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March 14, 2008

**Municipal Code**  
**Town of Southampton, NY**  
**Chapter 292: Article III**

**§ 292-6.1. Conservation opportunities subdivision review procedures. [Added 10-23-2001**

**by L.L. No. 40-2001** Editor's Note: This local law also provided for the renumbering of former § 292-6.1, Trail preservation, as § 292-6.2. In addition, Section 3 of this local law provided as follows: "This local law expressly supersedes the provisions of § 276-6 of Town Law, wherein a public hearing is required for a final plat where no preliminary plat is required. Certain final plats for minor review will not require a public hearing; rather, the Planning Board will have the option to hold a public hearing based upon the amount of public interest on the project and other similar criteria. If no hearing is required, the Planning Board must still provide public notice of a complete application and allow public comments to be received." ]

- A. Applicability. A subdivision of land may be reviewed by the Planning Board under the conservation opportunities subdivision procedures provided in this chapter if the proposed subdivision meets the general requirements of Subsection A(1) and the performance standards of Subsection A(2).
- (1) General requirements.
- (a) The subdivision does not adversely affect the development of the remainder of the parcel or adjoining property;
  - (b) The subdivision is not in conflict with the provisions of the Master Plan and Zoning Law, except minor area variances which may be granted by the Board of Zoning Appeals of the Town of Southampton; and
  - (c) The subdivision complies with environmental regulations which impose setbacks, buffers, clearing restrictions, fertilization restrictions or other standards.
- (2) Performance standards.
- (a) No more than 10 lots are created.
  - (b) The subdivision will preserve at least 80% of the parcel, through one or more preservation options, including but not limited to donation, and sale or transfer of development rights.
  - (c) The total yield is reduced by a minimum of 50%.
  - (d) Design considerations. The conservation opportunities subdivision (COS) should be designed to promote and foster agricultural production and to preserve and protect the farmability of the parcel, including but not limited to prime agricultural soils, contiguity and access. Whenever practicable, the placement of lots should seek to minimize the impact on scenic views as seen from road frontages into the subdivision. The 1999 Comprehensive Plan defines scenic resource areas as scenic views including views of the ocean, bays, wetlands and scenic landscapes such as wooded and agricultural areas along scenic roads. If the COS parcel is adjacent to a preserved open space or farmland the separate reserve area, it shall be designed for possible contiguity of use. The separate reserve parcel shall be designed to maximize frontage on adjacent Town roads.
- B. The subdivider shall submit a final plat in the form of all final plats, together with supporting materials, to the office of the Planning Board. The Conservation Opportunities Plan shall be in accordance with the provisions of Article IX (Final Plat for Minor Review) except as otherwise

set forth herein.

- C. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) and Chapter 157, Environmental Quality Review, of the Town Code.
- D. The Planning Board shall have the option of holding another public hearing since a public hearing was held with the preapplication. The decision to hold a public hearing on the plat depends on the degree of interest shown by the public or interested agencies; the need for important and informative comment by certain interest groups, technical specialists or community representatives; and whether the subdivider needs further opportunity to present the subdivision to the Planning Board and/or public. The Planning Board shall, however, hold a public hearing on the final plat where said plat is not in substantial agreement with the Planning Board preapplication report or where a wetlands permit is required pursuant to Chapter 325 of the Town Code. Where no hearing is to be held, the Planning Board shall provide notice of a complete application by posting said notice at the Planning Board office and on the Town Clerk's signboard and accept written public comment for a reasonable time thereafter.
- E. If a public hearing is held, it must be upon at least 10 days' notice published in a newspaper of general circulation in the town and posted in accordance with the provisions of § 292-13B(2). Within 31 days of the receipt of a complete final plat submission or within 31 days of receipt of a determination from the Suffolk County Planning Commission, if an application was required to be sent to that agency for its review, whichever date is later, or within 31 days after the date of the public hearing if such hearing is held, the Planning Board shall take formal action either approving or disapproving or approving with modification the final plat, and a written notification of such action shall be given to the subdivider.
- F. All required conditions of approval and corrections or modifications of the final plat shall be completed within 180 days of the Planning Board's formal action. Two additional periods not exceeding 90 days each may be granted upon petition to the Planning Board if such period is found to be justified.
- G. The subdivider shall file approved copies of the final plat in the office of the County Clerk.