

From: "Peter Hans (Planning)" <phans@tosgov.com>
To: dougstorybook@optonline.net
Date: 03/27/2015 03:46:25 PM
Subject: FW: Story Brook Meadows zone change #90-3A
Attachments: image001.png (40KB), image002.png (31KB)

Doug,
I received this request from the County regarding the Zone Change modifications.
Pete

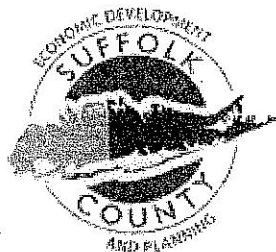
From: <Freleng>, Andrew <Andrew.Freleng@suffolkcountyny.gov>
Date: Monday, March 16, 2015 3:53 PM
To: Pete Hans <phans@tosgov.com>
Subject: Story Brook Meadows zone change #90-3A

Peter,

We still have an open Incomplete application on this matter referred to the SCPC last on Jan 12, 2015. Please send a copy of the original covenants originally recorded on 4-11-97. Also please provide (or cause to provide) a statement as to the rational on the addition of 78 bonus density units.

Thanks

Andy



Andrew Freleng

Chief Planner
Suffolk County
Dept. of Economic Development and Planning
100 Veterans Memorial Highway, 4th Floor

Hauppauge, NY 11788

631-853-5006 Tel

631-853-4044 Fax
[web](#) | [vCard](#)

practiceGREEN
Save a tree. Read, don't print, emails.

STORY BOOK MEADOWS, LLC

P.O. Box 473

St. James, New York 11780

TEL.: (631) 265-6131

FAX: (631) 265-6343

March 30, 2015

Town of Smithtown
Planning & Community Development Department
Town Hall
99 W. Main Street
Smithtown, New York 11787

Re: Story Book Meadows
Zone #90-3A

Attention: Peter A. Hans
Senior Planner

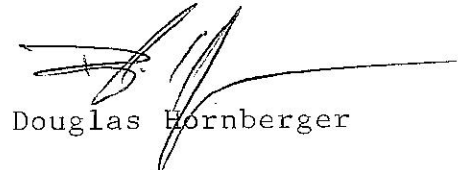
Dear Mr. Hans:

We would like to have community development units available for the above referenced project.

Therefore, we are requesting an additional seventy-eight (78) bonus density units as part of our application.

Very truly yours,

STORY BOOK MEADOWS, LLC



Douglas Hornberger

DH:djq

COVENANTS, RESTRICTIONS AND RESERVATIONS

STORY BOOK HOMES, INC.

with

THE TOWN OF SMITHTOWN

WHEREAS, the undersigned corporation, STORY BOOK HOMES, INC., is the owner of a plot of land, situated at Nesconset, in the Town of Smithtown, County of Suffolk and State of New York, consisting of three (3) parcels for a total of twenty four (24) acres with frontage on the northerly side of Smithtown Boulevard, 215 feet East of Mary's Lane and more accurately described as Exhibit "A" attached hereto, and

WHEREAS, the said corporation, STORY BOOK HOMES, INC., having an office at 100 Nesconset Highway, Nesconset, New York, the fee owner of the said twenty four (24) acres described herein as Exhibit "A", is desirous of declaring and filing certain covenants, restrictions and reservations to run with the premises.

NOW, THEREFORE, the said STORY BOOK HOMES, INC. declares and covenants as follows:

(1) The DECLARANT covenants that the total number of units to be constructed on the property described in Exhibit "D" shall not exceed one hundred ninety two (192) units, and the DECLARANT waives any right to seek any additional bonus density units.

(2) That a western portion of Exhibit "A", adjacent to residential property and more particularly described as Exhibit "B", consisting of 3.009 acres shall be 150 feet deep and remained zoned R-15 as set forth in the Building and zoning ordinance of the Town of Smithtown, and shall remain undisturbed in its natural state as a wooded buffer.

(3) That an eastern portion of Exhibit "A", adjacent to residential property and more particularly described as Exhibit "C", consisting of 1.760 acres shall be 100 feet deep and remain zoned R-15 as set forth in the Building and zoning ordinance of the Town of Smithtown, and shall remain in its natural state as a wooded buffer.

(4) That, for a depth of 60 feet, the northern edge of the property described herein as Exhibit "D" shall remain undisturbed and in its natural state (excluding the recharge basin as may be approved by the Town Engineer).

(5) The DECLARANT covenants that the within described buffer zones designated in Paragraphs 2, 3 and 4 will not be subdivided and will remain part of a single parcel along with the parcel zoned RC (Retirement Community) as described in Exhibit "D".

(6) The DECLARANT as owner of the thirty six (36) acres set forth herein as Exhibit "E" by section, block and lot numbers and immediately adjacent to the North side of the RC site (Exhibit "D") covenants that said thirty six (36) acres will be used for the construction of single family homes at a density no greater than that achievable under R-15 zoning of the Building

and Zoning Ordinance of the Town of Smithtown.

(7) The DECLARANT covenants that the capacity of the proposed sewage treatment plant will not exceed the level necessary to serve the proposed 192 unit retirement community and the proposed single family development to the North, consisting of thirty six (36) acres, zoned R-15.

(8) That any basements, cellars or other such below grade spaces, other than that which may be a part of a clubhouse or communal recreation center, as may be constructed upon the 19.231 acre parcel zoned RC (Retirement Community) described in Exhibit "D" shall not be made habitable, but shall be limited to use for storage or laundry purposes, or the placement of mechanical equipment or sewer lines. Below grade spaces as may be constructed as part of a clubhouse or communal recreation center may not contain sleeping quarters or be used for other than recreational or mechanical purposes.

(9) The DECLARANT also covenants that the lifting or modification of any of the covenants herein contained shall require the agreement of the property owner, the Town of Smithtown and all of the owners of the residential properties adjacent to the land designated herein as Exhibits "B" and "C".

(10) The foregoing covenants and restrictions shall be construed as running with the land and binding upon the DECLARANT, any owner or purchaser of the Premises or portion of same, their respective heirs, distributees, successors, legal representatives and/or assigns and may be enforced by DECLARANT, its successors and assigns, and by the Town of Smithtown.

STORY BOOK HOMES, INC.



BY: ELMER E. HORNBERGER
(President)

EXHIBIT "A"

J-31764
August 24, 1993

DESCRIPTION OF 24.000 ACRE PARCEL

ALL THAT CERTAIN PART, PIECE OR PARCEL OF LAND LYING, BEING AND SITUATE AT NESCONSET, TOWN OF SMITHTOWN, COUNTY OF SUFFOLK AND STATE OF NEW YORK;

BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a Point on the northerly side of Smithtown Boulevard distant 215.00 feet easterly from the corner formed by the intersection of the northerly side of Smithtown Boulevard with the easterly side of Mary's Lane.

RUNNING THENCE from said Point of Beginning northerly and westerly the following four (4) courses and distances:

- (1) North 2° 19' 58" East, a distance of 271.65 feet;
- (2) North 82° 23' 18" West, a distance of 123.07 feet;
- (3) North 0° 12' 06" East, a distance of 559.60 feet;
- (4) North 0° 13' 22" East, a distance of 304.83 feet;

RUNNING THENCE easterly, South 89° 28' 58" East, a distance of 1277.58 feet;

RUNNING THENCE generally southerly and westerly the following eleven (11) courses and distances:

- 1) South 53° 59' 26" West, a distance of 21.82 feet;
- 2) South 77° 35' 30" West, a distance of 198.00 feet;
- 3) South 1° 14' 58" West, a distance of 529.74 feet;
- 4) North 89° 52' 42" West, a distance of 8.00 feet;
- 5) South 1° 14' 58" West, a distance of 120.94 feet;
- 6) North 88° 41' 30" West, a distance of 130.00 feet;
- 7) North 48° 45' 02" West, a distance of 100.00 feet;
- 8) North 81° 44' 22" West, a distance of 138.69 feet;
- 9) South 2° 19' 58" West, a distance of 484.84 feet;
- 10) North 76° 32' 46" West, a distance of 60.00 feet;
- 11) South 2° 19' 58" West, a distance of 175.00 feet to the northerly side of Smithtown Boulevard.

RUNNING THENCE westerly, along the northerly side of Smithtown Boulevard, North 76° 32' 46" West, a distance of 523.30 to the Point or Place of Beginning.

Containing within said bounds 24.00 acres.

EXHIBIT "E"

THIRTY SIX (36) ACRES

	SECTION	BLOCK	LOT
Part of	169	01	8.1
Part of	169	01	10.3
Part of	169	01	12.3
	169	01	28
	169	01	29
	169	01	27
	169	01	30.1
	169	01	31.1
Part of	169	01	32.2
Part of	169	01	31.3

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the 31st day of March, 1997, before me personally came
ELMER E. HORNBERGER, to me known and being by me duly sworn, did depose and
say that he resides at 100 Nesconset Highway, Nesconset, New York, and that
he is the PRESIDENT of STORY BOOK HOMES, INC., the corporation described
and which executed the foregoing instrument.

AIMEE D. FOSSA
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01F05061787, SUFFOLK COUNTY
COMMISSION EXPIRES 6/18/98

Aimee D. Fossa
NOTARY PUBLIC

YOU 9 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.

SUFFOLK COUNTY CLERK

2

3

11825 PG 217

Number of pages

TORRENS

Serial #

Certificate #

Prior Ctf#

Deed / Mortgage Instrument

Deed / Mortgage Tax Stamp

Recording / Filing Stamps

FEES

Page / Filing Fee

Handling

TP-584

Notation

EA-5217 (County)

EA-5217 (State)

R.P.T.S.A.

Comm. of Ed.

Affidavit

Certified Copy

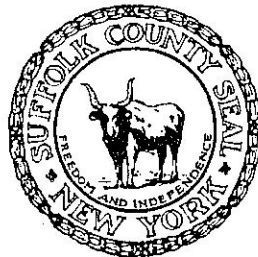
Reg. Copy

Other

Sub Total

Sub Total

GRAND TOTAL



Mortgage Amt.

1. Basic Tax

2. SONYMA

Sub Total

3. Spec./Add.

TOT. MTG. TAX

Dual Town Dual County
Held for Apportionment

Transfer Tax

Mansion Tax

The property covered by this mortgage
is or will be improved by a 2 or 4
family dwelling only.

YES or NO

If NO, see appropriate tax clause on
page # of this instrument.

Real Property Tax Service Agency Verification

Dist	Section	Block	Lot
0800	16800	01.00	027003
0800	16800	0100	028002
0800	16900	0100	008002

Title Company Information

METROPOLITAN ABSTRACT CORPORATION

Company Name

Courtesy S. Allen Wolfsont Esq.

Title Number

FEE PAID BY:

Cash Check ☒ Charge

Payer same as R & R

OR: METROPOLITAN ABSTRACT CORPORATION
ONE OLD COUNTRY ROAD
CARLE PLACE, NEW YORK 11514

Allen Wolfsont Esq.
27 West MAIN Street
P.O. Box 626
Smithtown, N.Y. 11787

RECORD & RETURN TO
(ADDRESS)

DISTRICT SECTION BLOCK LOT
0800 16900 C100 010004 R

DISTRICT SECTION BLOCK LOT
012004

DISTRICT SECTION BLOCK LOT
031004

DISTRICT SECTION BLOCK LOT
052002

DISTRICT SECTION BLOCK LOT
00800

DISTRICT SECTION BLOCK LOT
010003

DISTRICT SECTION BLOCK LOT

DISTRICT SECTION BLOCK LOT

DISTRICT SECTION BLOCK LOT

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DISTRICT SECTION BLOCK LOT

DISTRICT SECTION BLOCK LOT

DISTRICT SECTION BLOCK LOT

