

LOCAL LAW FILING INSTRUCTIONS

NEW YORK STATE DEPARTMENT OF STATE
41 State Street, Albany, NY 12231

(Use this form to file a Local Law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of HUNTINGTON

Local Law 19 of the year 2013

A Local Law: AMENDING LOCAL LAW NO. 37-2006 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AGAINST SCTM# 0400-027-02-(012.001, 012.002, 012.003, 012.004 & 012.005) AS PART OF ZONE CHANGE APPLICATION #2006-ZM-362 OF DML PROPERTIES, LLC, AND REESTABLISHING COVENANTS AND RESTRICTIONS AGAINST THE PROPERTIES BEARING SCTM #0400-027-02-012.002 & 012.003

Be it enacted by the TOWN BOARD of the

Town of HUNTINGTON as follows:

LOCAL LAW NO. 19 – 2013

Section 1. Amendment to Local Law No. 37-2006 deleting all existing Covenants and Restrictions and reestablishing Covenants and Restrictions, as follows:

- (1) The following restrictions shall be imposed against the residential lot known by SCTM# 0400-027-02-012.002 (formerly p/o SCTM# 0400-027-02-012.001):
 - (a) The prior Declaration of Covenants and Restrictions filed with the Office of the Suffolk County Clerk on January 18, 2007 in Liber 12487 Page 727, on January 4, 2008 in Liber 12536 Page 101, and on May 27, 2009 in Liber 12589 Page 160 are hereby revoked; and
 - (b) All residential buildings shall be limited to two stories in height and no unit shall be more than 2,200 sq. ft. in size; and
 - (c) Three affordable housing units shall be provided in the proposed development, and all dwelling units designated as affordable units, whether sold, resold or leased, shall remain subject to the provisions of §198-13(I) or successor law, in all respects and in perpetuity. All affordable units shall be monitored for compliance by the Community Development Agency as specified in §198-13(I); and
 - (d) Conditions of the change of zone set forth in §198-13(I)(3) shall be specifically set forth in the Covenants and Restrictions to be executed and filed by the applicant.

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- (e) The property shall contain at least two parking spaces per unit; and
 - (f) The applicant shall install brick paver sidewalks, benches, and antique-style lighting, and such other pedestrian improvements on site and in the adjacent right-of-ways where deemed appropriate by the Planning Board during site plan review; and
 - (g) The applicant shall provide a trail easement approved by the Town Attorney enabling public access alongside the stream as part of the project's park reservation requirements under Town Law §274-a(6), or other applicable or successor law, and shall construct the trail improvements to meet the requirement for a parkland dedication or fee in lieu payable to the Town; and
 - (h) All garbage produced by the development, whether collected by the Town or a private carter, must be brought to the Town's Resource Recovery Facility for disposal; and
 - (i) The stream corridor and soils shall be remediated by the applicant at its own cost and expense in accordance with NYSDEC and SCDHS standards; and
 - (j) The applicant shall submit architectural renderings of the project for the Planning Board's review and approval. The renderings shall include elevations showing front, side, and rear architectural features. The submission shall include descriptions of building materials, colors, and any other architectural amenities to be incorporated into the design; and
 - (k) The applicant shall obtain the necessary permits and approvals from all agencies having jurisdiction, and shall comply with the provisions of all applicable laws, rules, statutes, and regulations, including the Huntington Town Code; and
- (2) The following restrictions shall be imposed against the commercial lot known by SCTM# 0400-027-02-012.003 (formerly p/o SCTM# 0400-027-02-012.001):
- (a) The prior Declaration of Covenants and Restrictions filed with the Office of the Suffolk County Clerk on January 18, 2007 in Liber 12487 Page 727, on January 4, 2008 in Liber 12536 Page 101, and on May 27, 2009 in Liber 12589 Page 160 are hereby revoked; and
 - (b) The property owner, its successors and/or assigns, shall obtain the necessary permits and approvals from all agencies having jurisdiction, and shall comply with the provisions of all applicable laws, rules, statutes, and regulations, including the Huntington Town Code; and
 - (c) The Town of Huntington shall be the title owner of all completed improvements to Hill Place and shall use the same as a public roadway for vehicular and pedestrian travel; and

- (d) DML Properties, L.L.C. shall hold harmless and indemnify the Town of Huntington, its agents, servants, and employees, from and against any and all claims for damage to property or persons, including reasonable attorney fees, arising out of or in connection with the design of the bridge and its infrastructure by the traveling public.
- (3) The following restrictions shall be imposed against the commercial lot known by SCTM# 0400-027-02-012.003 and the residential lot known by SCTM# 0400-027-02-012.002 (formerly p/o SCTM# 0400-027-02-012.001):
- (a) These covenants and restrictions shall run with the land and shall be binding upon the property owners, their heirs, successors and/or assigns; and
 - (b) These covenants and restrictions shall enure to the benefit of, and be enforceable by, the Town of Huntington; and
 - (c) No portion of the Covenants and Restrictions may be modified, altered, amended, annulled or repealed except by action of the Huntington Town Board; and
 - (d) If these properties are ever further subdivided or the tax map lots altered in any fashion, the property owner shall file revised Covenants and Restrictions subject to the provisions contained herein to ensure that the covenants are properly attributed to the new tax map lot or lots
- (4) The following restrictions shall be imposed against the lots known by SCTM# 0400-027-02-012.004 & 012.005 (formerly p/o SCTM# 0400-027-02-012.001):
- (a) The prior Declaration of Covenants and Restrictions filed with the Office of the Suffolk County Clerk on January 18, 2007 in Liber 12487 Page 727, on January 4, 2008 in Liber 12536 Page 101, and on May 27, 2009 in Liber 12589 Page 160 are hereby revoked.

These modifications are subject to the filing of the Covenants and Restrictions set forth herein. All such Covenants and Restrictions shall be submitted to the Town Attorney by the applicant for approval as to form and substance prior to filing, and upon such approval, to be filed in the Office of the Suffolk County Clerk at the owner or applicant's sole cost and expense. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning and Huntington Town Clerk.

All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

Section 2. Severability

If any clause, sentence paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

(Complete the Certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable)

1. (Final adoption by local legislative body only).

I hereby certify that the local law annexed hereto, designated as Local Law No. 19 of 2013 of the Town of Huntington was duly passed by the Town Board on April 17, 2012 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Title:  JO-ANN RAIA, TOWN CLERK

Date: July 25, 2013

(Seal)