



**Special Meeting  
Central Pine Barrens Commission Meeting Agenda  
Wednesday, December 7, 2022 at 10:00 am  
Town of Brookhaven  
One Independence Hill  
Farmingville, NY 11738**

**IN PERSON MEETING, NO REMOTE OPTION**

- 1. Public Comment**
- 2. Planning, Land Use and the Pine Barrens Credit Program**

Yvette Aguiar  
*Member*

Steven Bellone  
*Member*

Robert Calarco  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

*Core Preservation Area, Compatible Growth Area, Critical Resource Area*

- a. Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue / development of a seasonal resort community, 118 seasonal residences and 12 year-round workforce housing units, 18-hole private golf course, clubhouse, a sewage treatment plant, recreational uses, ponds, roads, infrastructure on 607.87 acres on 178 tax parcels / discussion and deliberation of draft amendment / hearing record closed / (Ms. Hargrave)

- 3. Public Comment**
- 4. Closed Advisory Session (if necessary)**

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
[www.pb.state.ny.us](http://www.pb.state.ny.us)

Next Commission Meeting  
Wednesday, December 21, 2022 at 2:00 pm  
For meeting information visit <https://pb.state.ny.us/>



**Central Pine Barrens Joint Planning and Policy Commission  
Special Meeting  
Wednesday, December 7, 2022  
Brookhaven Town Hall, Farmingville, NY**

**Draft Resolution to Amend the Commission’s Decision for the  
Lewis Road Planned Residential Development  
Assertion of Jurisdiction Application dated January 20, 2021**

Present:

- \_\_\_\_(State of New York),
- \_\_\_\_(Suffolk County),
- \_\_\_\_ (Brookhaven),
- \_\_\_\_ (Riverhead),
- \_\_\_\_(Southampton)

Yvette Aguiar  
*Member*

Steven Bellone  
*Member*

Robert Calarco  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

Whereas, by DLV Quogue, LLC, DLV Quogue Owner LLC, DLV Parlato Parcel 1, LLC, DLV Parlato Parcel 2, LLC, DLV Parlato Parcel 3, LLC, DLV Parlato Parcel 4, LLC, and DLV Parlato Parcel 5, LLC, (hereinafter collectively referred to as “DLV”) propose to develop the Lewis Road Planned Residential Development consisting of 118 seasonal residences, 12 year round workforce housing residences, an 18-hole private golf course, a sewage treatment plant, a clubhouse, recreational amenities, access road, ponds, drainage and other infrastructure on a 607.87 acre site, in the hamlet of East Quogue, in the Town of Southampton, as shown in the Master Plan Overlay dated October 4, 2022 and received by the Commission on November 8, 2022, prepared by Nelson & Pope (the “Project”) and

Whereas, the Commission asserted jurisdiction over the Project and on January 20, 2021 determined that the Project conformed with the Standards and Guidelines contained in the Central Pine Barrens Comprehensive Land Use Plan (the “2021 Determination”), and

Whereas, DLV made changes to the Project and submitted a Site Plan and Final Subdivision Map containing the changes to the Town of Southampton Planning Board for review, and

Whereas, on August 17, 2022 the Planning Board referred the Site Plan and Final Subdivision Map reflecting the changes (the “Revised Proposal”) to the Commission, and

Whereas, on September 7, 2022, DLV submitted additional information on the Revised Proposal to the Commission, and

Whereas, the Commission by letters dated September 21, 2022 and October 19, 2022, provided comments on the Revised Proposal to the Southampton Town Planning Department, and

Whereas, DLV, on November 8, 2022, provided information to the Commission in response to the Commission’s comments, and

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Whereas, the Commission has reviewed the materials submitted for the Revised Proposal in order to determine whether it is consistent with the Commission's Decision, and

Whereas, the Revised Proposal modified the Project by:

1. Adding a new 2.5 acre access road called Eden Path to the Project, while reducing other areas of the Project by 0.58 resulting in a total site area of 610.37 acres (the "Project Site").
2. Developing Eden Path from Lewis Road on tax lot 900-288-1-64.001 in accordance with the easement between DLV and East Quogue Farms, LLC filed on December 15, 2021.
3. Increasing the Project's drainage capacity to manage a 3 inch rain event rather than a 2 inch event through the use of defined drainage shed areas as per the drainage plans dated November 7, 2022 prepared by Nelson & Pope sheets 1 through 37.
4. Reducing the total Project Site clearing authorized in the 2021 Determination by 0.18 acres, resulting in a total clearing of 171.75 acres as shown on the map titled "Central Pine Barrens Comprehensive Land Use Plan (CLUP) Compliance Exhibit" dated November 7, 2022 prepared by Nelson & Pope and received on November 8, 2022.
5. Designating 436 acres of the Project Site as Open Space to be protected as follows:
  - a. 203 acres of open space will be dedicated to the Town of Southampton.
  - b. 233 acres will be privately held in a Homeowner's Association.
6. Implementing the Clearing and Construction Phasing Plan, prepared by PWGC and last dated November 3, 2022, which identifies four construction zones as follows:
  - a. Activities in Construction Zone 1, in the southwest corner of the site are estimated to be completed by May 1, 2024.
  - b. Activities in Construction Zone 2, in the western portion of the site, are estimated to be completed by February 1, 2025.
  - c. Activities in Construction Zone 3, in the northeast corner of the site, are anticipated to commence on January 1, 2023 and end December 31, 2026.
  - d. Activities in Construction Zone 4, in the southeast corner of the site, are anticipated to commence on February 1, 2023 and end December 31, 2026.
  - e. Activities listed in each zone include tree felling and clearing operations that precede the construction of infrastructure including roadways and uses including housing and the golf course

Whereas, the Commission finds that the Project as modified by the Revised Proposal conforms with the Plan Standards and Guidelines as follows:

- a. the Project will conform with Article 6 of the Sanitary Code by its demonstration of residential yield of one single-family residence per acre in the Town's five acre zoning district and the Town Zoning Board decision on the golf course use; a tertiary

treatment sewage treatment plant will be constructed for wastewater management generated by the Project; the Project will achieve a 0.26 mg/l nitrogen concentration when balanced over the entire project site, excluding background nitrogen concentrations, which is below the 2.5 ppm concentration limit as per the Guideline; permits will be obtained to comply with Article 12 of the Sanitary Code; NYSDEC irrigation well permits will be obtained, and

- b. stormwater will be recharged on site and prior to disturbance, approval of the SWPPP will occur to the satisfaction of the Town Engineer with a 3 inch drainage capacity; drainage reserve areas are delineated in the grading plan to demonstrate conformance with the Plan Guidelines; soil erosion will be controlled using stabilization measures and erosion control practices during construction and installation of silt fencing during all construction activity prior to commencement of disturbance; no retaining walls will be developed; and
- c. no wetlands are present on the Project Site; no soil exports are proposed and excavated material will be reused in the Project; the Project conforms with the vegetation clearance limit based on zoning as of 1995 and the maximum 15% maximum fertilizer dependent vegetation limit; the project will implement an Integrated Turf Health Management Plan for the controlled applications of pesticides and herbicides in the golf course and landscaped areas, and
- d. the Project is a cluster plan with unfragmented open space to the greatest extent practicable while considering factors including steep slope topography and utilizing previously cleared areas of the Project Site; native species will be used in the landscape plan and where possible transplanted plantings will be reused; the Project will adhere to measures required by the NYSDEC to protect state and federal listed species and habitat including the Threatened Northern Long-eared Bat; open space will be dedicated and also privately held by a Homeowner's Association for its protection in perpetuity and no additional density will be generated by the contiguous and noncontiguous open space property; and
- e. steep slope topography will be protected to the maximum extent practicable while achieving the cluster development; no cultural artifacts were identified in the archaeological survey; the Project will protect the character of the Pine Barrens and views of the Project Site by the design and installation of manmade structures that meet standards consistent with the character of the area including minimal signage that is limited in size and designed with colors and materials that reflect the local landscape and preserve roadside views, and
- f. in order to conform with Plan Guidelines to protect scenic features of the roadside and views, there will be no fencing other than split rail adjacent to open space and deer fencing only is permitted adjacent to existing development and upon the Commission's written approval, and

Whereas, the Revised Proposal does not materially alter the Project and no significant adverse environmental impacts will occur as a result of the Revised Proposal that require additional SEQRA review, and

Whereas, the Commission finds that Revised Proposal does not materially modify the Project and that the Project as modified by the Revised Proposal conforms with the Plan Standards and Guidelines as per the Decision, now, therefore, be it

Resolved, the foregoing recitals are incorporated herein, and be it further

Resolved, that Revised Proposal does not materially alter the Project and no significant adverse environmental impacts will occur as a result of the Revised Proposal which require additional SEQRA review, and be it further

Resolved, the 2021 Determination is incorporated by reference herein and its conditions remain in full force and effect, and DLV must fully satisfy all of the conditions contained therein, unless modified by this Determination, and be it further

Resolved, as a result of the Revised Proposal, DLV must satisfy the following additional conditions:

1. DLV must record legal instruments, approved by the Commission and granted to the Commission, prior to any site disturbance to ensure:
  - a. That the Project or its elements are not changed without the prior written approval of the Commission.
  - b. Only passive unpaved, hiking trails, may occur on the open space and no disturbance may occur unless the same is consistent with the recorded instruments.
  - c. Fertilizer-dependent vegetation is limited to no more than 91.18 acres of the Project Site in developed areas and uses including the golf course and landscaping.
  - d. The legal instruments must be indexed against all of the parcels in the Project Site.
  - e. There shall be no operations or uses constituting development pursuant ECL §57-0107, on, or in the Property, unless otherwise expressly authorized by the 2021 Determination and this Determination.
  - f. There shall be no operations or uses not constituting development pursuant to ECL §57-0107 of, on, or in the Property, unless otherwise expressly authorized by the 2021 Determination and this Determination.
2. The 2021 Determination and this Determination must be filed in the Office of the Suffolk County Clerk against the Property.
3. Prior to commencing site disturbance DLV must provide to the Commission a map prepared by a surveyor or professional engineering licensed to practice in New York that demonstrates the clearing proposed on the Project Site and the map must contain the amounts of and identify the areas of existing and proposed clearing and open space.
4. Prior to any site disturbance, the Master Plan map dated October 4, 2022 must be revised to depict all areas of clearing, grading and open space. The revised map must be approved by the Commission staff before any site disturbance may occur.
5. Construction Phasing Plan
  - a. Certify by a professional engineer licensed to practice in New York the Construction Phasing Plan dated November 3, 2022 Sheets 1 through 6,

- prepared by P.W. Grosser Consulting Engineer & Hydrogeologist, P.C. to the Commission.
- b. Implement the Construction Phasing Plan including tree felling and clearing in the sequence presented.
6. Temporary fencing
    - a. Record legal instruments prior to installing snow fencing on the clearing limits.
    - b. Once the snow fence is installed to identify the clearing limits, notify the Commission office for an inspection prior to site disturbance for construction.
    - c. Disturbance to install snow fencing on the clearing limits and if necessary, chain link fencing for security purposes, must be minimal and must occur within the Project clearing limits. No material alteration of grade or vegetation may occur to install the fencing.
    - d. If chain link fencing is necessary for security purposes during implementation of the construction phasing plan and it will be removed after construction is complete, by December 31, 2026, chain link fence may be installed on the construction limit and clearing boundaries and not on the outer limits of open space, which would prevent wildlife movement through the open space and is beyond the construction boundaries.
    - e. Maneuver around large trees where they intersect the clearing limit. Include large trees in the protection area where feasible when they intersect the clearing limit.
    - f. Remove all temporary fencing when construction is complete.
  7. Permanent fencing:
    - a. Split rail fencing may be installed adjacent to open space on the north and east sides of the Project to allow for the uninterrupted passage of wildlife.
    - b. Deer fencing only may be installed immediately coterminous with improved areas, as necessary, upon a showing to the Commission of the necessity and upon a written approval of the Commission.
  8. No regulated activity may occur outside of December 1 through February 28 absent NYSDEC approval which must also be provided to the Commission.
  9. An ecologist must be on the Project Site during tree felling, clearing and excavation activity. The ecologist must have adequate staff to perform continuous wildlife sweeps to relocate wildlife to surrounding open space habitats during felling, clearing and excavation activities. Provide a summary report of this activity identifying the species encountered and relocation efforts after each construction phase when this activity occurs.
  10. Proof, acceptable to the Commission, must be submitted of DLV's interest in all of the parcels in the Project Site.
  11. Provide a certified copy of the recorded subdivision map.
  12. Submit to the Commission a copy of the final signed and stamped subdivision map, the site plan and Town Southampton Planning Board decisions.
  13. Cease construction if cultural artifacts are encountered. Notify the Town Supervisor's office and obtain authorization prior to recommencing construction activities.
  14. Update the Groundwater Monitoring Plan Rev. 2 prepared by P.W. Grosser Consulting, Inc. dated March 2022 with the existing data on the Project including the areas to be developed, cleared, open space, project description and related Project elements.

15. Submit an As Built Plan to the Commission at the end of each construction phase.
16. Submit an As Built Plan to the Commission at the end of construction of the entire Project and prior to issuance of Certificates of Occupancy.
17. The Subdivision Map titled "Overall Development Plan" dated November 7, 2022 prepared by Nelson and Pope Drawing C-102 Sheet No. 2 of 37, does not show all of the Project Site, which is a cluster plan. Either revise it to add all of the parcels in the cluster plan or add a second sheet to the map that reflects the non-contiguous cluster development including all other parcels utilized for the Project and not presently shown in the map.
18. Provide a map that identifies the emergency access and construction access locations if they are proposed.
19. The Commission must be granted enforcement authority under any instrument granted to a public corporation to protect open space on the Project Site.

Resolved, the terms of this Determination apply to DLV, its successors and assigns, and be it further

Resolved, the Project must conform to all other involved agency jurisdictions and permit requirements in effect on the project site, and be it further

Resolved, the expiration of the Commission's decision is Ten (10) years from the date first written above

Motion by:  
Second by:  
Vote:  
Yes:  
No:  
Abstain:

**DECLARATION OF COVENANTS AND RESTRICTIONS**

(CBPC)

**THIS DECLARATION**, made the \_\_\_\_ day of \_\_\_\_\_, 2022, by DLV QUOGUE, LLC; DLV QUOGUE OWNER, LLC; DLV PARLATO PARCEL 1, LLC; DLV PARLATO PARCEL 2, LLC; DLV PARLATO PARCEL 3, LLC; DLV PARLATO PARCEL 4, LLC; and DLV PARLATO PARCEL 5, LLC, each a Limited Liability Company duly organized and authorized to do business in the State of Delaware, with offices 14605 North 73rd Street, Scottsdale, Arizona 85260 (hereinafter collectively referred to as the “Declarants”).

**WITNESSETH:**

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (hereinafter referred to as the “Commission”), having offices at 624 Westhampton-Riverhead Road, Westhampton, New York 11978, was created pursuant to the Long Island Pine Barrens Protection Act of 1993, codified in New York State Environmental Conservation Law (“ECL”) Article 57 (hereinafter referred to as “Article 57”); and

WHEREAS, the Declarants are the owner of certain real property situate in the hamlet of East Quogue, Town of Southampton, County of Suffolk, State of New York, consisting of separate parcels totaling approximately 607.87 acres, more specifically described in Schedule “A” annexed hereto, hereinafter referred to as the “Property”; and

WHEREAS, the Property is located within the Central Pine Barrens area as bounded and described in Article 57; and

WHEREAS, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (hereinafter referred to as the “Plan” or “CLUP”) pursuant to Article 57 and has jurisdiction over certain activities within the Central Pine Barrens; and

WHEREAS, the Declarants, propose to subdivide said Property into a clustered residential subdivision with 118 seasonal single family residences/units and 12 year round workforce housing residences, with accessory amenities for the residents and their guests residential lots/units, including an 18-hole private golf course, clubhouse, swimming pools, ball fields, tennis courts, sports courts, two



ponds, roads, drainage reserve areas, and other amenities, parking areas, lighting, landscaping and other infrastructure, with open space areas, as shown on the final subdivision map entitled, “**Lewis Road Planned Residential Development,**” prepared by Nelson & Pope, Engineers - Architects - Surveyors, last dated ===== which subdivision map is to be filed in the Office of the Clerk of the County of Suffolk (hereinafter referred to as the “Lewis Road PRD Subdivision” or the “Project”)) and

WHEREAS, pursuant to ECL § 57-0123 of the Environmental Conservation Law, the Commission asserted jurisdiction over the Lewis Road PRD Subdivision and the Declarants applied to the Commission for a determination on whether the Project conformed with the Commission’s Plan; and

WHEREAS, by Findings Statement and Determination, dated on January 20, 2021, attached hereto and made a part hereof as Exhibit A, the Commission determined that the Project conformed with the Plan,

WHEREAS, subsequent to the January 20, 2021 Determination, Declarant made nonmaterial modifications to the Project (the “Revised Proposal”) to the Commission for its review; and

WHEREAS, by resolution dated December 7, 2022, attached hereto and made a part hereof as Exhibit B determined that “Revised Proposal” conformed with the Plan and the January 20, 2021 and December 7, 2022 determinations are hereinafter collectively referred to as the “Determinations”; and

WHEREAS, for and in consideration of the granting of said Determinations, the Commission has deemed it to be for the best interests of the future owners of said lots and the homeowner’s association to be established simultaneously with the filing of the subdivision map that the within covenants and restrictions be imposed on said Property and as a condition of said Determinations the Commission has required that the within Declaration be recorded in the Suffolk County Clerk’s Office; and

WHEREAS, the Declarants have considered the foregoing and have determined that same will be in the best interests of the Declarants, the homeowner’s association to be established simultaneously with the filing of the subdivision map and subsequent owners of said Property;

**NOW, THEREFORE, THIS DECLARATION WITNESSETH:**

That the Declarants, for the purposes of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the Property is subject to the following covenants, restrictions and agreements, which shall run with the land and shall be binding upon all purchasers and holders of said Property, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

(1) That at no time after the filing of the subdivision map in the Office of the Suffolk County Clerk shall the maximum concentration of nitrate-nitrogen in recharge exceed the limit of 2 mg/l as calculated over the Property using mass-balance analysis consistent with methodologies used to support the Commission's Findings and Approval under the Central Pine Barrens Comprehensive Land Use Plan Guideline 5.3.3.1.3 (Nitrate-Nitrogen goal). The responsibility to assure compliance with this limit shall be with the homeowner's association pursuant to the Groundwater Monitoring Program for the Property established with the Town of Southampton.

(2) That at no time after the filing of the subdivision map in the Office of the Suffolk County Clerk shall the Property generate any additional population density yield as defined by the Suffolk County Department of Health Services in excess of the 118 residential units and 12 workforce housing units set forth in the Approvals.

(3) That at no time after the filing of the subdivision map in the Office of the Suffolk County Clerk shall greater than 15% of the Property be placed in fertilized vegetation.

(4). That at no time after the filing of the subdivision map in the Office of the Suffolk County Clerk will the Project or its elements be changed without the prior written approval of the Commission.

(5) There shall be no operations or uses constituting development pursuant ECL §57-0107, on, or in the Property, unless otherwise expressly authorized by the Determinations.

(6) There shall be no operations or uses not constituting development pursuant to ECL §57-0107 of, on, or in the Property, unless otherwise expressly authorized by the Determinations.

(4) That at no time after the filing of the subdivision map in the Office of the Suffolk County Clerk shall the portions of the Property designated on the aforesaid subdivision map as

Open Space or Conservation Easement or both as more specifically described in Schedule “B” annexed hereto (hereinafter collectively referred to as the “Open Space Areas”) be disturbed for development. Said Open Space Areas, shall remain in their current, undisturbed, natural state; and to prevent the degradation or loss of the ecological and aesthetic value of said Open Space Areas and to guard against any physical encroachment and the lateral movement of silts and fertilizers, the Declarant, their heirs, legal representatives, successors and assigns, hereby covenants and agrees that the following shall be adhered to on and within the Open Space Areas:

(a) No site-disturbance, re-grading or dredging shall be conducted within said Open Space Areas and no fill, debris or spoil shall be placed on or within said Open Space Areas.

(b) No soil, loam, sand, stone, gravel, rock, mineral or other material shall be excavated or removed from or placed on said Open Space Areas.

(c) Nothing shall be permitted to occur within said Open Space Areas that would contribute to the erosion of the soils therein. Appropriate erosion control and sedimentation control measures shall be taken to ensure that storm water runoff, which may occur during or immediately after the development and improvement of the subdivision, or which may result therefrom, shall not carry sediments and other deleterious materials into the Open Space Areas.

(d) No streets, roadways or other rights-of-way or easements for vehicular use shall be constructed or granted within the said Open Space Areas.

(e) No trees, plants or other vegetation located thereon, shall be killed, destroyed, cut, or removed from the said Open Space Areas, except with the prior written consent and approval of the Commission or its successor.

(f) No trees, plants or other vegetation shall be artificially transplanted into the said Open Space Areas, except for the planting of native vegetation with the prior written consent and approval of the Commission or its successor.

(g) No fertilizer, herbicide or insecticide shall be applied, deposited, sprayed, or otherwise utilized within the said Open Space Areas.

(h) No liquid or sewage waste or other objectionable or offensive material or refuse shall be permitted to be discharged into the said Open Space Areas, nor shall any portion thereof be used as a leeching field for sewage disposal or for the placement, construction or maintenance of individual or shared septic systems.

(i) No dumping, placement, storage or burning of any liquid or solid waste, garbage, ashes, sawdust, trash, rubbish, refuse or other objectionable, unsightly, or offensive material shall be permitted on or within the said Open Space Areas.

(j) The said Open Space Areas shall forever be kept open and free of all buildings and other structures, including but not limited to all signs, billboards or other forms of visual advertisement or display, walls, fences and berms.

(k) The said Open Space Areas shall not generate any additional population density yield.

(l) Notwithstanding any provisions of this Declaration to the contrary, nothing herein shall be construed as precluding the Declarant, their heirs, legal representatives, successors and assigns, from instituting necessary conservation measures to protect and conserve the natural resources and features which are the subject of this Declaration, provided that said conservation measures protect and conserve the natural resources and features which are the subject of this Declaration, provided that said conservation measures are part of a CONSERVATION MANAGEMENT PLAN which must be submitted to and approved by the Commission or its successor prior to implementing the conservation measure contained therein. Said plan may include the selective removal of noxious, dead or decayed vegetation and shrubbery, including tree trunks and limbs.

(m) Notwithstanding any provisions of this Declaration to the contrary, nothing herein shall be construed as precluding the Declarant, their heirs, legal representatives, successors and assigns, from maintaining and using existing footpaths or trails extending throughout the Open Space Areas pursuant to the terms of the Conservation Management Plan.

(n) Notwithstanding the provisions hereof, the Declarant, their heirs, legal representatives, successors and assigns, reserves the right to the exclusive use and possession of said Open Space Areas insofar as such use and possession is not inconsistent with the conditions, covenants, agreements, provisions and use restrictions hereinabove set forth and the Declarant, their heirs, legal representatives, successors and assigns, may exclude the general public or any designated person or persons from the use of or entry upon said Open Space Areas, except that the Commission shall have the continuing right in accordance with applicable laws and regulations to inspect said Open Space Areas, for the purpose of monitoring compliance with the

conditions, covenants, agreements, provisions and use restrictions of this Declaration have not and are not being violated.

(o) Notwithstanding any provisions of this Declaration to the contrary, nothing herein shall be construed as precluding the Declarant, their heirs, legal representatives, successors, and assigns, from dedicating or granting the fee title or conservation easements to the Town of Southampton over the Open Space Areas if the Commission is granted a third party enforcement right to enforce the terms of this Declaration.

The Covenants and Restrictions contained herein Covenants and Restrictions contained herein shall be construed to be in addition to and not in derogation or limitation upon any local, state or federal laws, ordinances, regulations or provisions in effect at the time of execution of this agreement, or at the time such laws, ordinances, regulations and/or provisions may hereafter be revised, amended or promulgated.

The Covenants and Restrictions contained herein shall be enforceable by the Central Pine Barrens Joint Planning and Policy Commission under the provision of the New York State Environmental Conservation Law, by injunctive relief or by any other remedy in equity or at law. The failure of the Central Pine Barrens Joint Planning and Policy Commission or any of its agencies to enforce same shall not be deemed to affect the validity of this covenant nor to impose any liability whatsoever upon the Central Pine Barrens Joint Planning and Policy Commission or any officer or employee thereof.

If any section, subsection, paragraph, clause, phrase or provision of these covenants and restrictions shall, by a Court of competent jurisdiction, be adjudged illegal, unlawful, invalid or held to be unconstitutional, the same shall not affect the validity of these covenants as a whole, or any other part or provisions hereof other than the part so adjudged to be illegal, unlawful, invalid or unconstitutional.

The within Declaration is made subject to the provisions of all laws required by law or by their provisions to be incorporated herein, and they are deemed to be incorporated herein and made a part hereof, as though fully set forth.

The within Declaration shall run with the land and shall be binding upon the Declarants, its successors and assigns, and upon all persons or entities claiming under them, and may not be annulled, waived, changed, modified, terminated, revoked or amended by the Declarants, their

heirs, executors, legal representatives, distributees, successors and assigns, and/or the homeowner's association to be established simultaneously herewith, unless and until approved by the Central Pine Barrens Joint Planning and Policy Commission or its successor.

**IN WITNESS WHEREOF**, the Declarants above named have executed the foregoing Declaration the day and year first above written.

**DLV QUOGUE, LLC**

By: \_\_\_\_\_

**DLV QUOGUE OWNER, LLC**

By: \_\_\_\_\_

**DLV PARLATO PARCEL 1, LLC**

By: \_\_\_\_\_

**DLV PARLATO PARCEL 2, LLC**

By: \_\_\_\_\_

**DLV PARLATO PARCEL 3, LLC**

By: \_\_\_\_\_

**DLV PARLATO PARCEL 4, LLC**

By: \_\_\_\_\_

**DLV PARLATO PARCEL 5, LLC**

By: \_\_\_\_\_



STATE OF NEW YORK )

ss.:

COUNTY OF SUFFOLK )

On the \_\_\_\_ day of \_\_\_\_ in the year **2022**, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

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NOTARY PUBLIC

STATE OF NEW YORK )

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NOTARY PUBLIC