

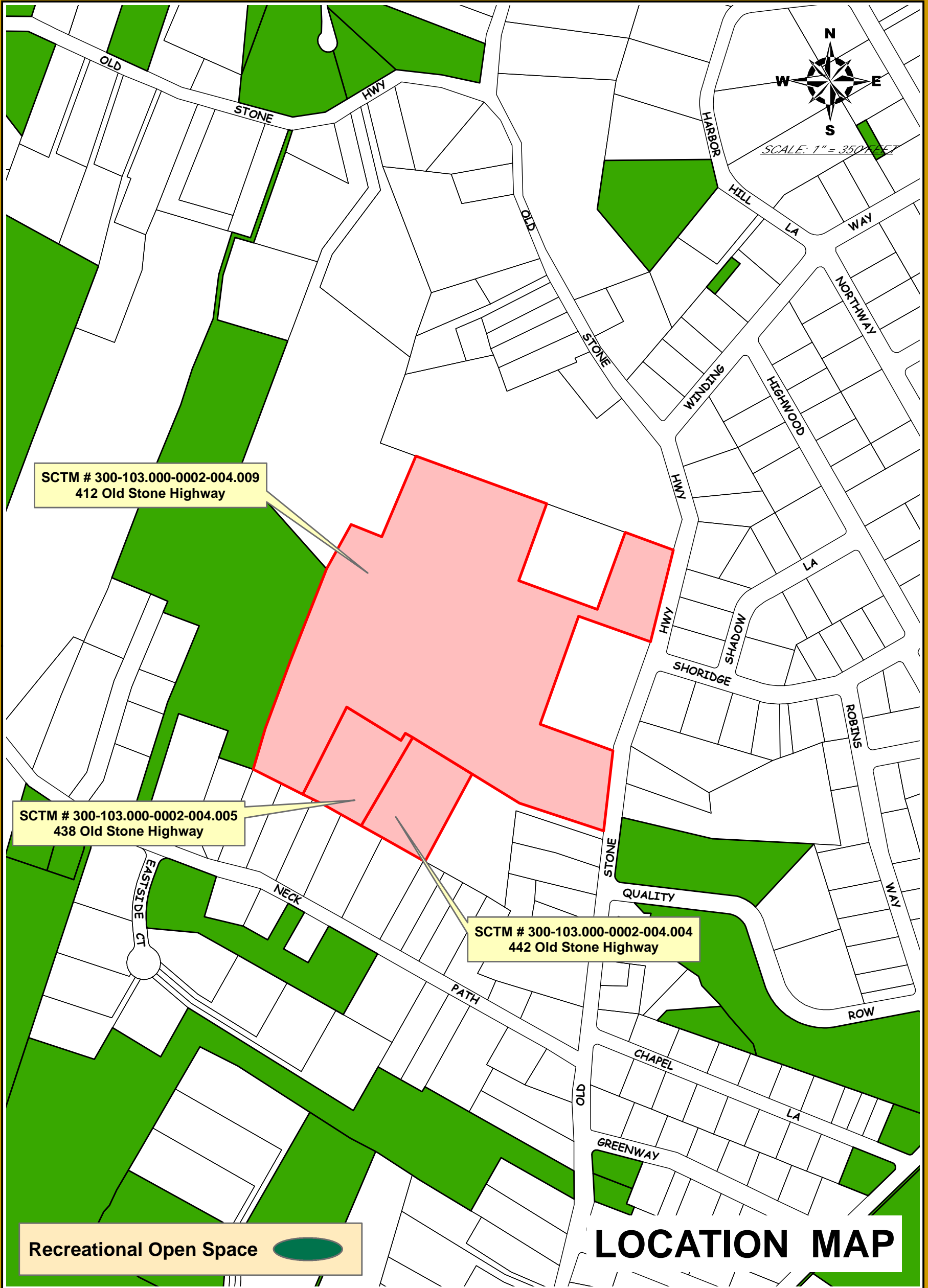
# **NIVOLA**

## **Baseline Documentation**



**Suffolk County Tax Map  
300-103-2-4.4, 4.5 & 4.9  
442, 438 & 412 Old Stone Hwy  
Area 26.65 Acres  
Town of East Hampton, New York**

**The Community Preservation Fund Law was enacted to help protect and preserve open and undeveloped lands in the Town of East Hampton and the Incorporated Villages, including wetlands, woodlands, agricultural lands, shorelands and the other natural resources of the town; for the purposes of protecting historic places and properties within the town; and for the purpose of providing the town's visitors and residents with outdoor recreational opportunities.**



**CPF PROPERTY**



# TOWN OF EAST HAMPTON

## Nivola Property

### Springs School District





## **AUTHORIZE ACQUISITION**

**RES-2009-1222**

Adopted 11/20/2009

**Owner: Claire Nivola & Pietro Nivola**  
**Location: 442, 438 & 410 Old Stone Hwy.,**  
**SCTM #: 300-103-2-4.4, 4.5 & p/o 4.6 respectively**

**WHEREAS**, pursuant to § 247 of the General Municipal Law of the State of New York, the Town Board held a public hearing on **November 20, 2009**, to consider the acquisition of approximately **27.3 acres** of land located on **442, 438 & 410 Old Stone Hwy., Springs**, which land is identified on the Suffolk County Tax Map as **SCTM #300-103-2-4.4, 4.5 & p/o 4.6 respectively**; and

**WHEREAS**, there are three single and separate lots involved in this transaction, lot 300-103-2-4.4 owned by Claire Nivola, lot 300-103-2-4.5 owned by Pietro Nivola, and p/o lot 300-103-2-4.6 owned by both Claire and Pietro Nivola; and

**WHEREAS**, lot 300-103-2-4.6 consisting of approximately 27.6 acres, is proposed to be subdivided creating: (i) an approximately 2.3 acre lot to include the existing structures to be retained by Claire Nivola, (ii) an approximately 2 acre residential building lot to be retained by Pietro Nivola, (iii) a lot line modification to convey approximately 1 acre of land for cemetery purposes to adjoining premises; and (iv) an approximately 22.3 or 23.3 acre lot (depending upon whether the 1 acre lot line modification is effectuated) to be conveyed to the Town;

**WHEREAS**, the Town is seeking to enter a contract of sale for all three transactions, which will provide that the Town will: (i) acquire SCTM #300-103-2-4.5 (consisting of 1.9 acres) on or before December 31, 2009 for the sum of \$850,000, (ii) acquire SCTM # 300-103-2-4.4 (consisting of 2.1 acres) on or before December 31, 2010 for the sum of \$850,000, and (iii) acquire p/o SCTM # 300-103-2-4.6 at the completion of the subdivision process on or about December 31, 2011, whichever is later, for the sum of \$1,476,400 for approximately 22.3 acres or the sum of \$1,495,000 for approximately 23.3 acres; and

**WHEREAS**, the Town's total purchase price can not exceed \$3,195,000 plus survey, title, prorated taxes and other recording charges, the funding source of which is Community Preservation Funds; and

**WHEREAS**, the purpose of said acquisition is preservation of Community Character and Open Space; and

**WHEREAS**, the acquisition of the subject property is classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town Board finds, pursuant to § 64-e (8) of the New York Town Law, that acquisition of the subject property by purchase is the best alternative, of all reasonable alternatives available to the Town, for protection of the community character of the Town of East Hampton, and that such acquisition would be in the best interests of the Town;

***NOW, THEREFORE, BE IT RESOLVED***, that the Supervisor is hereby authorized and directed to enter into a contract of sale with the record owner of the subject property, reputedly **Claire Nivola & Pietro Nivola**, for the purpose of acquiring said property at a cost to the Town of East Hampton not to exceed **\$3,195,000.00**, plus reasonable survey, title, prorated tax, and recording charges; and be it further

***RESOLVED***, that pursuant to contract the Supervisor is authorized and directed to execute any documents and the Town Budget Officer is directed to pay the purchase price and any and all reasonable survey, title, prorated tax, and recording charges, as may be necessary to effect the transfer of title; and be it further

***RESOLVED***, that pursuant to § 64-e of the New York Town Law, the acquisition of subject property also includes the acquisition of development rights and the right of the Town Board to transfer such rights at a future date; and be it further

***RESOLVED***, the monies to be expended for purchase of the foregoing property shall be drawn from the Town of East Hampton **Community Preservation Fund** Budget Account.



**RES-2009-1220**  
**Adopted 11/20/2009**

**Nivola CPF Addition After Hearing**

**WHEREAS**, a public hearing was held by the Town Board of the Town of East Hampton on **November 20, 2009 at 10:30 a.m.**, regarding a Local Law adopting a revised "Community Preservation Project Plan," pursuant to Section § 64-e of the New York Town Law, which provides for the preservation of open space, historic places, and recreational areas within the Town of East Hampton, including the incorporated villages therein, to include lands reputedly owned by **Claire Nivola and Pietro Nivola** and identified on the Suffolk County Tax Map as **SCTMs #s 300-103-2-4.4 & 4.5 respectively**, all as more fully set forth in the text of the Local Law; and

**WHEREAS**, the Town Board has considered the comments of all persons regarding this Local Law, both as submitted in writing and as presented orally at the public hearing; and

**WHEREAS**, the Town Board has prepared and considered Environmental Assessment Forms which evaluate the potential environmental impacts of the proposed Local Law; and

**WHEREAS**, the Board has determined that the adoption of this Local Law will not have a significant negative impact upon the environment; and

**WHEREAS**, the acquisition of this property is considered an unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA) and chapter 128 Environmental Review, of the Town Code; and

**NOW, THEREFORE, BE IT RESOLVED**, that a negative declaration is hereby made pursuant to the State Environmental Quality Review Act (SEQRA); and

**BE IT FURTHER RESOLVED**, that the said Local Law is hereby enacted to read as follows:

LOCAL LAW NO. 25 OF 2009  
INTRODUCTORY NO. 27 OF 2009

A Local Law providing for the adoption of a revised "Community Preservation Project Plan," pursuant to Section § 64-e of the New York Town Law, which provides for the preservation of open space, historic places, and recreational areas within the Town of East Hampton, including the incorporated villages therein, to include lands reputedly owned by **Claire Nivola and Pietro Nivola** and identified on the Suffolk County Tax Map as **SCTMs #s 300-103-2-4.4 & 4.5**, as more fully set forth in the text of the Local Law, said Local Law to read as follows:

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

**SECTION I. - FINDINGS AND OBJECTIVES:**

This local law adopts a revised "Community Preservation Project Plan" pursuant to Section § 64-e of the New York Town Law. The revised plan supplants the Community Preservation Project Plan which was first adopted by the Town Board on August 4, 1998 and adopted as revised on August 5, 2003 and which continues to list all properties whose preservation is necessary to the preservation of the community character of the Town of East Hampton.

The Town Board wishes to amend the plan as most recently adopted on August 5, 2003 to provide for the addition of **approximately 4 acres** of land reputedly owned by **Claire Nivola and Pietro Nivola** located at **438 & 442 Old Stone Hwy., Springs, (SCTMs #s 300-103-2-4.4 & 4.5 )**

SECTION II. - COMMUNITY PRESERVATION PROJECT PLAN ADOPTED:

For the reasons set forth in Section I hereof, the Town Board hereby approves and adopts the addition of **approximately 4 acres** of land at **438 & 442 Old Stone Hwy., Springs**, reputedly owned by **Claire Nivola and Pietro Nivola** and identified as **SCTMs #s 300-103-2-4.4 & 4.5** to the list of Open Space Recommendations in the "Community Preservation Project Plan" prepared by the Town Planning Department and dated August 5, 2003, said plan being intended to constitute, in its revised form, the community preservation project plan which is required by Section § 64-e of the New York Town Law and Article I ("Community Preservation Fund") of the East Hampton Town Code.

SECTION III. - SEVERABILITY:

Should any part or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION IV. - EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

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**AND BE IT FURTHER RESOLVED**, that, as required by Town Law Section § 64-e (6), the Town Clerk is directed to forward copies of this resolution together with copies of the revised Community Preservation Project Plan dated January 19, 2006 to the following State agencies:

Commissioner, New York State Office of Parks, Recreation, and Historic Preservation,  
20th Floor, Agency Bldg. #1, Empire State Plaza, Albany, New York 12238;

Commissioner, New York State Department of Environmental Conservation,  
625 Broadway, Albany, New York 12233-1010; and

Commissioner, New York State Department of Agriculture and Markets,  
1 Winner's Circle, Albany, New York 12235.

DATED: **November 20, 2009**

BY ORDER OF THE TOWN BOARD  
TOWN OF EAST HAMPTON, NEW YORK

FRED L. OVERTON, TOWN CLERK

## Guide for Active Property Management

Surveyor's Initials: AG

Parcel characteristics (description of and habitats on, i.e. fresh water wetlands, beech tree forest, etc.):

woodland

Rare and/or endangered species:

Property characteristics that will be lost if no active management occurs (Estimate timeframe or rapidity that the active management must begin):

Rate at which the invasive species may migrate onto adjoining lands:

Invasives are concentrated on road edge and private property boundaries.

Is the parcel salvageable (weigh our resources against potential gains)?

Opinion/overall assessment/notes on the need and worth of a particular project:

Interior woods are virtually free on invasives. No active management recommended at this time.