

## Re: Cluster Housing amendment



**From** Doug McCown <douamcc@gmail.com>  
**To** PB Chair <planningboard@townoflongisland.us>  
**Date** 2021-03-03 10:11

Hi Steve.

Here are my first thoughts (sometimes these can change, at least in my case).

(A) We're going to require property owners to be in an association. As part of the required subdivision application the developer/subdivider will have to include a document that lays out the obligations of each property/home owner.

(1) How should we label the association? "Association" is probably just right.

What should we call that document? I think "Declaration", or "By-laws". In my experience, a declaration usually includes: definitions, legal title, property descriptions, boundaries, floor plans, common and private elements, rules, expenses and types of, borrowing and liabilities, maintenance of private and common areas, parking, leasing/renting, easements, mortgage and foreclosures of, insurance, record-keeping, utilities common and individual, enforcement, conflict, how to change the declaration, termination and dissolution of the association. Who pays for which part of the utilities (electric, for ex. may have both common and private elements billed). Severability (if owner is not paying taxes it doesn't effect the whole Association, for ex.). A developer can boiler-plate some of these, but many will be unique.

By-laws typically contain powers of the association, statement of nonprofit (or profit), meetings, membership, communications, voting and meeting procedures, board of directors (if there are any), officers (probably have to be these, at least) functions, duties, removal, and tenure, specific financials (budget, bookkeeping, capital v. operational monies, enforcements, restrictions).

There could be still a 3rd doc., Rules and Regs., which translates legal verbiage into common language, and which is meant to be extremely specific (like garbage containers and placement, guest parking management, noise limits, vehicles sizes allowed etc.). Easements and common

utilities sometimes are in here, too.

(2) Right now, the draft has the covenants to cover maintenance and replacement of the community septic and/or water system and the common space. What else should it include? Legal statements as to rights of use of the common space and maintenance thereof, how changes to it can occur (for ex., the Association, or the town, would like to install a playground)... what I can think of, as of now.

(3) Should those costs be equal for each property? Should escrow to cover future costs be included? 1 months escrow is a good idea, for the new Association, but this is an Assoc. matter. Costs can be allocated per the square footage of the plot, or by square footage of each owner's structures.

(B) As part of the required subdivision application the developer/subdivider will have to include a master plan. Right now that has to identify the location of "all proposed roads, structures, parking areas, footpaths, common open space, and private yard space related to individual dwelling units." You had thoughts on what else should be included. Well, I was thinking that all common, Association, and town-owned, electric. Easements, if any. Wells and water feeds to the units, septic et al including feed to (and as Jim stated, secondary area if septic fails), utility vehicles' access to the common area (if needed). That's all I can think of, here.

I hope this is helpful, Steve! You know so much more than I do about these things. I come out to the island at least once a month to see our hourse, and today's the weather, given the sun and yesterday's wind storm. 12:00, return at 4:45, long enough to putz around. I'm available for

more thoughts, etc. if it's helpful

On Wed, Mar 3, 2021 at 8:18 AM <[planningboard@townoflongisland.us](mailto:planningboard@townoflongisland.us)> wrote:

Doug

I'm working on the revisions. I could really use your input.

(A) We're going to require property owners to be in an association. As part of the required subdivision application the developer/subdivider will have to include a document that lays out the obligations of each property/home owner.

(1) How should we label the association? What should we call that document?

(2) Right now, the draft has the covenants to cover maintenance and replacement of the community septic and/or water system and the common space. What else should it include?

(3) Should those costs be equal for each property? Should escrow to cover future costs be included?

(B) As part of the required subdivision application the developer/subdivider will have to include a master plan. Right now that

has to identify the location of "all proposed roads, structures, parking areas, footpaths, common open space, and private yard space related to individual dwelling units." You had thoughts on what else should be included.

Steve

--

Doug McCown

727 365 7242

[douamcc@gmail.com](mailto:douamcc@gmail.com)