November 3, 2021 Town Board Work Session Agenda

OPEN SESSION

IV-1  9:00  Heather Lanza and Mark Terry re: Comprehensive Plan, Next Steps-Consultant for Zoning and Land Use

IV-2  Supervisor Russell re: Issuance of Filming Permits

IV-3  Supervisor Russell re: Short-Term Rentals in Business RO Zones (postponed from 10/19)

IV-4  Supervisor Russell re: Change of Zone for SCTM#1000-38-7-7.1 - Next Steps

IV-5  Councilwoman Nappa re: Updates on the Transportation Commission and Water Committee

IV-6  Amendments to Ch. 280-Revisions Regarding House Sizes

EXECUTIVE SESSION

IV-7  Potential Acquisition(s), Sale or Lease of Real Property Where Publicity Would Substantially Affect the Value Thereof
       11:00  Melissa Spiro, Land Preservation

IV-8  Labor- Matters Involving the Employment of a Particular Person(s)
       11:30  Tim Abrams re: Department of Public Works

IV-9  Litigation-Town of Southold v. Kelly
Southold Town Planning Department

Zoning Analysis (DRAFT)
Tax Map #1000-38.-7-7.1

Outline

A. Parcel Description
   Location: East side of Shipyard Lane ______ feet south of State Route 25 in
   East Marion
   Bordered on the south side by Shelter Island Sound. To the west are
   condominiums, and to the north and east are single family homes on lots
   averaging ¼ to 1/3 of an acre.
   Size:
   Total 18.37 acres
   Wetlands: 1.6 acres
   Other unbuidable lands: 0.6 acres. Beach, maybe some more underwater now.
   Area behind old bulkhead now looks like a beach.
   Buildable lands: 16.8 acres

B. Current Zoning & Permitted Uses
   Marine II (see attached table for permitted uses)
   The purpose of the Marine II (MII) District is to provide a waterfront location for
   a wide range of water-dependent and water-related uses, which are those uses
   which require or benefit from direct access to or location in marine or tidal waters
   and which, in general, are located on major waterways, open bayfronts or the
   Long Island Sound.
   Lot coverage: 20% = 3.3 acres

C. Surrounding Zoning:
   R-40: on three sides (north, east and a small portion to the west)
   RR: to the west on one side

Rezone - potential zoning districts:

Hamlet Density
   The purpose of the Hamlet Density (HD) Residential District is to permit a mix of
   housing types and level of residential density appropriate to the areas in and around the
Southold Town Planning Department

major hamlet centers, particularly Mattituck, Cutchogue, Southold, Orient and the Village of Greenport.

Resort Residential

The purpose of the Resort Residential (RR) District is to provide opportunity for resort development in waterfront areas or other appropriate areas where, because of the availability of water and/or sewers, more intense development may occur consistent with the density and character of surrounding lands.

R-40

The purpose of the Low-Density Residential R-40 District is to provide areas for residential development where existing neighborhood characteristics, water supply and environmental conditions permit full development densities of approximately one dwelling per acre and where open space and agricultural preservation are not predominate objectives.

MI

The purpose of the Marine I (MI) District is to provide a waterfront location for a limited range of water-dependent and water-related uses, which are those uses which require or benefit from direct access to or location in marine or tidal waters but which are located within the Town's tidal creeks or natural coves.

(see table of uses attached).

Rezoning Options:

Hamlet Density Zoning
(requires an amendment to Chapter 280 to allow Hamlet Density zoning in more places)

\[ HD = 73+/- \text{ units} \] (if entire parcel rezoned – see below for split-zone ideas)
- year-round living allowed
- no size limitations.
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RR & R-40

Rezone about 11.5 acres to R-40 – the rationale being that this neighborhood has become very residential since the days when this parcel was a commercial oyster factory.

R-40 = 11 lots

Mandatory cluster – keep away from low-lying areas. Open space would include a private beach. Potential for separate access to Cleaves Pt Road. Having two accesses would support two different zoning districts.

RR = 54 units

Rezone a portion of the property (6.6 acres) to the minimum size of RR that would allow a small hotel/motel resort (like Cliffside)

Five acre minimum (of land above high water).

5 acres x 43,560 = 217,800 sq.ft.

217,800 sq.ft. / 4,000 sq.ft. per unit = 54 units (assuming on-site sewage treatment)

Max. size 600 sq.ft.

Year-round occupancy not allowed (“transient” in definition)

Re-zone R-40 & leave a portion MII.

MII = 32 units (hotel)

4.6 acres total including the boat basin.

3-acre minimum of land above high water for hotel.

3 acres x 43,560 sq.ft/acre = 130,680 sq. ft.

130,680 sq.ft. / 4,000 sq.ft. per unit = 32 units

MII has more options than RR for commercial development (boat sales and repair, commercial boat docking, charter boat docking).
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R-40 = 13 or 14 lots
Rezone 13.8 acres to R-40.
Similar to above option, just a few more lots.

ALL R-40:

R-40 = 16+/- lots
They would be clustered and have their own private boat dock/marina. This could be marketed at a very high dollar value - very unique with its own marina and surrounding park.

Rationale for re-zoning.
Uses permitted in Marine II zoning district no longer compatible with neighborhood. Legacy zoning (based on a former use no longer viable.)
(statistics to support this rationale will be provided)

Issues:
How to keep out a restaurant, a marina or a yacht club that ends up hosting weddings (Like Peconic Bay Yacht Club in Southold). Seems to be allowed in both MII and RR.

Notes for Discussion:
After researching, I found that Cleaves Point was approved in 1981 when it was zoned Multiple Residence (44 units at 611 sq.ft. each).

It seems people live there year-round, which wouldn’t be allowed in an RR zoned property today because multiple dwelling units are not allowed. Only hotel/motel, and the definition of hotel/motel includes the word “transient”.

Cliffside, the only new development since the RR zone was established (at least I think it is the only one), is required to be closed down in January and February so that no one can live there as their year-round residence.

RR is just about as intense potentially as MII, minus the boat retail and repair and boat storage and fish markets.
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Should an MI option be considered?

Maybe HD and MI combo?

Or R-40 and MI?
<table>
<thead>
<tr>
<th>Lot Size Acres</th>
<th>20% Lot Coverage</th>
<th>Gross Floor Area</th>
<th>Civics Plan #2</th>
<th>Southampton Code</th>
<th>Scott’s Calculation</th>
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</table>

*all floor levels of living space every story of all habitable structure on a lot*

gross floor area should not include: roof overhangs less than 28 inches; unenclosed porches, patios, decks, open terraces; balconies; basements; outbuildings, barns, poolhouses, detached garages

*all floor levels of every story of all structure on a lot*

gross floor area should not include: roof overhangs less than 28 inches; unenclosed porches, patios, decks, open terraces; balconies; basements
## HOUSE SIZE-ALTERNATE PROPOSALS

REVISED OCTOBER 25, 2021

<table>
<thead>
<tr>
<th>LOT SIZE* IN &quot;ACRES&quot;</th>
<th>LOT SIZE (IN SQUARE FEET)</th>
<th>LOT SIZE (ACTUAL ACRES)</th>
<th>20% LOT COVERAGE EXISTING CODE</th>
<th>SOUTHWELL CURRENT CODE HOUSE SIZE BASED ON 2.5 X 20% LOT COVERAGE(^3)</th>
<th>ORIGINAL PROPOSAL</th>
<th>ALTERNATE PROPOSAL &quot;A&quot;</th>
<th>ALTERNATE PROPOSAL &quot;B&quot; (REVISED)</th>
<th>ALTERNATE PROPOSAL &quot;C&quot;</th>
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<td>1,250 SF</td>
<td>3,125 SF (NC)</td>
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<td>2,112 GFA</td>
<td>2,112 GFA</td>
<td>3,712 SF*</td>
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<td>5,000 SF (NC)</td>
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**ABSOLUTE MAXIMUM**:
- 12,000 GFA MAX
- NO ABSOLUTE MAX

**MAXIMUM HEIGHT- SLOPED ROOF**:
- 35' TO MIDPT.
- 35' TO PEAK\(^2\)
- 35' TO PEAK
- 32' TO PEAK
- 35' TO PEAK IN FEMA SIFHA AREAS (A AND VE)

**MAXIMUM HEIGHT- FLAT ROOF**:
- 25'

**PYRAMID LAW LIMITING HT. BASED ON SETBACKS**:
- NO
- YES

**20% LOT COVERAGE STILL APPLIES FOR ALL PROPOSALS (OR LESS BY ZONE WHERE APPLICABLE)**

\(^*\)HOUSE SIZE FORMULAS: ALL BASED ON BUILDABLE LAND AREA AS DEFINED BY EXISTING CODE

\(^\text{1}\)MAXIMUM HEIGHT: 35' TO PEAK FROM NATURAL GRADE FOR SLOPED ROOFS / 25' FROM NATURAL GRADE FOR FLAT AND MANSDARD ROOFS AND MUST BE WITHIN A 45° PYRAMID STARTING 30' ABOVE NATURAL GRADE AT LOT LINES.

\(^2\)280-15 C ALLOWS UNLIMITED MULTIPLE ACCESSORY BUILDINGS UP TO LOT COVERAGE MAX.

\(^3\)SECTION 280-15 C MODIFIED AS FOLLOWS: *THE CUMULATIVE TOTAL OF SUCH BUILDINGS SHALL NOT EXCEED 1,000 SQUARE FEET ON LOTS CONTAINING UP TO 20,000 SQUARE FEET AND SHALL NOT EXCEED 1,200 SQUARE FEET ON LOTS 20,000 SQUARE FEET TO 60,000 SQUARE FEET, ON LOTS OVER 60,000 SQUARE FEET AND UNDER 120,000 SQUARE FEET THE CUMULATIVE TOTAL SHALL NOT EXCEED 2% OF THE TOTAL SIZE OF THE PARCEL. ON LOTS 120,000 SF AND OVER, THE CUMULATIVE TOTAL SHALL NOT EXCEED 3% OF THE TOTAL SIZE OF THE PARCEL."

\(^*\)GARAGES AND ACCESSORY BUILDINGS WOULD BE LIMITED BASED ON LOT COVERAGE, GARAGE AND ACCESSORY BUILDING WOULD NOT BOTH BE MAXED OUT,
| LOT SIZE<sup>1</sup> | ORIGINAL PROPOSAL | ALTERNATE PROPOSAL "A" | ALTERNATE PROPOSAL "B" | ALTERNATE PROPOSAL "C"
|---------------------|--------------------|------------------------|------------------------|------------------------
|                     | LOTS UNDER 5 ACRES: 8% OF LOT AREA + 1,800 SF UP TO 6,000 GFA + 5 ACRES AND ABOVE: 3% OF LOT AREA + 4,000 SF UP TO 12,000 GFA MAX | LOTS UNDER 5 ACRES: 5% OF LOT AREA + 1,800 SF UP TO 6,000 GFA + 5 ACRES AND ABOVE: 1% OF LOT AREA + 4,000 SF. UP TO 12,000 GFA MAX | LOTS UNDER 10,000 SF: 1,500 GFA + LOTS 10,001 TO 20,000 SF: 15% OF LOT AREA + 3,000 SF + 12% OF LOT AREA + 20,001-40,000SF + 5,500 SF + 10% OF LOT AREA + 40,001-80,000SF + 9,500 SF + 5% OF LOT AREA + 80,001-120,000SF + 10,500 SF + 1% OF LOT AREA ABOVE 120,001 UP TO 14,500 GFA MAX |
| LOT SIZE IN ACRES | LOT SIZE (IN SQUARE FEET) | LOT SIZE (ACTUAL ACRES) | 20% LOT COVERAGE EXISTING CODE | SOUTHOLD CURRENT CODE HOUSE SIZE BASED ON 2.5 X 20% LOT COVERAGE<sup>2</sup> |
| 6,250 | 0.14 | 1,250 SF | 3,125 SF (NC) | 2,300 GFA TOTAL | 2,112 GFA HOUSE | 2,112 GFA | 600<sup>*</sup> | 1,000<sup>*</sup> | 3,712 GFA<sup>*</sup> | 1,500 GFA |
| 1/4 ACRE | 14,200 | 0.23 | 2,000 SF | 5,000 SF (NC) | 2,600 GFA TOTAL | 3,300 GFA HOUSE | 3,300 GFA | 600<sup>*</sup> | 1,000<sup>*</sup> | 3,900 GFA<sup>*</sup> | 1,500 GFA |
| 1/2 ACRE | 20,000 | 0.46 | 4,000 SF | 10,000 SF (NC) | 3,400 GFA TOTAL | 3,800 GFA HOUSE | 3,800 GFA | 600<sup>*</sup> | 1,200<sup>*</sup> | 4,600 GFA | 3,000 GFA |
| 3/4 ACRE | 30,000 | 0.69 | 6,000 SF | 15,000 SF | 4,200 GFA TOTAL | 3,300 GFA HOUSE | 3,300 GFA | 600<sup>*</sup> | 1,200<sup>*</sup> | 5,300 GFA | 4,250 GFA |
| 1 ACRE | 40,000 | 0.92 | 8,000 SF | 20,000 SF | 5,000 GFA TOTAL | 3,800 GFA HOUSE | 3,800 GFA | 600<sup>*</sup> | 1,200<sup>*</sup> | 5,600 GFA | 5,500 GFA |
| *1 1/2 ACRES | 60,000 | 1.38 | 12,000 SF | 30,000 SF | 6,000 GFA TOTAL | 4,800 GFA HOUSE | 4,800 GFA | 600<sup>*</sup> | 1,200<sup>*</sup> | 6,600 GFA | 7,500 GFA |
| *2 ACRES | 80,000 | 1.84 | 16,000 SF | 40,000 SF | 6,000 GFA TOTAL | 5,800 GFA HOUSE | 5,800 GFA | 600<sup>*</sup> | 1,600<sup>*</sup> | 8,800 GFA | 9,500 GFA |
| *3 ACRES | 120,000 | 2.75 | 24,000 SF | 60,000 SF | 6,000 GFA TOTAL | 7,800 GFA HOUSE | 7,800 GFA | 600<sup>*</sup> | 2,400<sup>*</sup> | 10,000 GFA | 10,500 GFA |
| *4 ACRES | 175,000 | 4.02 | 35,000 SF | 87,500 SF | 6,000 GFA TOTAL | 10,500 GFA HOUSE | 10,500 GFA | 600<sup>*</sup> | 5,250<sup>*</sup> | 11,850 GFA | 11,050 GFA |
| *5 ACRES | 220,000 | 5.05 | 44,000 SF | 110,000 SF | 6,000 GFA TOTAL | 12,800 GFA HOUSE | 12,800 GFA | 600<sup>*</sup> | 6,600<sup>*</sup> | 13,400 GFA | 11,500 GFA |
| *6 ACRES | 300,000 | 6.89 | 60,000 SF | 150,000 SF | 7,000 GFA TOTAL | 16,800 GFA HOUSE | 16,800 GFA | 600<sup>*</sup> | 9,000<sup>*</sup> | 16,000 GFA | 12,300 GFA |
| *7 ACRES | 400,000 | 9.18 | 80,000 SF | 200,000 SF | 8,000 GFA TOTAL | 21,800 GFA HOUSE | 21,800 GFA | 600<sup>*</sup> | 12,000<sup>*</sup> | 20,600 GFA | 13,300 GFA |
| *8 ACRES | 500,000 | 13.97 | 134,000 SF | 435,000 SF | 12,000 GFA TOTAL | 45,300 GFA HOUSE | 45,300 GFA | 600<sup>*</sup> | 26,100<sup>*</sup> | 38,700 GFA | 14,500 GFA |
| *9 ACRES | 650,000 | 19.95 | 175,000 SF | 625,000 SF | 12,000 GFA TOTAL | 60,000 GFA HOUSE | 60,000 GFA | 600<sup>*</sup> | 30,000<sup>*</sup> | 42,000 GFA | 18,000 GFA |
| *10 ACRES | 800,000 | 27.93 | 240,000 SF | 800,000 SF | 12,000 GFA TOTAL | 75,000 GFA HOUSE | 75,000 GFA | 600<sup>*</sup> | 35,000<sup>*</sup> | 47,500 GFA | 22,500 GFA |
| OVER 10 ACRES | 1000,000 | 37.93 | 300,000 SF | 1000,000 SF | 12,000 GFA TOTAL | 90,000 GFA HOUSE | 90,000 GFA | 600<sup>*</sup> | 40,000<sup>*</sup> | 52,000 GFA | 27,000 GFA |

**MAXIMUM HEIGHT: SLOPED ROOF**
- 35' TO MIDPT<sup>3</sup>
- 35' TO PEAK<sup>3</sup>

**MAXIMUM HEIGHT: FLAT ROOF**
- 35' TO PEAK<sup>3</sup>

**PYRAMID LAW LIMITING HT. BASED ON SETBACKS**
- NO
- YES

20% LOT COVERAGE STILL APPLIES FOR ALL PROPOSALS (OR LESS BY ZONE WHERE APPLICABLE)

---

<sup>1</sup>HOUSE SIZE FORMULAS: ALL BASED ON BUILDABLE LAND AREA AS DEFINED BY EXISTING CODE

<sup>2</sup>MULTIPLE ACCESSORY BUILDINGS UP TO LOT COVERAGE MAX.

<sup>3</sup>MAXIMUM HEIGHT: 35' TO PEAK FROM NATURAL GRADE FOR SLOPED ROOFS / 25' FROM NATURAL GRADE FOR FLAT AND MANSARD ROOFS AND MUST BE WITHIN A 45° PYRAMID STARTING 10' ABOVE NATURAL GRADE AT LOT LINES.

<sup>4</sup>280-15 C ALLOWS UNLIMITED MULTIPLE ACCESSORY BUILDINGS UP TO LOT COVERAGE MAX.

<sup>5</sup>SECTION 280-15 C, MODIFIED AS FOLLOWS: "THE CUMULATIVE TOTAL OF SUCH BUILDINGS SHALL NOT EXCEED 1,000 SQUARE FEET ON LOTS CONTAINING UP TO 20,000 SQUARE FEET AND SHALL NOT EXCEED 1,200 SQUARE FEET ON LOTS 20,000 SQUARE FEET TO 60,000 SQUARE FEET, ON LOTS OVER 60,000 SQUARE FEET AND UNDER 120,000 SQUARE FEET THE CUMULATIVE TOTAL SHALL NOT EXCEED 2% OF THE TOTAL SIZE OF THE PARCEL, ON LOTS 120,000 SF AND OVER, THE CUMULATIVE TOTAL SHALL NOT EXCEED 3% OF THE TOTAL SIZE OF THE PARCEL."