from this location along with local seafood products, arts and crafts.

Another alternative to municipal purchase of this property is to consider assisting the property owner to find a buyer desiring conversion to a “Farmer’s Market”-style restaurant use or motel expansion, as noted above. Under MTL zoning, the Town’s Business Districts Table of Use Regulations



*A Farmer’s Market for the western portion of the Town of Southampton is recommended in the 1999 Comprehensive Plan Update for economic development and agri-tourism. The “Surf Club” nightclub on Montauk Highway in Westhampton, just west of Seabreeze Avenue, has been suggested for Town purchase to facilitate a Farmer’s Market and economic boost for small family farms in the Study Area, as well as to bring agricultural products from eastern Southampton Town and the North Fork into the communities of Eastport, Speonk-Remsenburg, Westhampton, and Westhampton Beach.*

currently prohibits “Fruit and Vegetable Stands” and “Temporary Roadside Stands for sale at retail of farm products grown on the premises.” Subject to further study, the Town Board may want to consider a code amendment to permit such agri-tourism business use in the Motel zone as a permitted use, under special exception standards, such as having a location on a major collector street and providing for an outlet for produce grown or products crafted on the East End of Long Island. The Town Board may also consider creating a new land use classification entitled “Farmer’s Market” which could allow for other products, such as eggs, breads, pies, cheese, homemade ice cream, flowers, roasted corn, roasted duck, etc., as a permitted use in the Motel Business Zone. Such provision would also provide an economic boost for the restaurant site located on the northeast corner of Seabreeze Avenue adjacent to the Bailey’s Motel land tract, which is also zoned MTL, and is again posted as for sale. “Standard Restaurants” and “Take-Out Restaurants” are presently permitted uses in the MTL Zoning District. “Bars, Taverns, and Nightclubs” are permitted in MTL zoning districts under special exception standards. “Retail Bakeries” are currently prohibited in the Motel zone. In the event that the Farmer’s Market concept is not realized at the site of the Surf Club nightclub by a private sector purchaser, community members have also indicated support for the restaurant on the northeast side of Seabreeze Avenue to be utilized in a similar fashion by the private sector.<sup>15</sup>

<sup>15</sup>During the course of this Area Study, as an alternative to the Farmer’s Market Concept, community members also indicated support for a “Lobster Roll”-type restaurant/food stand (e.g., similar to the “family and tourist-friendly” facilities in Montauk and Baiting Hollow) for either the Surf Club site or the northeast corner of Seabreeze Avenue, and retaining both commercial properties on the tax rolls.

## ACTION ITEMS

- Consider opportunity to promote agri-tourism via a farmers market as adaptive re-use of the nightclub property, provided there is sufficient community interest and a willing seller for Town purchase.
- Consider if Motel Business (MTL) zoning is an appropriate designation on the Zoning Map for this location going forward, and if expansion of the existing motel should be encouraged.

### *Bikini Bottom/Shamrocks Nightclub (Westhampton)*

The Bikini Bottom nightclub (Old Bamboo Restaurant) is located in Westhampton on the south side of Montauk Highway between Station Road and the boundary with the Village of Westhampton Beach. During the course of this Area-Wide Study the nightclub’s name changed three times and is presently called Shamrocks. There is a dilapidated house located immediately west of the nightclub. This nightclub represents an incompatible use within a primarily residential area. There have been resulting community concerns regarding this pre-existing, non-conforming business, including excessive noise, visual blight and acts of violence occurring in close proximity to families, a child care facility, a community group residence for the developmentally disabled, and residences.



*The Bikini Bottom nightclub and adjoining dilapidated property on Montauk Highway in Westhampton present nuisance problems in a residential neighborhood. This property assemblage represents a redevelopment opportunity to facilitate community housing opportunities in proximity to schools, services, and public transit.*

One legislative option that could be considered would entail compulsory termination of the nightclub use, within a reasonable timeframe for the property owner to recoup any capital investment and to revert to the underlying zoning in the interest of the quality of life of the neighborhood.

Another option is to re-zone the property to a Multi-Family Planned Residential Development (MFPRD), with attendant controls and design parameters, thereby providing a higher yield as an incentive to sell the property to another investor seeking a redevelopment opportunity. For example, razing the buildings and constructing a small townhouse community similar to Old Colonial Arms at the corner of Brushy Neck Road could improve this location. A small cluster of multi-family manor house style or townhouses, rental or owner-occupied, mixed-income and at least 20 percent set-aside with long-term affordability would meet various local objectives.

There is a need to extend sidewalks along the south side of Montauk Highway to facilitate pedestrian connections to the commercial area to the west (Westhampton Post Office, 7-11). Buffering is also necessary for adjoining properties.

As noted in the next chapter detailing Hamlet Area Concept Plan proposals, this property is also in an area that is slated for potential rezoning to Hamlet Office/Residential (HO), which would permit a subdivision of the land tract and construction of two family homes on an as-of-right basis (similar to the existing land use pattern along the south side of Montauk Highway in this area). HO also allows owner-occupied three family homes and four family homes in an aesthetically-pleasing residential design (manorhouse) provided that transfers of development rights are used and moderate income housing opportunities are created. HO zoning permits professional office development and certain other limited low-traffic generating uses with accessory

apartments, with new structures employing design controls of residential scale and character. (An example of this type of Hamlet Office development would be a new Victorian-styled house with an architect's office downstairs and accessory apartment upstairs and, in the rear, a detached barn/carriage house with accessory apartment).

**ACTION ITEMS:**

- Consider rezoning area in the vicinity of the Bikini Bottom nightclub along Montauk Highway to Hamlet Office/ Residential (HO) zoning district.
- Consider rezoning nightclub and adjoining property to MFPRD, to attract developer interest in acquiring the site, razing existing buildings and constructing mixed-income community housing.

***Suffolk Life Building (Westhampton)***

This vacant, approximate one-acre site contains the former Suffolk Life Building. The parcel is a potential brownfield site due to alleged contamination related to the previous use of the building. Community input indicated that the rehabilitation of this property was important to alleviate an existing environmental condition and have the property generate increased property tax revenue. It is currently zoned R-40 (Residential one-acre lots). Consider zoning that would allow multi-family townhouses similar to Colonial Arms on Brushy Neck Lane; pollution remediation must be part of any redevelopment proposal. Rental or owner-occupied, mixed-income housing with a 20 percent affordable set-aside should be considered.

As noted in the next chapter detailing Hamlet Area Concept Plan proposals, this property is also in an area that is slated for potential rezoning to Hamlet Office/Residential (HO) extending from the southeast corner of Jagger Lane where

the nursery school is located to the Suffolk Life Building site. As stated earlier, HO zoning permits a subdivision of the Suffolk Life Building site and construction of two family homes on an as-of-right basis. HO also allows owner-occupied three family homes and four family homes in an aesthetically-pleasing residential design (manorhouse) provided that transfers of development rights are used and moderate income housing opportunities are created. HO also permits office uses. An MFPRD or Mixed-Use PDD could also be explored for this site.

#### **ACTION ITEMS**

- Consider rezoning area along Montauk Highway in the vicinity of Jagger Lane to Hamlet Office/Residential (HO) zoning district.
- Consider rezoning Suffolk Life Building site and possibly the adjoining property to MFPRD, to attract developer interest for mixed income community.

#### ***Mountain Brook Homes (Speonk)***

Mountain Brook Homes has an approval from the Town for development of the land surrounding the Remsen Crossing site. The approval is for a 12-lot subdivision that would cluster all of the proposed lots in the eastern portion of the approximately 14-acre site with the balance preserved as open space. The Board of Fire Commissioners of the Eastport Fire District has requested dedication of one acre of land adjacent to the gasoline station for a substation. A barn-type structure or old-fashioned firehouse could be compatible with the surrounding residential area and potential open space dedication from Remsen Crossing. However, there may be concern about the loss of wooded area that was slated for open space dedication, as well as any traffic interference with the proposed roundabout for the intersection of Dock Road, South Country Road and Montauk Highway. In the

event that the Town Board and Planning Board decide to honor the request of the Board of Fire Commissioners to consider an accommodation in order to address their future substation needs, Town Officials should ensure that the Deed of Donation for the Open Space Area slated to be offered by the developer of Mountain Brook Homes clearly indicates that the aforementioned one-acre portion of the land area to be donated shall not be subject to the Alienation of Open Space provisions of the Town Code. In doing so, the Town Board will ensure the possibility in the future to enter into a long term lease of this portion of the property to the Eastport Fire District to accommodate the purpose of building a fire substation, as represented by the developer, the Fire District and the Town Board during the course of this Area-Wide Study.

In addition, the Town should ensure that cross-access connections are in place on Mountain Brook Homes subdivision for future potential development of Remsen Crossing tract and the Old Hospital land assemblage to connect to North Phillips Avenue through First Street.

#### **ACTION ITEM**

- Work with the Eastport Fire Department to locate a Fire Department substation in the Speonk-Remsenburg area. A portion of the Mountain Brook Homes property has been initially identified by the Board of Fire Commissioners as a potential site, adjacent to Woody's Gas.
- Ensure cross-access connections in place on Mountain Brook Homes subdivision for future potential development of "Remsen Crossing" tract and the "Old Hospital" land assemblage to connect to North Phillips Avenue through First Street.

## RESIDENTIAL RECEIVING AREA DISTRICTS

After the adoption of the Central Pine Barrens Comprehensive Land Use Plan, which set forth a broader range of residential receiving areas, the Town of Southampton designated a smaller set of parcels for the Town's as-of-right Residential Receiving Area Districts (RRADs). These RRADs are located within the Compatible Growth Area of the Central Pine Barrens and total over 150 acres within the Study Area. The Receiving Areas are primarily zoned CR200 (5-acre zoning), and one is partially zoned as Quasi-Public Service Use District (QPSUD) (i.e., the Bide-a-Wee Animal Shelter Complex). Specific RRAD Classifications are identified in Article XXV, Section-234 of the Southampton Town Code by tax map parcel number. On its own motion or by written application of the landowner, additional RRADs may also be authorized by the Town where the Town Board finds that the development will be beneficial, compatible, and harmonious with the surrounding land uses and not have a significant adverse impact upon the environment.

In addition to the as-of-right RRADs, the Central Pine Barrens Comprehensive Land Use Plan outlines potential development strategies through the use of Pine Barrens Credit redemption for areas identified as suitable for development potentially under Planned Development District standards, subject to further review and approval by the Town Board. General development strategy recommendations were noted for these areas, which encompassed the Bailey's Motel land tract, the site of Seabreeze Commons, and the Poscinelli property, all of which are subject to development pressure with applications pending at this time. In addition, the Central Pine Barrens Land Use Plan identified both the Raynor Farm Properties on North Bay Avenue in Eastport and the Suffolk County BOMARC site on Old Country Road as potential receiving sites to involve "the use of PBCs which could allow multi-family, or more compact, residential development." Issues and opportunities surrounding the

Bailey's Motel property, Seabreeze Commons site and Poscinelli property were discussed earlier in this chapter while recommendations concerning alternative industrial uses for the Suffolk County BOMARC site are detailed later in this report. The Raynor Farm Properties in Eastport are identified as a preservation priority and multi-family residential development facilitated by PBC transfers is not recommended for this agricultural resource site.

The 1999 Town Comprehensive Plan Update made specific recommendations concerning Residential Receiving Areas:

*Restrict the locations to areas not only outside of the Core Preservation Area and Critical Resource Areas designated by the Central Pine Barrens Comprehensive Land Use Plan, but also to explicitly state that RRADS not be permitted in the Eastern Aquifer Overlay Zone or within "Resource Protection Areas," particularly farmland and open space protection areas, or within "Scenic Protection Greenways" as identified in the "Greenways" Chapter of the Comprehensive Plan Update.*

The Westhampton Dragstrip PDD Study and the associated Environmental Impact Statement (EIS) also provided analysis pertaining to properties along Old Country Road in proximity to the dragstrip and offered suggestions for this "secondary study area". These suggestions included recommendations to amend the Town Code with regard to RRADs designated for the implementation of the Central Pine Barrens Plan to accommodate transfers of development rights, to remove properties purchased by Suffolk County for Drinking Water Protection and the Nature Conservancy, and to make changes in the Town Code concerning designated RRADs with regard to incorrect tax map numbers or other minor edits.

During the course of the Area-Wide Study, community members identified properties in active agricultural use as an asset and important as a rural, cultural, and historic hamlet

heritage resource for which they are desirous of resource protection measures. Therefore, it is suggested that the Town take immediate steps to modify RRAD designations where possible, substituting properties where necessary, consistent with its ongoing commitment for required implementation of the state-mandated Central Pine Barrens Plan and its own 1999 Town Comprehensive Plan Update. The Town should also work with the Central Pine Barrens Commission on this issue as part of any forthcoming update to the Central Pine Barrens Land Use Plan.

Suggested amendments to the specific RRAD classification listing are as follows:

- The following properties have been purchased by Suffolk County through its Drinking Water Protection Program and should no longer be considered:
  - SCTM #0900-329-1-10    54 acres (listed as p/o Lot 10 - 20.2 acres)
  - SCTM #0900-331-2-9    1.12 acres (listed as Lot 8)
  - SCTM #0900-331-3-5    1.84 acres
  - SCTM #0900-332-3-15    1.9 acres
  - SCTM #0900-332-3-6    1.54 acres
- The following properties listed below currently support agricultural uses. Higher density residential development should not be encouraged unless associated with a transfer of development rights or redemption of Pine Barren Credits, and use of clustering to preserve on-site natural, cultural, scenic, or agricultural features or a more environmentally-sensitive area. If a property is bisected by the Core Preservation Area boundary, or as recommended in Chapter 6 of the CPB Land Use Plan, the redemption of PBCs through mechanisms other than as-of-right RRADs is encouraged as a development/preservation strategy, subject to further Town Board review and approval in the future to possibly allow “the use of Planned Development Districts which would allow for the conversion of residential development rights into commercial, industrial, tourism and other uses.”

- SCTM #0900-325-1-3.2    11.8 acres-Sommer Nursery
- SCTM #0900-325-1-4.2    5.42 acres-Sommer Nursery
- SCTM #0900-326-1-5.1    90.5 acres-Carter Nursery  
(listed as p/o Lot 5.1 - 55.5 acres)
- SCTM #0900-326-1-6    27.86 acres-Carter Nursery  
(listed as p/o Lot 6 - 22.9 acres)
- The Town of Southampton has facilitated new as-of-right receiving zone opportunities for Pine Barrens Credit (PBC) redemption in the form of accessory apartments, the Hamlet Office (HO)/Hamlet Commercial (HC) zoning districts, and certain applications seeking minor subdivision and requiring variance approval from the Zoning Board of Appeals. In addition, the Town has zoned two Planned Development Districts -- the Westhampton Dragstrip PDD and the Airport PDD -- both of which are receiving areas for PBC redemption.
- The following sites should be considered as potential new RRAD designations:
  - SCTM #0900-353-1-5    2.487 acres Tufano Property
  - SCTM #0900-353-1-6    3.202 acres adjoining property  
to the east
  - SCTM #0900-353-1-7    3.382 acres adjoining property  
to the east
  - SCTM #0900-353-2-43    11.238 acres Pavlak Property<sup>16</sup>
  - SCTM #0900-354-1-1    1.052 acres Pavlak Property
  - SCTM #0900-354-1-2    1.2 acres Pavlak Property
  - SCTM #0900-368-3-54.1    19.54 acres Old Farmfield
  - SCTM #0900-348-2-14.1    13.432 acres Lehr Mobile  
Home Park
  - SCTM #0900-348-2-11    2.013 acres Lehr Mobile Home  
Park

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<sup>16</sup>If this property is not considered a priority acquisition by the community for farmland preservation and/or recreational open space, then under a development scenario this parcel could accommodate redemption of Pine Barren Credits thereby providing for off-site open space preservation of more environmentally-sensitive land.

The following sites, if rezoned under the Planned Development District (PDD) incentive zoning overlay tool, as described in a prior section, should be considered as expansion of existing Receiving Zones or potential new Receiving Zones for transfers of development rights and redemption of Pine Barren Credits for off-site open space preservation:

- Feather Factory (MUPDD)
- Remsen Crossing (RPDD)
- Central Suffolk Hospital Assemblage (RTPDD)
- Woodfield Gables Assemblage (RTPDD)
- East of Speonk-Riverhead Road Assemblage (CIPDD)
- Seabreeze Commons (RPDD)

Additionally, the Hamlet Office/Residential(HO) and Hamlet Commercial/Residential (HC) zoning classification accommodate transfers of development rights on an as-of-right basis. A proposed new zoning classification, Hamlet Residential (HR), as described in a later section, could also potentially accommodate transfers of development rights on an as-of-right basis.

#### **ACTION ITEMS**

- Review the existing designation of RRADs in Compatible Growth Areas that have already been preserved or that are already fully developed, with no further build-out potential or desirability for further development yield or allowances.
- Remove RRAD designation for nursery sites, subject to Central Pine Barrens Commission review.
- Consider the designation of new Receiving Zones, either as-of-right as RRADs for more streamlined Planning Board consideration or as potential sites under the Planned Development District (PDD) incentive zoning overlay tool.

#### **HOUSING ISSUES AND OPPORTUNITIES**

The 1999 Comprehensive Plan states that for larger developments of multi-unit senior housing and other higher density residential complexes, not only should there be a coherent policy concerning location in proximity to hamlet centers or public transit, but also that building prototypes and design shall reflect more local, historically-based architecture, and shall be built with consideration to the special character of Southampton as a rural and resort community. The Update notes that, particularly for townhouses and detached single-family units, in choice of exterior finish, care should be taken to avoid the appearance of a development in which all units appear the same.

One of the critical issues identified during the Area Study process is the need to address the provision of housing for diverse segments of the population, particularly within the means of local residents, senior citizens, young professionals and local trades/community/municipal employees. Addressing this need, which is relevant to the Town of Southampton as a whole, while paying attention to appropriate scale of development and avoiding over-development, can be accomplished through a variety of methods including, but not limited to, the incorporation of small-scale multi-family development, accessory apartments, carriage houses, apartments above first floor retail, and the use of the Hamlet Office/Residential (HO) and Hamlet Commercial/Residential (HC) and a new zoning classification Hamlet Residential (HR) zoning (as described in Section VII). The parameters of housing issues in the Study Area, and Town-wide, include the following:

- Prepare and adopt an area-wide community housing plan that includes recommended sites for community renewal and housing opportunities that would be within the means of local residents, senior citizens, young professionals