



Town Clerk

Section 5. This order shall take effect immediately.

| ✓ Vote Record - Resolution RES-2007-570 | | | | | | |
|--|----------------|--------------------------|--------------------------|--------------------------|--------------------------|--|
| | | Yes/Aye | No/Nay | Abstain | Absent | |
| <input type="checkbox"/> Adopted | Patrick Heaney | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Adopted as Amended | Nancy Graboski | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Defeated | Linda Kabot | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Tabled | Steven Kenny | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Withdrawn | Chris Nuzzi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

Resolution 2007-571

Category: Public Hearings
Sponsors: Supervisor Patrick Heaney
Department: Land Management

Resolution Setting a Public Hearing to Consider a Local Law Amending Chapter 330 Sections 330-248A Entitled, "Airport Commercial/Industrial Planned Development District" and 330-37, Entitled "Industrial Districts Table of Use Regulations" (Parts 1-4) to be Consistent with the Gabreski Airport Master Plan

BE IT HEREBY RESOLVED, that the Town Board hereby directs that a public hearing shall be held on May 8th, 2007 at 1:00 p.m., at the Southampton Town Hall, 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against a proposed local law entitled: "LOCAL LAW amending Chapter 330 Sections 330-248A entitled, "Airport Commercial/Industrial Planned Development District" and 330-37 entitled, "Industrial Districts Table of Use Regulations" (Parts 1-4) to be consistent with the Gabreski Airport Master Plan", WHICH PROVIDES AS FOLLOWS:

LOCAL LAW NO. OF 2007

A LOCAL LAW AMENDING CHAPTER 330 SECTIONS 330-248A ENTIELD, BY AMENDING SECTION 248 A, ENTITLED, "AIRPORT COMMERCIAL/INDUSTRIAL PLANNED DEVELOPMENT DISTRICT" AND 330-37, ENTITLED "INDUSTRIAL DISTRICTS TABLE OF USE REGULATIONS " (PARTS 1-4) TO BE CONSISTENT WITH THE GABRESKI AIRPORT MASTER PLAN

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF SOUTHAMPTON AS FOLLOWS:

SECTION 1. Legislative Intent

The intent of the proposed legislation is to update the standards and guidelines for the development of the Gabreski Airport PDD in order to achieve the collaborative vision of the Town of Southampton and Suffolk County to situate quality industrial development and mixed complementary uses on a site well suited for growth. The revised Gabreski Airport PDD legislation is intended to facilitate increased flexibility to achieve more desirable development through the use of more creative and imaginative design than is presently available under conventional zoning regulations.



A portion of the 1,486 acre Gabreski Airport site was originally constructed by the Federal government as a military base for WWII. The airport served military uses until 1970 when the government released it to Suffolk County as surplus property. The County began investigating methods to better utilize the property and increase revenue generation in order to manage and sustain the Airport economically. The Suffolk County Airport Study was prepared in 1980 and updated in 1990 (Airport Master Plan Update) to examine Airport operations, use trends, and potential development. The Update concluded that the Airport should continue as a general aviation facility and recommended management, capital facilities, and related improvements to achieve future development. It specifically identified the 58.6 acre western section of the Airport adjacent to Old Riverhead Road as suitable for a commercial/industrial technology park. The following is a summary of suggestions:

- Consider non-aviation related uses such as start-up "incubator" business, commercial (including office park) business, industrial technology park, and other public uses;
- Review commercial/industrial uses with regard to water needs, sanitary wastewater generation, and other demands on infrastructure prior to their acceptance for leases;
- Create standards of development for new commercial and industrial facilities;
- Provide aesthetic enhancements connection with development of the commercial/industrial park including buffer strips between commercial and non-aviation related uses and aviation-related uses and use of a natural (evergreen) screening along Old Riverhead Road to soften visual impact of the buildings and provide noise buffers and privacy;
- Improve airport entrances for safety and design for aesthetic appearance, including widening the existing main entrance (Wallen Street);
- Ensure the construction of safe turning lanes on Old Riverhead Road to accommodate movement of traffic.

The Gabreski Airport is located in the environmentally sensitive Central Pine Barrens Region and is subject to the standards pursuant to the Central Pine Barrens Comprehensive Land Use Plan (Central Pine Barrens Joint Planning and Policy Commission, 1996) and the Town Code of the Town of Southampton, including the Town's Central Pine Barrens Overlay District Compatible Growth Area (1995) and Aquifer Protection Overlay District. These Districts establish regulations regarding the preservation of natural vegetation, storm water runoff control, and groundwater protection.

The Town of Southampton designated the 58.6 acre western section of the Gabreski Airport as an Airport Commercial/Industrial Planned Development District (APD) (1998) to balance the need to preserve diminishing natural resources and the need to provide for the future economic welfare and development of the Town. The objectives of the APD included the following:

- Insure that future non-aviation development and improvements be in conformance with standards established by § 330-220, Development within Compatible Growth Area of the Central Pine Barrens
- Create a unique non-aviation employment and business center that will complement and not compete with existing village and hamlet centers in retail sales, services, and visitor attractions
- Attract future non-aviation development that will create a mixed-use activity center consisting of complementary light industrial, office, service, support retail, transportation, lodging and related uses
- Target non-aviation development recommended by the 1990 Suffolk County Airport



Study

- Support retail and service development that will consist of multiple tenants and uses that will be phased in to coincide with on-site demands
- Establish a distinct business address and a functional and well-designed street, pedestrian, parking and public transit network and a complementary landscaping, lighting and uniform signage program

The Town of Southampton's Comprehensive Plan Update (1999) recognized that the 58.6 acre Gabreski APD site offered advantages for prospective industrial users because of its convenient location to Sunrise Highway and potential for both aviation and non-aviation development. The site is nearly surrounded by Central Pine Barrens core preservation area, the airport itself, and the railroad line which buffer the site from nearby residential areas. The Plan Update emphasizes the importance of the Town of Southampton and Suffolk County jointly pursuing plans for a business/light industrial park.

In 2002, the Suffolk County Department of Economic Development released the Gabreski Airport Business Plan to identify development and operational options for the future of the Airport. One of the leading goals was the full development of the 58.6 acre Gabreski APD. In addition to having the potential to be the leading source of revenue for the Airport, the Business Plan stated that full development of the APD would provide a significant opportunity for job expansion. The site would also provide one of the few areas available in eastern Long Island for light industrial development. The Business Plan provides the following recommendations:

- Streamline the currently lengthy business application process for prospective leases in the APD. Coordinate communication between the Town and the County to effectively manage the application process.
- Implement infrastructure upgrades necessary to support full development of the APD. (Marketing efforts have attracted potential leasers.)
- Establish a standard lease agreement with customary, across the board renewal options, fee review, and price indexing

In the same year, the Town Board of the Town of Southampton hired Nelson, Pope & Voorhis, LLC, to prepare a Site Development Master Plan for the Gabreski Airport PDD and assist the Department of Land Management with the establishment of comprehensive standards and guidelines to develop the Gabreski Airport PDD. Nelson, Pope & Voorhis was also retained to prepare a Draft and Final Generic Environmental Impact Statement (GEIS) in connection with the Master Plan. The Master Plan was to evaluate the use restrictions associated with the current APD legislation and the Central Pine Barrens Plan, zoning overlays pursuant to the Southampton Town Code, specific uses permitted at the site, and the existing site conditions, against the goals and interests expressed by both the Town and Suffolk County for this site. Potential flexible planning tools, incentives, and land use opportunities were to be explored to achieve the common goal of self-sustaining development that would not detract from, nor compete with, local business or downtown areas. It was recognized that site development regulations and guidelines must allow for flexibility of uses; provide greater certainty and guidance for identification in soliciting appropriate business development; improve efficiency in planning, design, and review; and establish a coordinated development scheme to provide specific overall design direction for the Town, County, and prospective developers.

The proposed 2006 Gabreski PDD Airport Master Plan is intended to provide a cohesive implementation strategy to achieve the collaborative vision of the Town of Southampton and Suffolk County to develop the APDD as a corporate center with emphasis on high-



technology, homeland security, and communications industries and auxiliary uses for the neighboring Air National Guard. The Plan promotes economic growth for the community through coordinated and creative development and formalizes methods to guide future development through both application and site plan review so that Suffolk County, the Town of Southampton, and prospective lessees meet the stated goals.

The Master Plan also offers several conceptual site layouts based on an evaluation of the existing site features and design guidelines found to be successful in the development of industrial/business parks. These conceptual plans demonstrate how the initial site layout and infrastructure improvements can establish a high quality and well planned framework for future individual site development. As part of the comprehensive vision for the area, the existing APDD maximum square foot potential of 1,531,670 is reduced to 510,500 square feet, with each lease area having a Floor Area Ratio (FAR, defined as the gross floor area of a building divided by the lot or lease area within which it is situated) cap of 0.2.

To create incentives for preservation and sustainable design, any variation of individual standards above and beyond that which is permitted will require a transfer of Pine Barrens Credits or construction to be certified under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ Gold Standard. Further, the plan will limit all retail and service uses to be accessory and incidental to a primary use, to a maximum of 5% of the total gross floor area of each use. This is done in order to ensure that the site is utilized for light industrial/business development and does not compete with the retail and service uses within surrounding hamlets and downtowns.

These standards and guidelines will ensure that the goals and objectives of the Suffolk County Gabreski Airport Master Plan, the Pine Barrens Protection Act, the Central Pine Barrens Comprehensive Land Use Plan, the Town of Southampton Comprehensive Plan Update, the Suffolk County Industrial and Commercial Incentive Board Plan, the Suffolk County Gabreski Airport Business Plan, the Town of Southampton Eastport-Speonk-Remsenburg-Westhampton Area Study, the Town of Southampton APDD, and the Town of Southampton's Central Pine Barrens and Aquifer Protection Overlay Districts are implemented. In addition, the economic health of local communities and the Suffolk County will be further enhanced and protected.

SECTION 2. Map Amendment

Chapter 330 of the Town Code (Zoning Map) is proposed for amendment by changing the acronym for the existing zoning district from "APD" to "APDD" for the 58.6 acre area located on the western portion of the parcel identified as SCTM 900-312-1-4.2 as more specifically described in the District Boundary Section.

SECTION 3. Text Amendment. Section 330-248A is hereby amended by deleting the stricken through words and adding the underlined words as follows:

A. Gabreski Airport Commercial/Industrial Planned Development District (APDD).

- (1) Purpose and objectives. The Airport Commercial/Industrial Planned Development District (APDD) has been structured to accomplish the findings, purpose and long-term goals established by the Town Board as part of Article XXVI, Planned Development District, of the Town Code. The proposed APDD also supports



implementation of Suffolk County's Airport development program, the Town's Comprehensive Plan ~~and~~ the Central Pine Barrens Comprehensive Land Use Plan, ~~and~~ the Gabreski Airport PDD Master Plan. The APDD objectives are based upon the following: the 1990 Suffolk County Airport Study; the Comprehensive Plan of the Town of Southampton; and the planned development district goals defined by § 330-240E of the Town Code as follows:

- (a) Ensure that future nonaviation development and improvements will be in conformance with the standards established by § 330-220, Development within Compatible Growth Area, of the Central Pine Barrens.
 - (b) Create a unique nonaviation employment and business center that will complement and not compete with existing village and hamlet centers in terms of retail sales, services and visitor attractions.
 - (c) Attract future nonaviation development that will create a mixed-use activity center consisting of complementary light industrial, office, service, support, retail, transportation, lodging and related uses.
 - (d) Target future nonaviation development recommended by the 1990 Suffolk County Airport Study.
 - (e) Support retail and service development that will consist of multiple tenants and uses that will be phased to coincide with on-site demands.
 - (f) Establish the airport as a true local transportation hub through the improvement of general aviation facilities, access to the Long Island Rail Road station and the introduction of a ground-based transportation complex consisting of car rental, taxi, Suffolk County Transit, intercity bus and other nonaviation transportation uses and subordinate retail, restaurant and related services.
 - (g) Establish a distinct business address and a functional and well-designed street, pedestrian, parking and public transit network and a complementary landscaping, lighting and uniform signage program.
- (2) District boundary: Beginning at a point located at the intersection of Stewart Avenue and of Old Riverhead Road (UTM 698, 482.43, 4, 523, 825.82); thence 392.74 feet in a general northeast direction along the east side of Old Riverhead Road to a point where the road curves to a northerly direction (UTM 698, 479.94, 4, 523,900.36); thence 1,039.21 feet in a northerly direction along the east side of Old Riverhead Road (UTM 698, 461.21, 4, 524,258.81); thence 383.94 feet east to the intersection of the airport's north service road (UTM 698, 575.58, 4, 524, 257.46); thence 945.26 feet in a southeasterly direction along the south side of the north service road to the intersection of Rust Avenue (UTM 698, 796.17, 4, 524, 079.92); thence 138.5 feet in a southwesterly direction along the west side of Rust Avenue (UTM 698,784.06, 4, 524, 044.95); thence 1,642.75 feet in a southerly direction along Rust Avenue to a point where it intersects Cook Avenue (UTM 698, 820.38, 4, 523, 540.56); thence 1,241.41 feet in a westerly direction along the north side of Cook Avenue to the point of intersection with Old Riverhead Road (UTM 698, 459.91, 4, 523, 494.83); thence 1,094.53 feet in a northeasterly direction along the east side of Old Riverhead Road to the point of origin. Total area equals 58.6+ acres.
- (3) ~~Permitted uses within the APDD. The following uses shall be permitted subject to compliance with all applicable laws, rules and regulations,~~ Permitted and non-



permitted uses shall be reflected within zoning district 'APDD' as categorized in §330-37, entitled "Industrial Districts Table of Use Regulations" as amended, and subject to compliance with all applicable laws, rules and regulations. Uses that are listed as Special Exception (SE) shall demonstrate compliance with the general and specific criteria pursuant to Article XVII.

(4) Dimensional regulations. Within the APD, the dimensional regulations established for the underlying LI-200 District shall apply as stipulated by § 330-38, Industrial Districts Table of Dimensional Regulations, of the Town Code of the Town of Southampton, except for the following Dimensional setback standards shall be applied to the lot or leased areas within the APDD as provided in (4)(f) herein. Height and floor area requirements shall not be varied except by utilizing the mechanisms described in (5)(a) and (b) herein unless specifically permitted because of the nature of use. Any other variances that are not expressly authorized shall require a majority plus one vote by the Town Board.

(a) All dimensional regulations, as defined for the underlying LI-200 District by § 330-38, Industrial Districts Table of Use Regulations, shall apply to both lots and leased areas within the APD.

(a) Total APDD area: 58.6 acres

(b)The minimum lot or leased area per use shall be 40,000 square feet.

(b) Total APDD gross square footage (buildings), maximum: 510,500 sq. ft.

(c) If, in the opinion of the Town Planning Board, a proposed site plan appropriately provides both environmental and design benefits and economic opportunities, the Planning Board is authorized to relax the dimensional regulations as established by § 330-38 of the Town Code. Where the relaxation of dimensional regulations is authorized, the Planning Board must make a specific finding that the relaxation of those regulations will not cause adverse environmental impacts.

(c) Height, maximum

[1] Stories: two (2)

[2] Feet: 35

(d) Leased Area (Lot) Size

[1] Minimum: 30,000 sq. ft.

[2] Maximum: None

(e) Maximum Number of Uses. The maximum number of uses permitted in a building or buildings upon a leased lot in the APDD shall be one use for every 10,000 square feet of land area.

(f) Leased Area Dimensional Setbacks. To the maximum extent practicable, the dimensional setback requirements of the most applicable commercial zoning district shall be used to determine the specific requirements for a leased area development application. In all cases, the minimum required front yard setback shall be 50 feet, provided that within said required front yard there shall not be any off-street parking areas, truck loading spaces or paved vehicular maneuvering lanes (except for entrance(s) and exit(s) to the



site and pedestrian walkways). All other setbacks shall be determined by the Planning Board based upon the size of the leased area, the proposed use, the adjacent uses (existing or planned) and the appearance of the development proposal within the overall context of the APDD. Setbacks shall be designated from internal roads, cross-access roads and lease lot lines. The Planning Board shall find that the arrangement of commercial structures upon the leased site and well as driveways, off-street parking, cross access, landscaping and other site plan elements are consistent with the design considerations outlined within the Gabreski Master Plan document and as further refined herein.

(g) Floor Area Ratio, maximum. For the purpose of this section, Floor Area Ratio (FAR) shall mean the gross floor area (GFA) of a building divided by the lot or lease area within which it is situated.

[1] FAR, maximum per leased lot area: 0.2

~~(d) (h) A street buffer yard of 60 with a minimum depth of 80 feet formed by either natural vegetation and/or new native landscaping shall be established and maintained along a property line fronting County Road 31, except for the site access roadway. Said buffer yard shall be designed to include the installation and planting of an earthen berm as prescribed by §§ 330-110 of the Town Code; the landscape plan shall incorporate native vegetation and irrigation as necessary. The Town Planning Board may increase or decrease the depth of a required street buffer yard based upon findings that such an increase or decrease is warranted as a result of an analysis of existing on-site or off-site uses or dimensional conditions pertaining to the subject property or adjoining properties or to further screen or separate light industrial/commercial uses from roadside views. The landscape plan for a the required street buffer yard shall be prepared for review and approval by the Town Planning Board. The landscape plan may employ one or more of the following treatments:~~

~~[1] Preserve and protect natural vegetation~~

~~[2] Introduce native vegetation~~

~~[3] Installation and planting of an earthen berm with native vegetation as prescribed by §§ 330-110 through 330-112 of the Town Code.~~

~~(e) (h) The Planning Board shall allocate a percentage of fertilizer-dependent vegetation to each lease area site plan application so that no more than 15% (8.8 acres) of the APDD shall be comprised of fertilizer-dependent vegetation.~~

~~(i) Existing vegetation on site shall be preserved and augmented as practicable.~~

~~(5) Yield. The initial yield for the receiving site shall be determined by a yield map prepared in accordance with the underlying LI-200 District. Each development right or Pine Barrens Credit shall be equivalent to a sewage flow rate of 300 gallons per acre per day as described in the Suffolk County Department of Health Services standards and/or up to a two percent increase in lot or leased area coverage. However, there shall not be an overall increase in lot or leased area coverage greater than 25% over the requirements of the underlying LI-200 Zone (i.e., where 20% is the maximum lot coverage in the underlying LI-200 Zone, a maximum of 45% may be permitted)~~



(5) Variation of Standards.

(a) The Southampton Town Planning Board shall have discretion to allow for increased floor area or height by utilizing the following mechanisms and provided that all other standards related to Permitted and Special Exception uses are met. Other than where expressly permitted, in no case shall the total gross floor area of all buildings within the APDD exceed 510,500 sq. ft. or the height exceed 2 stories as 'height of structure or building' is defined in §330-5.

[1] Pine Barrens Credit Certificates.

(i) Each Pine Barrens Credit (PBC) transferred shall be equivalent to 5,000 sq. ft. of additional floor area, or

(ii) Each Pine Barrens Credit (PBC) transferred shall be equivalent to 100,000 cubic feet of volume when utilized for the purpose of increasing the maximum height above 32 feet, but said use of a PBC shall not cause any building to exceed 50 feet in height. The use of Pine Barrens Credits to increase the height of any building may only be considered by the Planning Board if consistent with the evaluation of FAA flight paths as indicated in the Master Plan.

[2] LEED Certification. The maximum gross floor area of a building may be increased up to 25% resulting in an increase in FAR within a leased area if the entirety of such building is built and certified to a Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ Gold Standard.

(b) In connection with the use of LEED Certification or Pine Barrens Credits, the Planning Board is further authorized to allow minor dimensional changes in order to achieve site plan design objectives but in doing so shall make findings that: the modification is not significant (i.e. modification does not exceed 10% above the 'as-of-right') and cannot be achieved by any other method, the proposed use is compatible with surrounding uses and will not cause adverse environmental impacts, the use has adequate land area for parking and drainage facilities, and the overall design of the leased area will be in keeping with the conceptual Master Plan design for the APDD. The Planning Board shall not utilize this provision in lieu of requiring LEED certification or Pine Barren Credit redemption.

(6) Signage. All signs shall conform to the schedule of permitted signs pursuant to Article XXII of the Town Code of the Town of Southampton. The Town Planning Board, with an advisory report from the Architectural Review Board, may vary the number and size of permitted signs. The Town Planning Board, in conjunction with the Architectural Review Board or its successor, may also establish specific guidelines and standards for coordinated APDD signage as recommended in Section 5.2.3 (Signage) of the Gabreski Airport PDD Master Plan.

(7) Lighting. A Lighting plan shall be submitted to the Town Planning Board as part of any site plan application. The Town Planning Board may limit the type, height, location, intensity and hours of operation of all exterior lighting devices proposed. In reviewing a lighting plan, the Town Planning Board shall consider the potential



impacts of outdoor lighting on both adjoining properties and the overall rural character of the surrounding Central Pine Barrens environment. In addition to the above, the Planning Board shall find that lighting plans are consistent with 'dark skies' objectives by providing fully shielded light fixtures that meet full cutoff specifications. Further, the Planning Board may require more than one type of lighting to achieve objectives on a site and may require lighting plans to be coordinated between leased areas.

(8) General development standards.

- (a) To ensure consistency with the Central Pine Barrens Comprehensive Land Use Plan, all development in the compatible growth area shall comply with § 330-220 of the Town Code of the Town of Southampton.
- (b) To ensure consistency with the findings, purpose, goals and general development standards established for planned development districts, all development shall conform with §§ 330-240 and 330-245 of the Town Code of the Town of Southampton.
- (c) A site plan for each lease area proposal must be submitted to the Town of Southampton Planning Board for review and approval pursuant to §330-181 through §330-184.1 of the Code of the Town of Southampton. In deeming an application complete, the Planning Board shall determine if a public hearing is necessary by utilizing the provisions of §330-184D.
- (d) The Town of Southampton Planning Board, in reviewing and approving a final site plan, shall ensure that said plan conforms to the requirements of the APDD as well as adequately addresses Fire District recommendations.
- (e) All development within the APDD shall be connected to the Sewerage Treatment Plant (STP) for handling of wastewater, except as otherwise authorized by Suffolk County Department of Health Services.
- (f) Suffolk County shall prepare or cause to prepare an Infrastructure Plan incorporating mitigation measures as may be required by the SEQRA findings as well as depicting internal roads, sidewalks, street trees, drainage improvements, water main and utility (electric, telephone and cable) extensions, hydrants, street lighting, landscaping and landscaping berms, irrigation, signage and any traffic improvements on CR 31. The infrastructure plan shall be subject to review and approval of the Town Engineer and Planning Board. All required infrastructure to access and operate within a leased area shall be in place prior to the issuance of any Certificate of Occupancy for the leased area building.
- (g) Where the dimensional standards in the 'Special Conditions and Safeguards' of Article XVII (Special Exception Uses) require setbacks from property lines or a minimum lot area, said standards shall be applied to specific lease areas.

(9) Specific development standards.

- (a) Retail and service uses. Applications for individual retail and service uses proposed for the APDD shall demonstrate that:
 - [1] Existing demand is clearly established within the APDD to sustain such uses.
 - [2] Proposed uses are essential to the day-to-day operations of



individual establishments or the overall functions of the APDD.

~~[3]— Such uses are subordinate to LI-200 District uses~~

~~[4] [3] Proposed uses will not impact the economic viability of surrounding hamlet and village business districts.~~

~~[4] Applications for retail uses shall only be permitted as accessory and incidental to a primary use permitted within the APDD.~~

~~[5]—The total permitted gross leasable floor area for any individual use shall not exceed 2,500 square feet. The square footage of any accessory retail or service component shall not exceed five (5) percent of the total gross floor area of building(s) within a lease area. Floor plans depicting the proposed retail area(s) and corresponding square footage shall be submitted for Planning Board review and approval as part of the site plan process. For the purpose of this section, restaurants and other food service related uses shall be limited to the requirement of (9)(a)[6] below.~~

~~[6]—The total permitted gross leasable floor area for all retail and service uses permitted within the APD shall not exceed 25,000 square feet or 5% of the total permitted LI-200 District floor area, whichever is less. The entire APDD shall be limited to 10,000 sq. ft. of gross floor area for food service (e.g. restaurant, delicatessen) uses.~~

(b) Indoor amusement and recreation uses. Applications for individual indoor amusement and recreation uses proposed for the APDD shall demonstrate that such uses shall be harmonious with existing and permitted uses of the APDD, Suffolk County Airport operations and environment and the Central Pine Barrens Overlay District. The minimum lot or lease area shall be 2 acres for indoor recreation other than fitness centers.

(c) Light industrial uses and general aviation airport support facilities. Applications for individual nonaviation light industrial uses and general aviation airport support facilities proposed for the APDD shall demonstrate that such use shall be beneficial, compatible and harmonious with existing and permitted uses of the APDD, Suffolk County Airport operations and environment and Central Pine Barrens Overlay District.

(d) Nursery school or child day care. Applications for individual Nursery school or day care facilities in the APDD shall be consistent with the General Standards provided in §330-122 and shall meet the following special conditions and safeguards:

[1] The leased lot area shall be not less than 20,000 sq. ft.

[2] Outdoor play areas:

(i) An outdoor play area shall be provided at a rate of one hundred (100) square feet per individual enrolled.

(ii) Off-street parking compounds shall not be used as outdoor play areas.

(iii) Outdoor play areas shall not be located within the front yard and must be set back at least 25 feet from all lease area demarcation lines.

(iv) All outdoor play areas must provide a means of shade, such as a shade tree(s) and or pavilion(s).



- (v) Outdoor play areas shall be completely enclosed by a six-foot-high fence with appropriate landscaping and screened from adjoining uses
 [3] Outdoor public address systems shall be prohibited.

(e) Motion picture, film or other digital media production studio. Applications for a motion picture, film or other digital media production studio shall be consistent with the General Standards provided in §330-122 and shall meet the following special conditions and safeguards:

- [1] The leased lot area shall be not less than two (2) acres
 [2] Because of the nature of the use, a movie, film or other digital media studio may exceed the 35 foot height requirement up to a maximum of 56 feet, provided there is no interference with FAA flight paths. Any height increase above this maximum will require redemption of Pine Barrens Credits or LEED certification pursuant to (5)(a) herein.
 [3] There shall be no outdoor public-address or music system, and all indoor and outdoor activity shall conform with Chapter 135, Noise.

(f) Architecture and site design. New office and industrial buildings shall reflect both their tenants' business needs and contribution to the design objectives for the APDD. The Planning Board shall review individual site plans to ensure that the architecture and site design are compatible with the appropriate recommendations outlined in Section 5.0 entitled 'Land Use and Site Plan Guideline Recommendations' of the Gabreski Airport PDD Master Plan dated-and adopted on ---.

(g) Utility elements. Mechanical equipment and service functions, including but not limited to electrical service equipment, and dumpsters associated with the development of the site shall be incorporated into the overall design theme of the building and landscape so that these functions are out of view from streets and parking lots. Walls, fences, and landscaping shall provide an opaque screen, and shall be visually compatible with the design of the building and site.

- (i) Rooftop mechanical equipment shall be located so that it is not visible from the ground level or is screened by parapet walls.
 (ii) Mechanical or "meter rooms" shall be incorporated into a building to house all appropriate utility meters, junction boxes, conduit and connections.
 (iii) Vents shall be painted to match adjacent wall surfaces or otherwise screened with landscaping.
 (iv) Dumpsters and transformers shall not be located in prominent or highly visible location. All dumpsters shall be screened with fences or walls pursuant to §330-109 B (3).

(h) Parking. The following parking standards shall apply to the APDD:



- (i) Design of the parking and truck loading spaces shall be in accordance with § 330-99 of the Code of the Town of Southampton
 - (ii) Parking calculations shall be based on the Schedule of Off-Street Parking Space Requirements for Nonresidential Uses as provided in §330-95 of the Code of the Town of Southampton; Truck loading spaces shall be provided in accordance with § 330-96 of the Code of the Town of Southampton.
 - (iii) On-street parking shall not be permitted within the APDD.
 - (iv) Surface parking lots shall be divided into modules ("outdoor rooms") through the placement of planting islands with groundcover and deciduous trees. Linear islands of planting are preferred. Sites with greater than 50 parking spaces shall comply with the internal landscaping requirements of §330-99J; sites with less than 50 spaces shall dedicate at least 10 percent of the parking area for landscape islands.
 - (v) Parking lots visible to the internal streets shall be screened with a hedge row of evergreen planting no less than 4 feet in height when installed.
 - (vi) Cross-access and shared parking agreements may be required by the Planning Board where appropriate.
 - (vii) Nothing shall preclude the Planning Board from utilizing the provisions of §330-100, Exemptions and waivers of parking and truck loading space requirements, where appropriate.
- (i) Pedestrian circulation and amenities. The site plan for development of the subject APDD property shall incorporate a system of sidewalks to provide safe pathways within the property.
- (i) Pedestrian sidewalks shall be provided along the full length of internal road, and through parking areas to the entrances to the building.
 - (ii) A landscape planting area shall be provided next to all sidewalks throughout the development and planted with deciduous street trees specified at a minimum of 3½" caliper with a maximum spacing of 35 ft. on-center. Corner intersections shall be landscaped with street trees, shrubs and appropriate ground cover.
 - (iii) Traffic calming techniques, such as a change in paving materials, may be used at crosswalks, drop-offs and lobby zones.
- (i) Drainage. All stormwater runoff originating from development on the subject property shall be retained on site. Adequate measures shall be



taken to control soil erosion and stormwater runoff during and after construction, and all such measures shall be subject to the approval of the Town Engineer.

- (k) Water conservation. Water-conserving fixtures, and low-maintenance landscaping shall be provided on the subject property. Irrigation systems that are equipped with moisture sensors capable of detecting 1/8 inch of rainfall and automatically interrupting and preventing operation/unnecessary watering are preferable.

SECTION 4. Text Amendment. Section 330-37 Entitled, Industrial Districts Table of Use Regulations, Parts 1-4 is hereby amended by adding the underlined words to the existing table as follows:

| SIC CODE | USE CLASSIFICATION | <u>APDD</u> |
|-----------------|---|--------------------|
| | All new residential uses | <u>X</u> |
| | Dwelling lawfully existing prior to adoption of this chapter. | <u>P</u> |
| | Church or similar place of worship or religious instruction, parish house, rectory, seminary or convent. | <u>X</u> |
| | Nursery school or child day care | <u>P</u> |
| | Park, playground or recreational area when authorized or operated by the municipality. | <u>X</u> |
| | Public library or museum | <u>X</u> |
| | Fire station, municipal office or any government building or similar character. | <u>X</u> |
| | School, elementary or high, public, denominational or nonprofit private, nonprofit operated or licensed by the New York State Education Department. | <u>X</u> |
| | School for the mentally retarded, public or private, for which a certificate issued under Article 31 of the Mental Hygiene Law of the State of New York. | <u>X</u> |
| | Beach club, nonprofit | <u>X</u> |
| | Bus passenger shelter | <u>P</u> |
| | Helicopter landing area | <u>X</u> |
| | Medical arts building | <u>P</u> |
| | Public utility structure or right-of-way, sewage treatment plant or water supply facility necessary to serve the municipality, except wireless communications towers and antennas | <u>P</u> |
| | Wireless communications towers and antennas. | <u>SE</u> |
| 1 | Agriculture, excluding animal husbandry | <u>X</u> |



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| 279 | Animal shelter and kennel | <u>X</u> |
| 74 | Veterinary services and kennel | <u>X</u> |
| 78 | Landscape and horticultural services | <u>X</u> |
| 78 | Greenhouse, agricultural | <u>X</u> |
| 78 | Greenhouse, commercial | <u>X</u> |
| 78 | Plant nursery | <u>X</u> |
| 5012 | Automotive and other motor vehicles | <u>P</u> |
| 5013-4 | Automobile parts and supplies | <u>P</u> |
| 5021,3 | Furniture and home furnishings | <u>P</u> |
| 5031 | Lumber, plywood and millwork | <u>P</u> |
| 5041,2 | Sporting and recreational goods and supplies | <u>P</u> |
| 5043 | Photographic equipment and supplies | <u>P</u> |
| 5063 | Electrical apparatus and equipment, wiring supplies and construction materials | <u>P</u> |
| 5064 | Electrical appliance, television and radio sets. | <u>P</u> |
| 5065 | Electronic parts and equipment. | <u>P</u> |
| 5072 | Hardware | <u>P</u> |
| 5074-5 | Plumbing and heating equipment supplies. | <u>P</u> |
| 5078 | Refrigeration equipment and supplies. | <u>P</u> |
| 5081 | Commercial office, business, food service and fountain machines, and equipment. | <u>P</u> |
| 5083 | Farm and garden machinery and equipment. | <u>P</u> |
| 5084 | Industrial machinery and equipment. | <u>P</u> |
| 5085 | Industrial supplies | <u>P</u> |
| 5086 | Professional equipment and supplies | <u>P</u> |
| 5087 | Service establishment equipment and supplies. | <u>P</u> |
| 5088 | Transportation equipment and supplies. | <u>P</u> |
| 5094 | Jewelry, watches, diamonds, and other precious stones. | <u>P</u> |
| 5099 | Other durable goods, wholesale distribution | <u>P</u> |
| 5111-3 | Paper and paper products. | <u>P</u> |
| 5122 | Drugs, proprietaries, and sundries. | <u>P</u> |
| 5133 | Piece goods (woven fabrics) | <u>P</u> |
| 5134 | Notions and other dry goods. | <u>P</u> |
| 5136-7 | Clothing furnishings and accessories. | <u>P</u> |
| 5139 | Footwear | <u>P</u> |
| 5141-9 | Groceries and related products. | <u>P</u> |
| 5181-2 | Beer, wine and distilled alcoholic beverages, wholesale distribution only. | <u>P</u> |
| 5191 | Farm supplies, wholesale | <u>P</u> |
| 5199 | Other nondurable goods distribution | <u>P</u> |
| 5083 | Farm and garden machinery and equipment. | <u>X</u> |
| 5191 | Farm supplies, retail | <u>X</u> |
| 5211 | Lumber and other building materials dealers | <u>X</u> |
| 5261 | Retail nursery, lawn, and garden supply stores. | <u>X</u> |
| 5982 | Fuel and ice dealers (except oil and gas) | <u>X</u> |
| 5983 | Fuel oil dealers (fuel storage in tanks) | <u>X</u> |
| 5984 | Liquefied gas dealers (fuel storage tanks only) | <u>X</u> |
| 807 | Medical and dental laboratories | <u>P</u> |
| 829 | Other schools and educational services. | <u>P</u> |
| 833 | Job training and vocational rehabilitation. | <u>P</u> |



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| 891-2 | Engineering architectural, scientific and research organizations. | <u>P</u> |
| 15-17 | Building and construction, general and special trade contractors | <u>P</u> |
| 41 | Public passenger transportation services and terminals. | <u>P</u> |
| 726 | Crematory | <u>X</u> |
| 734 | Household and building services | <u>X</u> |
| 7395 | Photofinishing laboratory | <u>X</u> |
| 7531-9 | Automotive and auto body repair shop | <u>X</u> |
| 754 | Automotive services | <u>X</u> |
| 762 | Electrical repair | <u>P</u> |
| 764 | Reupholstery and furniture repair | <u>X</u> |
| 769 | Other repair services and welding | <u>X</u> |
| 4151 | Taxicab services, including repairs | <u>SE</u> |
| | Car rental services | <u>P</u> |
| 701 | Hotel and motels, transient | <u>P</u> |
| | Conference facility | <u>P</u> |
| | Restaurant, standard | <u>P</u> |
| | Restaurant, fast foods with takeout and counter service only, no drive-in permitted | <u>P</u> |
| 7399 | Business services, not elsewhere classified | <u>X</u> |
| 783 | Motion picture theater, regional | <u>X</u> |
| 7999 | Other indoor recreation | <u>SE</u> |
| 8999 | Other services | <u>X</u> |
| 422 | Public Warehousing | <u>X</u> |
| 423 | Trucking terminal and transfer station | <u>X</u> |
| 781 | Motion picture production | <u>P</u> |
| 7391 | Research and development laboratories | <u>P</u> |
| 7395 | Photofinishing laboratory | <u>P</u> |
| 7397 | Commercial testing laboratory | <u>P</u> |
| | General aviation airport and necessary airport support facilities, excluding major commercial operations, as determined by the Planning Board. | <u>SE</u> |
| | Planned industrial park | <u>P</u> |
| | Self-service storage facility | <u>X</u> |
| 202 | Dairy products | <u>P</u> |
| 203 | Preserved fruits and vegetables | <u>P</u> |
| 204 | Grain mill products | <u>P</u> |
| 205 | Bakery products | <u>P</u> |
| 2082/ 2083 | Malt and Malt Beverage Manufacturing | <u>P</u> |
| 2091 | Canned or cured seafood | <u>P</u> |
| 2097 | Manufactured ice | <u>X</u> |
| 242 | Sawmill and planing mill | <u>X</u> |
| 243 | Millwork, plywood and structural members | <u>X</u> |
| 244 | Wood containers | <u>X</u> |
| 245 | Prefabricated buildings | <u>X</u> |
| 25 | Furniture and fixtures | <u>P</u> |



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| 27 | Printing and publishing | <u>P</u> |
| 321, 3 | Glass and glass products | <u>P</u> |
| 3271-3 | Concrete, concrete block and ready-mixed concrete (paving and construction material manufacturing) | <u>X</u> |
| 326 | Pottery and related products | <u>P</u> |
| 3444, 6 | Sheet metal, architectural and ornamental metalwork | <u>P</u> |
| 3573 | Electronic computing equipment | <u>P</u> |
| 372 | Aircraft, aircraft engines and parts, services and repair | <u>X</u> |
| 373 | Ship and boat building and repairing | <u>P</u> |
| 381 | Engineering and scientific instruments | <u>P</u> |
| 382 | Measuring and controlling devices | <u>P</u> |
| 383 | Optical instruments and lenses | <u>P</u> |
| 3845 | Medical instruments and lenses | <u>P</u> |
| 3949 | Sporting and athletic goods, not elsewhere classified | <u>P</u> |
| Accessory Uses | | |
| | Customary accessory structure and/or use, except those prohibited by this chapter | <u>X</u> |
| | Home occupation other than home professional office | <u>X</u> |
| | Private garage or private off-street parking area pursuant to Subset 390-92 through 330-101 | <u>P</u> |
| | Private swimming pool | <u>X</u> |
| | Signs pursuant to § 330-85-through 330-91 | <u>P</u> |
| | Greenhouse, private | <u>X</u> |
| 701 | Hotel or motel, transient, integral to planned industrial park or other permitted or special exception use, as determined by the Planning Board | <u>P</u> |
| | Wind energy conversion system | <u>X</u> |
| | Accessory apartment pursuant to Article II.A of this chapter. | <u>X</u> |
| | Retail business as an accessory use involving the sale of products manufactured by a principal permitted use subject to approval by the Town Planning Board. | <u>P</u> |

SECTION 5. Authority. The Town Board may adopt local laws providing for zoning amendments pursuant to Town Law article 16.

SECTION 6. Severability

The provisions of this chapter are severable. Should any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.



SECTION 7. Effective Date

This local law shall take effect upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southampton directs the Town Clerk to forward the proposed local law to the Southampton Town Planning Board and the Suffolk County Planning Commission for their review and recommendations; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Southampton on **May 8th, 2007 at 1:00 p.m.** at 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against ""LOCAL LAW amending Chapter 330 Sections 330-248A entitled, "Airport Commercial/Industrial Planned Development District" and 330-37 entitled, "Industrial Districts Table of Use Regulations", (Parts 1-4) to be consistent with the Gabreski Airport Master Plan".

Copies of the proposed law, sponsored by Supervisor Patrick Heaney, are on file in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m., and on the Southampton Town Website <http://www.town.southampton.ny.us>

BY ORDER OF THE TOWN BOARD
TOWN OF SOUTHAMPTON, NEW YORK
SUNDY A. SCHERMEYER, TOWN CLERK

| ✓ Vote Record - Resolution RES-2007-571 | | | | | | |
|---|----------------|--------------------------|--------------------------|--------------------------|--------------------------|--|
| | | Yes/Aye | No/Nay | Abstain | Absent | |
| <input type="checkbox"/> Adopted | Patrick Heaney | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Adopted as Amended | Nancy Graboski | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Defeated | Linda Kabot | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Tabled | Steven Kenny | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Withdrawn | Chris Nuzzi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |