

DECLARATION OF RESTRICTIVE COVENANTS

PLAINVIEW PROPERTIES, SPE, LLC, fee owner, with a business address of 1600 Old Country Road, Suite 101, Plainview, New York 11803, and BEECHWOOD POB LLC, contract vendee, with a business address of 200 Robbins Lane, Suite D-1, Jericho, New York 11753, do, by this declaration, dated May, 12, 2015, declare as follows:

WHEREAS, said Declarants, PLAINVIEW PROPERTIES, SPE, LLC, and BEECHWOOD POB LLC, petitioned the Town Board of the Town of Oyster Bay for a Change of Zone from the OB Office Building ("OB) and R1-1A One-Family Residence ("R1-1A") Districts to the RSC-25 Multi-Family Senior Citizen Residence ("RSC-25"), RMF-16 Multi-Family Residence ("RMF-16") and GB General Business ("GB") Districts, and rescission of a Declaration of Restrictive Covenants dated February 11, 1998 and recorded in the Office of the Clerk of Nassau County, and Site Plan Approval to erect mixed, multi-family housing in the RMF-16 Multi-Family Residence ("RMF-16") District area of the premises, price-controlled senior housing in the RSC-25 Senior Citizen Residence ("RSC-25") District area of the premises, and commercial uses in the General Business ("GB") District area of the premises, and to dedicate land to the Town of Oyster Bay for open space and recreation uses, for property located at the southwest corner of Old Country Road and Round Swamp Road, in Plainview, Town of Oyster Bay, County of Nassau, State of New York, said premises being described as Section 47, Block E, Lots 747B, 747D, 747E, 748A, and 748D on the Land and Tax Map of Nassau County; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on February 4, 2014, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town Board of the Town of Oyster Bay, by Resolution No. 280-2015, dated May 12, 2015, approved said application subject to the execution of a Declaration of Restrictive Covenants; and

WHEREAS, the facilities to be developed on the 57.93 acres of land to be conveyed to the Town have not yet been decided. When the proposed development and the associated property dedication proceed, the Town will undertake an extensive public outreach process to obtain wide-ranging input on the community's goals and objectives for this land; AND

WHEREAS, said Declarants, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, do hereby voluntarily impose the following covenants and restrictions with respect to the property located at the southwest corner of Old Country Road and Round Swamp Road, Plainview, Town of Oyster Bay, New York, described as Section 47, Block E, Lots 747B, 747D, 747E, 748A, and 748D, on the Land and Tax Map of Nassau County, which covenants and restrictions will run with the land and be binding upon said Declarants, their successors and/or assigns,

Reviewed By
Office of Town Attorney

Sec 47
Blk. E
Lts. 747B,
747D, 747E,
748A & 748D

19. That all shrubs, trees and landscaping shall be maintained in healthy condition and replaced when necessary.

20. That any and all signs that are to be erected and maintained are to comply with all applicable provisions of present laws or ordinances of the Town of Oyster Bay.

21. That waste, debris, garbage and refuse shall be disposed of in accordance with applicable statutes, rules and ordinances. Dumpsters shall not be located adjacent to residentially occupied property.

22. That parking shall only be permitted in designated areas, and all driveway areas shall remain open at all time for fire and emergency apparatus.

23. That the subject premises shall strictly conform to all the requirements of the New York State Uniform Fire Prevention and Building Code with respect to sprinklers, fire safety equipment, exits, soundproofing and handicapped accessibility.

24. That no exterior audio communications system shall be utilized or maintained on the subject premises so as to be audible to neighboring properties.

25. That no Certificates of Occupancy shall be issued unless and until the Declarants have submitted, and the Town approves, all of the specific component plans contemplated by the site plan, including but not limited to grading plans, utility plans, drainage structure tables, profiles, erosion control plans, handicapped accessibility grading plans, landscape plans, existing conditions/demolition plans, drainage details, lighting plans, foundation plans, front and side elevations, front and rear elevations, front and right side building elevations, front and left side building elevations, roof plans, first and second floor plans, gatehouse elevations, gatehouse floor plans; that no Certificates of Occupancy shall be issued unless and until the Declarants develop the athletic fields on the subject premises in accordance with the contemplated consensus plan, or, in the alternative, clear and grade for the athletic fields if plans for the athletic field have not been completely formulated, or cannot be fully implemented in advance of the issuance of a Certificate of Occupancy for the shopping center, and that no Certificates of Occupancy shall be issued unless and until the Declarants develop the site in conformance with the below listed plan prepared by Nelson & Pope Engineers & Surveyors, Melville, NY, reviewed in accordance with Section 246-6, "Site Plan Review", of the Zoning Code of the Town of Oyster Bay, recommended for acceptance by Timothy R. Zike, Deputy Commissioner of the Department of Planning and Development, by memorandum dated May 7, 2015, and approved by the Town Board of the Town of Oyster Bay, and all of the aforementioned component plans, including any and all amendments that the Town Board may have required to said plans. Any major modifications to said plans subsequent to approval by the Town Board may be done only by Town Board Resolution. The plan is as follows: