

SECTION II

DEVELOPMENT POLICIES #1-6

A. INTRODUCTION

Policies #1-6 of the LWRP address coastal zone development and land use issues, especially water-dependent uses and redevelopment or revitalization of underutilized or deteriorated sites. This section of the LWRP provides land use information and a discussion of development issues. It is formatted to provide a general background as well as reach-specific information directed at the individual policies.

1. Location and Setting

East Hampton is the easternmost town in Suffolk County on Long Island. It extends from a western border with Southampton Town at Town Line Road in Wainscott, through Sag Harbor to the north, and east to Montauk Point, the easternmost tip of the island. The Town has approximately 110 miles of coastline including several sheltered harbors along its northern bay shore.

Like much of the rest of Long Island, the Town traces its geologic origin to sediment deposits from the advance and retreat of the glaciers. Consequently, the Town's coastal zone has two basic kinds of land forms, the original glacial depositions and secondary lands built up from eroded sediments carried by the longshore drift or from offshore. The latter constitute the Town's justifiably famous sandy beaches, infill areas and sandy spits. The glacial topography in the coastal zone exhibits great variety, from knob and kettle terrain to the small harbors and coastal ponds formed by meltwater channels and later closed by littoral drift. Bluffs of glacial till tower over 100' along the Town's shore at a number of locations. Most are composed of sandy/gravelly material but some contain predominantly clay sediments which, as they erode, form spectacular "hoodoos" along the ocean shore in Montauk.

2. Evolution of Land Use in East Hampton

The history of development in East Hampton began with pre-colonial aboriginal settlements, and underwent its first radical change with the advent of the European colonists and their agricultural and fishing subsistence economy.

While pre-contact native culture is generally thought to have had little impact on the landscape, the natives actively managed the landscape in ways distinct from their colonial successors to optimize food production. In accord with their semi-communal tribal culture they regularly burned undergrowth to provide a park-like hunting environment and cleared patches of forest for subsistence agriculture, planting maize, beans and squash, moving the fields when fertility declined. In keeping with their communal concepts of landholding the Indians made few territorial distinctions and shared the abundant natural resources, shifting habitations to follow seasonal food sources, and living flexibly within the limitations of the environment.

The arrival of colonial settlers brought European concepts of land ownership with private property holdings delimited by metes and bounds, English practices of agriculture and husbandry, and the rapid decline of Native American culture due to pestilence, alcohol and colonial persecution. Not only did the land ownership change from communal to private, the establishment of permanent fields and dwellings bounded by fences irrevocably altered the ecology.

Browsing by domesticated swine and cattle and introduction of alien plant species transformed forest floors and meadow communities with consequences that continue to the present day. A mercantile economy based on exploiting natural resources supplanted the subsistence practices of the natives and early settlers. Timber was harvested for construction and export, the oaks and great white pines of Northwest Woods felled for masts and timbers for the British Navy, and the land was cleared for crops, fodder and grazing (Cronon, 1983).

For two centuries there was gradual expansion, evolving in the nineteenth century more and more toward market-oriented agriculture, commodity production and coastal trade. Except for the offshore whaling industry centered in Sag Harbor, until the end of the 19th century East Hampton Town remained an agricultural and fishing outpost linked to the rest of the mid-Atlantic economy by coastal shipping and eventually the railroad.

The second radical transformation in land use occurred with the post-World War II building boom and the metamorphosis to the present day resort and tourist community. The economic expansion and the advent of a leisure time economy coupled with improved transportation made East Hampton's shores an irresistible summer draw for thousands of sweltering New Yorkers.

The early development patterns were largely dependent on resources and geography. The original colonial settlement established in 1648 was located in the fertile coastal plain along Hook Pond in what is presently the incorporated Village of East Hampton, then called Maidstone. Amagansett and Wainscott developed later as outlying areas were settled and cleared for their fertile farmland. Early settlers avoided the sandy storm-raked shores and the exposed sections of the coast. North of the coastal outwash plain in Northwest and Springs, where the soil is generally less fertile, the settlements were characterized by small subsistence farms and lumbering in allotted wood lots. A colonial port was established at Northwest Harbor, but by the mid-eighteenth century its whaling and shipping activities had been supplanted by the deeper port at Sag Harbor. In its heyday Sag Harbor was bustling with shipping activity second only to New York City, but after the collapse of the whaling industry in the late 1800's it relapsed into a quiet coastal village.

Development patterns shifted with changes in economic activity. Although the settlement at Northwest all but disappeared, much of the original hamlet of Springs remained and expanded. After World War II, Springs became known as a community of writers and artists, a reputation persisting to the present.

Overall development patterns changed further as the Town evolved from its colonial agrarian and maritime origins to its present resort character. Residential settlement shifted from the early communities focused in the Villages of East Hampton and Sag Harbor, with outlying farms and summer fishing camps, to the shore. Vacation home and resort sites dispersed along the coast for water views and beach access, with retail enclaves remaining in the villages and hamlets for the service needs and convenience of sophisticated city folk.

The first wave of East Hampton's resort development occurred in the latter 19th and early part of this century, but remained concentrated principally in the Village of East Hampton along the ocean shore.

This period saw construction of the first elaborate "summer cottages", and was also East Hampton's first incarnation as a haven for famous artists, including the Tile Club group. Noted 19th century painters, William Merritt Chase and Childe Hassam, did significant work in East Hampton. As time passed additional resort development arose on the fringes of the fashionable ocean areas and along the bay shores. However, most of the new homes continued to function for summer occupancy only, and many were constructed without heating apparatus for the colder months.

Montauk, one of the last outposts of the native tribes, was used as a common pasture from 1658 and remained little developed until the late 19th century. A few structures still remain from this era, Second House located in Town-owned Kirk Park on the banks of Fort Pond, and Third House, located on County parkland, both of which were used as dwellings for keepers of the livestock. Deep Hollow Ranch adjoining Third House claims to be the first cattle ranch in America. The Town's best known landmark, the Montauk Lighthouse, was authorized for construction in 1795 by George Washington.

The shape and character of development in Montauk is largely a result of influences and events from the late 1800's onward. In 1879, Arthur Benson purchased the entire Montauk peninsula, with the exception of the lighthouse and life-saving station reservation, for the sum of \$151,000. In doing so, he also purchased the last of the lands reserved for the Montauks, and moved the remaining members of the tribe from their home at Indian Field. Benson and friends formed the Montauk Association in 1881, and planned a group of 33 vacation homes on 100 acres overlooking the Atlantic Ocean.

In 1925, the sportsman and developer Carl Fisher arrived in Montauk. In that year he purchased 9,000 acres of land in Montauk which he marketed as the "Miami Beach of the North." He was largely responsible for the layout of the Montauk business district and the shape of residential subdivisions between Lake Montauk and Flamingo Road. He formed the Montauk Beach Development Corporation, which left legacies such as the distinctive Tudor revival buildings of the business district, the Montauk Railroad station, the former Montauk Playhouse, and Montauk Manor, its silhouette still an icon of Montauk's first wave of resort development.

In the 1910-1930 period development began to penetrate the outlying districts of the Town, with the efforts of Fisher in Montauk, and purchases such as the Bell Estate (ca. 1915) along Gardiners Bay in Amagansett, and the Levering homes overlooking bay and ocean at Devon.

It was not until the post-war boom that summer home development really begin to take off in East Hampton. Subdivisions in Amagansett, Springs and Montauk proliferated in this period, waterfront lots began to be in great demand, and small parcels of inland property were even offered as incentive giveaways from banks and other institutions. There was little control over siting or subdivision layout in this period, and a myriad of small lots were created, some of them perilously sited and environmentally inappropriate.

As the popularity and consequent density of the resort community increased with post-war affluence, the necessity for land use planning and zoning became apparent. Zoning was implemented in 1957.

The Town produced a Comprehensive Plan, completed in 1967. It was substantially updated and modified in 1984, with periodic additions since. The Town's Zoning Code and subdivision regulations, recognized as some of the most environmentally progressive in the state, were substantially revised in December 1984 to reflect the Comprehensive Plan update, and have had occasional modifications since. (See [Maps II-2A](#) and [II-2B](#))

The character of the Town has continued to evolve from a seasonal resort built on a fishing and farming base to a year-round second-home and retirement community with many service economy jobs. The earlier emphasis on transient hotel and motel accommodations has given way to more permanent vacation and year-round development. Following the national trend, the advent of computer and communications technology has made it possible for residents to operate home businesses and telecommute from the desirable environs of the Hamptons.

A study of **Upland Land Use Acreage by Town for Eastern Suffolk** done in 1995 by the Suffolk County Planning Department, with assistance from the East Hampton Town Planning Department, analyzed land use within the Town. Within a total land area of 46,638 acres land use was distributed in the following percentages: Low Density Residential 15.2%; Medium Density Residential 12.3%; High Density Residential 0.8%; Commercial 1.4%; Industrial 0.5%; Institutional 0.6%; Recreation and Open Space 27.7%; Agriculture 3.2%; Vacant Land 28.9 %; Transportation 8.9%; Utilities 0.4%; and Waste Handling 0.2%. This study area included both of the incorporated villages within the Town, the Village of East Hampton and part of the Village of Sag Harbor, and the unincorporated portion of the Town.

Existing Land Use, [Maps II-1A, -1B](#), depicts current land use patterns in the Town under existing zoning regulations. For additional historical information, see **Historic Resources Policy #23**.

Amidst the land speculation and development accompanying the shift to a resort-service economy, traditional agricultural and maritime uses of the coast have persisted, albeit under pressure. As second-home owners and developers have come to realize, the open space of farmlands and the active presence of fishermen and baymen provide amenities and lend character to the community. A growing appreciation of these traditions in the Town's coastal landscape has translated into political willingness to fund public open space purchases. The Town has attempted to preserve water-dependent uses, such as commercial fishing and marinas, through implementation of a Waterfront (WF) District. The statute and its designated locations are described in the Zoning section and in **Policy #2**.

The Permitted Uses in Waterfront (WF) District districts should continue to be redefined as necessary to protect priority water-dependent uses and exclude undesirable uses such as car ferries. The present Waterfront (WF) District zone Permitted Uses (**§153-11-10** of Town Code), **Development Policy #2, Commercial Fishing Policy #10, and Public Access and Recreational Resources Policies #9, and #19-22**, reflect the Town's policy priorities. The Permitted Uses emphasize water-dependent uses with traditional economic bases in commercial fishing and recreational boating [marinas], and secondarily (Special Permit Uses) water-related businesses such as fish processing or marine research which support water-dependent uses, or water-enhanced uses such as restaurants which benefit from access to the water without causing undue impacts. In further

redefining Waterfront (WF) Districts the Town should continue to be guided by these planning and policy goals.

In practice maintaining these priorities may be complicated. In some cases trade-offs may be necessary to maintain the economic viability of a site while preserving priority water-dependent uses. Where non-water-dependent uses threaten to supplant water-dependent uses, further development of a site should be coupled to maintenance of the priority water-dependent use. Waterfront (WF) District districts townwide are exposed to increasing pressures for use changes, as exemplified by a proposal for a ferry terminal on Fort Pond Bay.

Ferry terminals raise substantial planning questions. Seasonal traffic is already a substantial problem in the Town, and would be exacerbated and augmented by ferry traffic. Given the infrastructure of the existing two-lane highway system, present summer traffic tie-ups, and lack of bypass routes for the Town's congested hamlets and business areas, the increase from ferry traffic is extremely undesirable. Montauk itself has always been a tourist destination rather than a transit point, and a ferry would substantially alter the character of the community. The ferry-related traffic issues were analyzed in the *Transportation Element of the Town Comprehensive Plan*, prepared by L.K. McClean Associates (1997).

This is a key issue townwide, in response to which the Town amended its Zoning Code (§153-1-20, §153-5-26 and §153-5-50), SEQRA Law (§75-3-20), and Waterways and Boats Law (§149-8) to address potential traffic and environmental impacts associated with passenger ferry boats, and prohibited vehicle ferries in all districts. The Findings and Objectives of Local Law #40 of December 18, 1997 (Zoning Code Amendment) give the Town's rationale for changing the regulations:

"As the year-round, seasonal, and transient populations of East Hampton Town have grown over the years, congestion on the Town's highways has become an increasingly serious threat to public health and safety and to the economic vitality and general livability of the Town. This increased road congestion may be greatly exacerbated by recent and proposed changes in ferry service on the East End of Long Island. The most significant such change has been the popularity of very large casinos established on the Connecticut mainland near New London, Connecticut, which has greatly increased ferry traffic across Long Island Sound by Long Island residents. Technological changes have also vastly increased the speed and, hence, the potential carrying capacity, of ferries. These new developments have made it imperative that the Town update its zoning regulations concerning ferries and ferry terminals.

The Town Board commissioned a Townwide Transportation Study in 1995, the first such transportation analysis since the 1960's. That study, prepared by a respected engineering firm and completed in June of this year, was incorporated into the Town's Comprehensive Plan in June, 1997 following public hearings. The study concluded that "the Town is at a 'crossroads' in terms of developing a solution to its worsening traffic congestion in the summer season." The Transportation Study found that traffic volumes on the Montauk Highway (NYS Route 27), the Town's primary thoroughfare, are already at or near capacity

for lengthy periods of time in the summer months. The study also found that traffic on the Town's roadways in the summer has been increasing at an annual rate of eight per cent (8%), far faster than the average rate of traffic growth on Long Island.

These findings merely confirm what has already become obvious to Townspeople: summertime road traffic in East Hampton has become so heavy as to undermine the Town's rural atmosphere, create very inconvenient and even dangerous driving conditions on the Town's roads, and generally diminish the quality of life heretofore enjoyed by residents and visitors alike.

In light of the Transportation Study's findings, it is clear that major ferry operations in the Town would substantially worsen the already bad traffic situation, especially if the ferries included vehicle ferries operating between the Town and the Connecticut shore or included high-speed, high-volume passenger ferries transporting passengers to the large Connecticut casinos. The revisions contained in this Local Law are intended to improve and strengthen the Town's zoning regulations as they pertain to ferries, and to thereby reduce the potential traffic and other impacts of such uses."

The 1994 Governor's East End Economic and Environmental Task Force (Twomey, 1994) recommended several methods to preserve water-dependent uses such as marinas. Included are purchase of development rights, economic incentives, tax reforms which would halt the government practice of valuing marinas at waterfront condominium values [as the "highest and best use"] for estate tax purposes, a grant program or revolving loan fund to assist marinas in making environmentally related improvements, and streamlining of environmental permitting.

Adequate and attractive shoreside facilities including pumpouts, garbage disposal, and other amenities such as restrooms, showers and laundry rooms can enhance a marina's business and also help to meet Town water quality objectives. The Town may wish to consider some form of incentive such as tax abatement to assist operators in installing, maintaining or upgrading these facilities.

As land use patterns have changed, several areas within the coastal zone have fallen into disuse and offer potential for redevelopment or reintegration into the Town's present economy. Primary locations include:

- Marina Lane dredge spoil site, Three Mile Harbor, Reach 2
- Old fish factory site, Napeague, Reach 4
- Former Montauk landfill site, Reach 5
- Montauk Harbor area (linked walkway), Reach 6
- Camp Hero, Montauk, Reach 8
- Montauk business area, Reach 9

These sites are discussed in further detail in the Reach Inventory and Analysis, **Policy #1/1A**, and **Projects**.

3. Zoning

For purposes of zoning the Town of East Hampton is divided into the following districts:

- A. *Special districts:*
 - Parks and Conservation (PC)
- B. *Residential districts:*
 - (1) Single family residence districts:
 - A5 - 1 D.U./ 200,000 sq. ft.
 - A3 - 1 D.U./ 125,000 sq. ft.
 - A2 - 1 D.U./ 84,000 sq. ft.
 - A - 1 D.U./ 40,000 sq. ft.
 - B - 1 D.U./ 20,000 sq. ft.
 - (2) Other residence districts:
 - Multifamily District (MF)
- C. *Commercial districts:*
 - Central Business District (CB)
 - Neighborhood Business District (NB)
 - Commercial-Industrial District (CI)
 - Resort District (RS)
 - Waterfront District (WF)

The Waterfront (WF) District is designated to encourage water-dependent uses. New uses proposed within the Waterfront (WF) District which are not water-related must meet a set of Special Permit criteria in order to obtain Town approval. The Special Permit criteria have been established to assure that proposals within the Waterfront (WF) District:

- Do not adversely affect existing or potential water-dependent uses;
- Are ancillary to a principal water-related use by providing economic support for the water-dependent use; or
- Enable the general public to gain visual or physical access to the waterfront.

The water-related use must not usurp any land surface area needed by the principal water-dependent use and must have a maritime character or theme (§ 153.5.50, East Hampton Town Code). These regulations recognize that there is a finite and limited amount of waterfront land available for water-dependent use in the Town.

Minimum setbacks from wetlands, waters and beaches are required for filling, clearing, dredging, constructing or siting of structures or materials. These jurisdictional boundaries, setbacks and Natural Resource Special Permit (NRSP) review procedures of the Code are designed to provide adequate protection to the Town's wetlands and watercourses. According to § 153-4-20 of the East Hampton Town Code, an NRSP is required prior to commencing an action within 150 feet of a

wetland or watercourse unless it involves the siting of a new sewage disposal system, in which case the NRSP requirement is invoked within 200 feet of a wetland or watercourse.

Minimum NRSP setbacks from wetlands/watercourses are:

- Wastewater disposal system structures 150 feet
- All other structures 100 feet
- Turf, landscaping, or clearing of natural vegetation 50 feet

Certain relief provisions from these setbacks are provided for in the Code and exceptions to the setbacks are established for approved coastal structures, Waterfront (WF) Districts and marinas (§153-4-37 & 153-4-39 & -39B).

4. Other Planning Efforts in the Coastal Zone

A number of planning efforts have been instituted recently by the Town to improve coastal zone land use, in addition to regional planning initiatives by other government agencies.

The *Town Comprehensive Plan*, the central document for local planning, received a major update in 1984. Since that time a number of studies and initiatives have been incorporated into the Comprehensive Plan, of which the LWRP is the most current element. A 1986 *Trails* report inventoried and identified trails for preservation. In 1987 a *Water Quality Management Plan* was added to the Plan, and in 1988 a GEIS prepared by Suffolk County was incorporated as the *Accabonac Harbor Area Study*. A 1989-90 *Historic Preservation Report* by consultant Robert Hefner inventoried historic buildings and structures for preservation and potential inclusion in historic districts. A study detailing the feasibility of a *Bicycle Path from East Hampton to Southampton* was completed in 1993.

An *Open Space Plan* was produced by the Town Planning Department in September of 1995, which was incorporated into the *Town Comprehensive Plan* in 1996. In 1998 the *Town Open Space Plan* was revised to form a Community Preservation Project Plan, including the Villages of East Hampton and Sag Harbor. It will continue to be updated every 3-5 years. This is an important tool for prioritizing open space acquisitions and other means of maintaining critical open spaces in the coastal zone. Recommendations of the *Open Space Plan* are referenced by reach in the **Development** inventory.

The Town commissioned an updated *Transportation Element* of the *Town Comprehensive Plan*, incorporated in 1997. Results of the transportation study and accompanying recommendations had important implications for development in general and for the coastal area, particularly regarding beach parking and new ferry services. Results are incorporated where appropriate into the reach inventory and analysis, and subsequent changes in local law are reflected in the policies.

The *Peconic Estuary Program (PEP)* is part of the Federal EPA-sponsored National Estuary Program. PEP has built on earlier work by Suffolk County to combat the Brown Tide algal bloom, which decimated shellfish populations and other marine life in the estuary starting in 1985-86. As

a multi-level initiative to restore productivity in the Peconic/Gardiners Bay system from Riverhead to Montauk Point, PEP includes a consortium of Federal, State, County and Local government agencies, and a Citizens Advisory Committee. As part of its Action Plan, PEP is addressing impacts from nutrients, pathogens and the Brown Tide. PEP is conducting water quality, land use, living resources and economic research to address these problems and is producing a Comprehensive Conservation and Management Plan (CCMP) to be issued in 1998. Included are studies of:

- surface water quality modeling
- sediment nutrient fluxes
- estuary use and economic value assessment
- toxic substances and sediment characterization
- identification of rare, endangered, threatened and wildlife species of special concern and critical habitat areas
- a determination of the abundance, distribution and ecological importance of submerged aquatic vegetation

The results of these studies and the recommendations of the Action Plan will be incorporated into the PEP CCMP, which will characterize the priority water quality problems affecting the Peconic Estuary and identify specific commitments and actions to improve water quality. This CCMP will also examine the protection and restoration of living resources and land use issues, and provide specific recommendations on the following topics:

- marine surface water quality and integrated ecosystem management
- nutrients
- pathogens
- toxics
- Brown Tide
- living resources
- education/public outreach

The Town of East Hampton has been an active contributor to the PEP, and many LWRP policies and actions complement PEP goals. In turn, many PEP CCMP recommendations will be directly applicable to water quality and harbor management in East Hampton.

In 1994 a Governor's East End Economic and Environmental Task Force published a report titled, *Blueprint for Our Future* (Twomey, 1994), with recommendations for economic revival and environmental preservation, including land use recommendations. A number of them are incorporated or cited in the LWRP.

Also, in response to damaging nor'easters in the winter of 1992-93, New York State appointed a Coastal Erosion Task Force. The resulting report also encompassed coastal land use recommendations. See also **Flooding and Erosion Policies #11-17**.

B. LAND USE IN THE COASTAL ZONE

REACH 1 NORTHWEST HARBOR

1. Description

Northwest Harbor is a large natural embayment formed by Shelter Island, Sag Harbor, and the northerly shore of East Hampton, known as Northwest Woods, which includes Barcelona Neck, the Grace Estate, and Cedar Point County Park. Although it extends to the intensively developed shoreline of Sag Harbor Village, the reach shoreline is sparsely developed, its terrain ranging from saltmarshes surrounding Northwest Creek and the sand spit of Cedar Point, to high bluffs along Barcelona Neck.

The natural harbor of Northwest made Northwest Landing East Hampton's first colonial shipping port, until it was eclipsed by neighboring Sag Harbor during the heyday of whaling in the mid-1800's. Northwest Harbor and Northwest Creek were bountiful fin and shellfishing grounds for the native Americans as well as the European settlers. The geographic attributes of the area, plus the absence of development impacts continue to make Northwest one of the most productive nurseries for shellfish and finfish in the Town.

2. Land Use

Large tracts of parkland and preserved open space including Barcelona Neck, now Sag Harbor State Park, the Town-owned Grace Estate, Cedar Point County Park, and The Nature Conservancy's Mashomack Preserve on Shelter Island have kept the shorelines of Reach 1 in a largely natural state. Recreational and open space comprise the greatest proportion of Northwest. Through a combined effort by New York State, Suffolk County, and East Hampton Town and privately owned reserved areas, approximately 2000 acres in the reach have been committed to permanent open space.

Present development in the reach consists of sparse residential construction in the subdivisions of Settlement at Northwest and Grace Estate, and a small concentration of residential housing at Northwest Landing. The golf course at Barcelona Neck managed by the Sag Harbor Golf Club, the County dock at Northwest Creek, and the infrastructure of Cedar Point County Park are the only additional development.

The parkland properties support a wide range of water-dependent and water-enhanced uses (see also Inventory for **Public Access and Recreational Resources Policies #9 and #19-22**). The County Park at Northwest Creek contains a boat launching area used by commercial fishermen and recreational boaters. Although there are no marinas in the area, a mooring area has been established by the Town Trustees in Northwest Creek. Town holdings and road endings at Northwest Landing Road and Mile Hill Road provide public access to the water, boat launching sites, hunting and fishing opportunities, and nature walks on an extensive trail network. Cedar Point Park provides opportunities for fishing, boating, duck hunting, camping, hiking, nature walks, and beach recreation.

3. Zoning

Zoning in Reach 1 roughly parallels the existing land uses. The large parkland holdings are zoned as Parks and Conservation (PC), and the vacant and residential land is zoned for residential use. The Residential Districts are generally the lowest density in town: A5, A2 and A. With the exception of small pre-existing lots along Northwest Landing Road, most of the residential lots were created as part of clustered open space subdivisions which preserved large reserved areas. This follows the Town Comprehensive Plan's recommendations of very low density residential development in this area. No public water main extensions or other major infrastructure improvements are planned or will be required if the plan is followed. There are no designated Waterfront (WF) Districts in Reach 1.

4. Analysis

There are no deteriorated or underutilized waterfront areas in Reach 1 that can appropriately be revitalized or redeveloped for commercial or industrial purposes without compromising the vital ecological resources in this largely unspoiled area. The filled bulkhead/dock in the County Park at Northwest Creek has been cited in **Flooding and Erosion Policies #11-17** for Reach 1 as overbuilt for its limited function. Revitalization in this instance should include removal or reconfiguration of the dock in a much reduced mode when it deteriorates to the point of requiring maintenance.

Because of the fragile wetland/creek ecology, potential for storm flooding and erosion, and water quality issues in Northwest Creek and Northwest Harbor, the Town should limit expansion of existing residences on sensitive small lots along Northwest Landing Road and surrounding Northwest Creek (see **Flooding and Erosion Policies #11-17** and **Water and Air Resources Policies #30-44** and proposed Hurricane Damage Mitigation Plan in **Projects**). There is no infrastructure for public water in this area, nor is it likely there will be, nor should there be in the future. Some existing homes already experience difficulty in obtaining potable water and meeting County Health Department standards in siting septic systems, a practical limit which should be heeded in permitting future development.

In this and other residential areas of the reach, appropriate land use and ecological practices should be advanced both in the coastal zone and upland watersheds to prevent deterioration of surface water quality and habitat (see **Water and Air Resources Policies #30-44** and **Significant Habitats Policy #7**). Residential lots immediately adjoining Northwest Creek fall within the Town Harbor Protection Overlay District which implements a number of these practices.

The former marina site just northeast of Northwest Creek lapsed from use many years ago and should be restored to a natural state. The primary water-dependent use needs in Reach 1, i.e. public access and a sheltered harbor for baymen and recreational fishermen and boaters, are adequately addressed for the present and foreseeable future by the mooring and launching facilities at Northwest Creek. Although the channel to the Creek periodically shoals up and requires maintenance dredging, other infrastructure requirements in the reach remain minimal, and further development is undesirable. While maintenance dredging of the existing channel is needed to preserve the water-dependent uses in the Creek, Town, County and State agencies should also consider reestablishing the historic

channel on the east side of the spit as a means of better stabilizing the inlet and improving flushing in Northwest Creek. See also Analysis for Reach 1 in **Flooding and Erosion Policies #11-17**.

Following on the prodigious political efforts and expenditures of public funds used to acquire open space in Reach 1, all levels of government must work together diligently to insure that this area remains protected, and to acquire remaining parcels critical to the habitat, esthetics and environmental values of the reach.

5. Key sites in Reach 1

The primary site for water-dependent uses is Northwest Creek, including the dock and launch facilities and anchorage. Nearby development on the small lots at the end of Northwest Landing Road is a concern for storm flooding and erosion.

The Town has identified a number of Reach 1 parcels in the Open Space Plan for changes in land use. The defunct marina site (SCTM #72-1-2) on the shore of Northwest Harbor is recommended for upzoning to 5-acre Residential A5 District, as it adjoins significant areas of preserved open space. Two lots (SCTM #111-1-3.1 and #111-3-1) draining into the headwaters of Northwest Creek in the County Special Groundwater Protection Area are recommended for public acquisition, or alternatively [for #111-3-1] private conservation. A 33.8 acre parcel (SCTM #72-1-6.1 & 6.2) adjoins protected open space of the Grace Estate, and it is recommended that any subdivision plan here protect slopes, rare and protected species, and preserve a contiguous block of open space. Two parcels near Northwest Creek (SCTM #90-1-2 & #90-1-26.1) contain wetlands adjoining the County park and are recommended for public acquisition. A 19.9 acre parcel (SCTM #112-3-4) adjoining Northwest Harbor is recommended for private conservation or open space subdivision.

6. Key issues in Reach 1

The large amount of preserved open space is the focus for land use in Reach 1. Maintaining the integrity of these tracts by preventing habitat fragmentation and encroachment from future development is a central planning concern. Future land use and development must be consistent with conservation objectives, avoiding adverse impacts on the great variety of natural resources and excellent surface water quality in the reach. Acquisition of additional parcels may be needed to protect existing open space and fulfill the recommendations of the Town Open Space Plan.

Storm flooding of development adjoining wetlands at the end of Northwest Landing Road is a risk in hurricanes and nor'easters. Specific conditions and redevelopment following a catastrophic storm should be further addressed in the Hurricane Damage Mitigation Plan (see **Projects**).

REACH 2 THREE MILE HARBOR/ HOG CREEK

1. Description

Steep bluffs with elevations of 25'-40' comprise the coastline from Hedges Bank to Lafarge's Landing at the end of Old House Landing Road, dipping to near sea level at Sammy's Beach and Maidstone, before ascending to bluffs of almost 60' east of Maidstone Park Beach between Flagggy Hole Road and Runnymede Drive. The rocky beaches beneath the bluffs widen to sandy beaches

at Sammy's Beach and Maidstone Park both enhanced by periodic dredge spoil from the Three Mile Harbor channel.

The baymouth spits of both Hog Creek and Three Mile Harbor were originally closed intermittently by littoral drift, but the harbor entrances were eventually stabilized for navigation in the 1930's and maintained by the installation of a 650' steel sheet and piling jetty to the west and a 600' stone jetty on the east. Dredging of a channel, later extended to the southern end of the harbor, has permitted use of the harbor by medium draft recreational craft and small commercial vessels. The south end of Three Mile Harbor was unnavigable south of Marina Lane until the navigation channel was extended to the head of the harbor.

2. Land Use

Prehistoric native American use of Three Mile Harbor was likely quite active due to the confluence of salt and fresh water from Soak Hides Dreen [Tanbark Creek] and Springy Banks, combined with plentiful shellfish in the harbor. Important archaeological resources have been identified along the western harbor shore (see **Historic Resources Policy #23**, Inventory section).

Present land use in Reach 2 is primarily residential, with relatively few unbuilt lots along the shores of Three Mile Harbor and Hog Creek. Recreational marinas are located on the east side of the harbor close to the channel, making Three Mile Harbor the busiest harbor in the Town for recreational boating on the bays. The Town also operates a commercial dock at Gann Road on the east side which is used extensively by smaller commercial draggers and baymen. The harbor supports nine private recreational marinas, a Town recreational boat basin and the Town commercial dock, plus two homeowners' association marinas and approximately fifty individual private docks. Although the marine character of Three Mile Harbor is primarily recreational, it is also the center for an active inshore fishery, with several small trawlers and numerous baymen using it to tie up and offload (see **Commercial Fishing Policy #10**).

Commercial development, including all of the recreational marinas and associated restaurants and services, is along the east side of Three Mile Harbor where the channel is located. The Town-owned commercial dock at Gann Road is utilized by bay trawlers, lobstermen and baymen, as well as for headquarters of the Town Harbormaster, and the Town's municipal pumpout station. An old fishing station adjoining Maidstone Park near the mouth of Three Mile Harbor was recently acquired by the Town, primarily for recreation and open space use, and is a prospective site for a Town environmental education center (see **Projects**).

3. Zoning

Zoning in Reach 2 generally follows the existing land use. The parks are zoned Parks and Conservation (PC); single family zones of Residential A2, A and B Districts correspond to existing residential development. Most vacant tracts are zoned for lower density Residential A2 and A3 Districts depending on surrounding land uses and environmental sensitivity. However, many pre-existing vacant lots remain at the higher densities. A food and convenience store is zoned Neighborhood Business (NB), and the trailer park at the southeast end of the harbor is classified as a pre-existing non-conforming use in a Residential A District.

The marinas in Three Mile Harbor are generally in the Waterfront (WF) District, as are most of the restaurants and boat shops. There are seven Waterfront (WF) Districts totaling 49.6 acres located in Reach 2 including the following parcels and facilities:

SCTM#[s]	Use and location
#57-6-23 to 27	Harbor Marina, east side Three Mile Harbor, north of Gann Road (includes a restaurant)
#57-6-3,11.1 #61-1-2	(includes south end of Sedge Island --dredge spoil)
#77-5-1.1, 1.2	Shagwong Marina, east side Three Mile Harbor, west of Harbor Blvd
#75-1-28.5	Maidstone Harbor (Duck Creek Marina), east side Three Mile Harbor, south of Squaw Road (includes a restaurant)
#75-1-29	East Hampton Point Marina, east side Three Mile Harbor, south of Squaw Road (includes non-conforming motel units and a restaurant)
#93-1-5,6	Halsey's Marina, east side Three Mile Harbor, opp. Copeces La
#93-1-8	Gardiner's Marina, east side Three Mile Harbor, west of Hill Rd
#120-1-1	Three Mile Marina (Van de Veer's), southeast end of Three Mile Harbor, adjoining Boat Yard Lane
#120-1-2,3	Three Mile Harbor Boat Yard, southeast end of Three Mile Harbor, adjoining Boat Yard Lane (includes a retail bait & tackle store and chandlery)
#120-1-10,11	East Hampton Marina, southeast end of Three Mile Harbor, adjoining Boat Yard Lane

In addition, there are non-conforming marina uses at the northeast corner of the harbor in the B Residential District off Folkstone Drive, at SCTM #38-7-15, Sunset Cove; #57-1-2, East Hampton Landings [Folkstone Marina]; and #38-3-8, the old fishing station, recently acquired by the Town.

The Town maintains a commercial dock at Gann Road (SCTM #59-1-1) as well as a recreational boat basin, Town Dock, near the head of Three Mile Harbor. Additional Town-owned parkland preserves open space on both sides of the mouth of Three Mile Harbor at Sammy's Beach and Maidstone Park. Sammy's Beach is primarily a wildlife preserve, with trails, sand roads and water access for swimming and passive recreation as well as fishing from the beach and the west side harbor jetty. Maidstone Park on the east side of the Three Mile Harbor entrance has more extensive facilities, with a comfort station, picnic tables and parking area, as well as an upland ball field.

The largest tract in the reach, 170 acres of mostly undeveloped land east of Flaggy Hole Road belonging to Camp Blue Bay Girl Scout Camp (SCTM #37-2-1), is presently zoned A3 residential, and contains the only substantially natural coastal bluff remaining in Reach 2 east of Maidstone Park. This parcel would be an important target for preservation should the present use or ownership change. The Town and County also own open parcels at Marina Lane on the east side of Three Mile Harbor, used primarily for holding dredge spoil, and at Hands Creek, a small estuary on the west side.

Hog Creek, at the east end of the reach, is a shallow narrow estuary fringed with saltmarsh, artificially opened to Gardiner's Bay and dredged and widened for development in the 1950's. It is now surrounded by B zone (½ acre) subdivisions. Alteration and destruction of the original Hog Creek shoreline through installation of lawns, filling of wetlands, and construction of bulkheads, docks and piers have all contributed to instability of the present shoreline. Hog Creek is one of the fastest shoaling inlets in the Town, having been dredged four times within the past fifteen years, approximately the same frequency as Accabonac Harbor. The Lions Head and Clearwater Beach property owners' marinas inside the mouth of Hog Creek contain approximately 150 slips for recreational boats, but are contained within the B Residential District as part of the subdivision.

4. Analysis

Reach 2 is intensively developed relative to the rest of East Hampton Town, with dense residential development and a cluster of water-dependent marina uses on the shores of Three Mile Harbor, and extensive residential development along the rest of the coastline, except where parks or the Blue Bay Girl Scout Camp provide open space. The camp provides a significant open space component in Reach 2 and is near existing Town-owned parkland at Maidstone Park. If the Girl Scouts decide not to use it as a camp any longer, public acquisition should be pursued.

Much of the residential construction predates zoning, and from a planning perspective is situated too close to the shore, with a resulting loss of natural protective features and wetlands where structural protections have been introduced. A significant portion of the shorefront development may be at risk from flooding or erosion in time of severe storms (see **Flooding and Erosion Policies #11-17**). Development in many of these areas may be having a significant effect on surface water quality in the harbor, which the Town has addressed through a *Harbor Protection Overlay District* (**Appendix C**). Some parcels, such as those adjoining Soak Hides Dreen at the head of the harbor, are too environmentally sensitive for development.

There are few, if any, parcels in Reach 2 that could be described as underutilized or in need of redevelopment. One potential site for revitalization is the dredge spoil site at Marina Lane on the east side of Three Mile Harbor, which is utilized only at intervals and could become a public access and recreational site as well as be used for wetland restoration and a native plant nursery (see **Policy #1A and Projects**). Of the total 49.6 acres presently zoned Waterfront (WF) District, only 2.5 acres remain vacant. Given the limited extent of existing Waterfront (WF) Districts and the low probability these districts will increase in the future, some developed Waterfront (WF) District parcels should be analyzed in terms of current uses, and alternatives examined for future development to preserve priority water-dependent use.

Water-dependent uses in the reach consist primarily of the recreational marinas and related services noted in Zoning, plus a Town Trustee mooring grid in the middle of Three Mile Harbor, and recreational fishing and water sports activities at Town park and bathing beach areas. Existing marina facilities appear to adequately address present demand for slips. Slip occupancy varies from year to year according to economic, fishing and weather conditions, as does economic viability of the marina operations themselves. A 1991 Town Boater Survey (Natural Resources Department, 1991) found 89% slip occupancy at marinas townwide. Boating activity reportedly surged with the economy in the late '80's, took a downturn in the early '90's, and is now recovering significantly. Some local marinas are still experiencing difficult economic times.

Future demand for boat slips is difficult to assess. However, the industry is a significant component of the Town's economic base, and it should do what it can to preserve these water-dependent uses, and to allow flexibility for changes in configuration to accompany industry trends. The Town should also work in conjunction with marina operators and other government agencies to maintain the harbor channel at sufficient depth and width to safely accommodate boat traffic.

The Town's commercial dock at Gann Road in Three Mile Harbor is an important water-dependent use as a launching, mooring and offloading facility for baymen and the inshore fishing fleet (see **Commercial Fishing Policy #10**). These water-dependent uses are a high priority for preservation in the Town.

5. Key sites in Reach 2

Important sites for consideration in Reach 2 include the developed section of Sammy's Beach; watershed and archaeologically sensitive parcels along the west side and southern headwaters of Three Mile Harbor; recreational marinas along east side of Three Mile Harbor; the Town commercial dock at Gann Road; the Marina Lane dredge spoil site on the east side of Three Mile Harbor; and the Camp Blue Bay Girl Scout Camp.

In its recent Open Space Plan the Town has recommended a number of specific land use changes for sites in Reach 2 including: SCTM #74-5-30.1, 74-5-30.2 and 74-5-32, a 71 acre section of the Duke tract on the west side of Three Mile Harbor, recommended for rezoning to A3 residential with private conservation or open space subdivision; SCTM #119-2-2, 119-2-3 and 119-2-4, 32 acres along Soak Hides Dreen (Tanbark Creek) at the head of Three Mile Harbor, for rezoning to A3 residential and/or public acquisition; small tidal wetlands parcels on the Three Mile Harbor side of Sammy's Beach, SCTM #56-2-38, 56-2-39, 56-2-40, 56-2-41, 56-2-42, 56-2-46 and 56-2-48, all less than one acre in size, for public acquisition or obtaining conservation easements; and the Girl Scout Camp, SCTM #37-2-1, for public acquisition if and when the property becomes available.

6. Key issues for Reach 2

In relation to the Town's marina industry, it is important to preserve priority water-dependent uses such as marinas in Waterfront (WF) Districts against encroachment or replacement by non-water-dependent uses. At the same time marina operators need sufficient flexibility to operate their business. These objectives must also be integrated with other policy objectives of the LWRP, for example, water quality enhancement and Harbor Management Plans for the busy harbors.

The Three Mile Harbor channel is in urgent need of dredging, especially opposite the Town commercial dock at Gann Road where shoaling has caused several boats to go aground. In the past maintenance dredging has been performed by Suffolk County Department of Public Works. A channel maintenance dredging project is scheduled for winter of 1998-99.

At Sammy's Beach, the developed area within the flood and erosion hazard zone is also a sensitive ecological area, and the Town should work out equitable ways to limit additional development and restrict expansion of existing development.

Preserving coastal zone open space for public access, parkland and natural resource protection are constant objectives to consider in policy for coastal development, and the Town must work to find creative ways of fulfilling the recommendations of its Open Space Plan.

REACH 3 ACCABONAC

1. Description

Accabonac Harbor, Creek or Crick, is a broad estuary located on a flat coastal plain, and the most significant feature of Reach 3. Barrier spits flank the Accabonac inlet. Gerard Park on the north and Louse Point on the south separate Accabonac Harbor from Gardiners Bay. The low sandy bay shore of Gerard Drive was originally developed with small summer-camp homes in the 1930's, when a sluice at the north end of the harbor was paved over, and has frequently been a problem area for storm induced flooding and erosion.

From Accabonac Harbor, the coastline to the south climbs sharply to Accabonac Cliff, morainal bluffs peaking at 100' that have historically fed the beaches from Louse Point to Devon, but are now stabilized by bulkheads and revetments which have effectively eliminated the beach from the bluff toe. The Barnes Landing subdivision lies behind the bluff, with many of the waterfront lots enjoying fine views but marginal setbacks.

From Accabonac Cliff the terrain descends to Barnes Landing, a municipal beach. Low bluffs ascend in height from Barnes Landing into the Bell Estate, which was subdivided relatively recently (ca. 1985), then descend again to a Town beach at Alberts Landing and Fresh Pond Park at the southerly end of the reach.

2. Land Use

Land use in Reach 3 is primarily residential, with pockets of higher density along Gerard Drive, at Louse Point, in Barnes Landing subdivision, and along Devon Landing Road south of Fresh Pond. Many of the original residences in these areas are small summer cottages. Commercial development in the reach is minimal, the only instance being Springs General Store.

There is considerable preserved open space, including Town parks and municipal bay beaches located at Gerard Park, Louse Point, Barnes Landing, Alberts and Little Alberts Landings, Fresh Pond and Abrahams Landing. The Town also maintains several launching ramps and other public

access points in Accabonac Harbor, at Louse Point, Landing Lane, Shipyard Lane, and Gerard Drive (see **Public Access and Recreational Policies #9 & #19-22**).

There are no sites in Reach 3 that can be characterized as underutilized or appropriate for redevelopment. However, a number of parcels have been recommended for changes in land use in the Town's Open Space Plan and other recommendations may be forthcoming (see **Projects**).

Accabonac Harbor is ecologically significant and an important anchorage for recreational and small commercial fishing boats. Boating and fishing are primary water-dependent uses in Reach 3, as are water-dependent recreational uses of the harbor and bay beaches (see **Commercial Fishing Policy #10, Public Access and Recreational Policies #9 & #19-22**). Extensive cooperative efforts by Town and State government and private agencies such as The Nature Conservancy, along with private donations such as a prospective land bequest by the designer, Ward Bennett, have resulted in preservation of many fragile undeveloped parcels included in Accabonac Harbor's extensive network of salt marshes. However, several large parcels remain eligible for subdivision, and efforts must be continued to preserve them. See Open Space Plan recommendations in Appendix A.

Gerard Drive, the northerly barrier spit enclosing Accabonac Harbor, has numerous small homes on lots which are vulnerable to flooding and erosion (see **Flooding and Erosion Policies #11-17**). Its barrier spit characteristics present obstacles to development beyond flooding and erosion concerns, including proximity to harbor tidal wetlands and marshes, limited potable water supplies (see **Water and Air Resources Policies #31-44**), presence of critical habitat areas (**Significant Habitats Policy #7**), as well as generally small lots with limited siting alternatives.

Flooding and erosion concerns are limiting factors for development of all parcels surrounding Accabonac Harbor, particularly for the Louse Point and Gerard Drive areas, for the bluff sector from Louse Point to Barnes Landing, and for the residences along Cross Highway between Fresh Pond and Abrahams Landing Road at the south end of the reach. Progressive installation of erosion protection structures along the bay shores has led to destruction of beaches and consequent loss of public access and opportunities for water-dependent recreation in these areas (see **Flooding & Erosion Policies #11-17** and **Public Access & Recreation Policies #9 & 19-22**).

3. Zoning

Reach 3 zoning generally follows the existing development. Zoning in the reach varies from high density Residential B Districts in the Clearwater Beach and parts of Barnes Landing subdivisions to low density Residential A2 and A3 Districts surrounding Accabonac Harbor and in the Bell Estate subdivision. A substantial number of parcels are in Parks & Conservation (PC) Districts including Louse Point and Gerard Park, various wetland and meadow tracts, municipal beaches, and the Town owned park at Fresh Pond. Springs General Store, opposite the intersection of School Street and Old Stone Highway, is the sole Neighborhood Business (NB) District in the reach.

4. Analysis

Water-dependent uses in Reach 3 are centered in Accabonac Harbor, used extensively as a launching and mooring area by baymen and recreational boaters and fishermen. Many of their activities, as

well as uses within the harbor such as shellfishing, are contingent on the health of the harbor environment. The harbor is a critical area for environmental protection and regulation of surrounding land use because of the sensitivity of its tidal creek and salt meadow ecology, its importance as a finfish nursery and for shellfish resources, its recreational values, and water quality concerns caused by existing development (see also policies for **Significant Habitats #7, Commercial Fishing #10, Public Access and Recreation #9 & #19-22, and Water and Air Resources #30-44**).

Extensive preservation efforts, both public and private, have already been made in acquiring sensitive parcels on Accabonac Harbor, including on Louse Point and Gerard Drive. The Nature Conservancy has an extensive Merrill Lake Preserve and significant holdings elsewhere around the harbor. Planning and regulatory initiatives at all levels of government should aim to prevent further development of the harbor shores, improve surface water quality, and target available acquisition funds for purchase of remaining undeveloped parcels (see Town Open Space Plan recommendations, Appendix A). Additional infrastructure, such as roads, public water, etc., is not required in the area, and should not be permitted insofar as it may encourage further development. Other levels of government and government agencies should consult with the Town prior to issuance of any permit[s] for lots surrounding Accabonac Harbor, and should not issue permits that do not meet minimum standards.

The constraints on the barrier spit of Gerard Drive noted above and in other sections of this report argue for stringent limitations on expansion of existing development and accessory structures such as decks and outbuildings. Swimming pools should not be permitted. Where floodproofing measures are required for new construction or reconstruction, the flood requirements should not be construed to allow violation of other provisions of Town Code, such as single story or pyramid law limitations. New development should be discouraged along Gerard Drive, which is effectively a barrier beach. All vacant parcels on Gerard Drive should be considered for acquisition as they come in for development.

For much of the Reach 3 bay shore where previous development has disrupted shoreline processes and caused negative impacts on coastal resources, Town policies should be formulated to halt damage, rebuild deteriorated beaches and dunes, and restore natural coastal processes. Erosion control issues are addressed primarily in **Flooding and Erosion Policies #11-17**. However, future development in flooding and erosion hazard areas must also be addressed through land use controls such as setbacks, reduced density zoning, conservation easements, vegetative buffers, etc.

5. Key sites in Reach 3

Key areas include Accabonac Harbor, Louse Point and Gerard Drive, Accabonac Cliff, Fresh Pond, and the shore of Cross Highway from Fresh Pond Road end to Abrahams Landing. All of these are areas of concern either in relation to preserving Accabonac Harbor or because of potential flooding and erosion problems which may limit future development.

The Town's Open Space Plan contains specific recommendations of land use changes for 40 parcels within the coastal zone in Reach 3, primarily surrounding Accabonac Harbor and in the watershed

for Fresh Pond. Recommendations include a variety of measures ranging from open space subdivision to private conservation, from conservation easements to public acquisition and preservation of historic settings. The recommendations are excerpted in Appendix A.

6. Key issues in Reach 3

Coastal zone land use issues in Reach 3 center on Accabonac Harbor, on the flooding and erosion concerns along the barrier spits and bay shore areas of the reach, and on conflicts between future residential development and maintenance of surface water quality, open space and critical habitat.

In Accabonac Harbor, the primary issues are maintaining present water-dependent uses (see **Commercial Fishing Policy #10**, and **Public Access and Recreational Resources Policies #9, & 19-22**) and the natural resource base on which they depend by improving surface water quality (see **Water and Air Resources Policies #30-44**, Harbor Protection Overlay District, Open Marsh Water Management [OMWM], etc.), and by acquiring ecologically sensitive parcels to protect watersheds, open space and habitat.

On the barrier spits and along the bay shores where erosion control structures have diminished beaches and limited public access to the water for recreation, the issue of public interest in coastal resources vs. structural protection of private development must be further addressed (see **Flooding and Erosion Policies #11-17**). Elsewhere in the reach, land protection and resource conservation, through the measures outlined in the Town Open Space Plan, are crucial to environmental preservation and quality of life in the area.

REACH 4 NAPEAGUE NORTH

1. Description

The area between Devon and Hither Woods is predominantly low and sandy, following the easterly curve of Gardiner's Bay to Napeague Bay. The dominant coastal feature of this reach is Napeague Harbor. The coastal environment varies from the wave-dominated sections of Gardiner's and Napeague Bays, to low-energy tidal conditions in Napeague Harbor.

2. Land Use

Land use in Reach 4 is primarily sparse residential, except for the Devon Yacht Club and its associated marina; the Multi-Aquaculture facility on a private parcel adjacent to the old fish factory on Promised Land, acquired for by New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP); the "Art Barge", or D'Amico Institute of Art, a Museum of Modern Art summer art school on Napeague Harbor; and several restaurants, a retail store, and a tennis club situated along the north side of Montauk Highway.

A concentrated residential section at Lazy Point borders Napeague Bay and the west side of Napeague Harbor, including two small mobile home parks, one on Bay View Avenue, and numerous small cottages, many of which were originally makeshift summer camps on Town Trustee land along Shore Road. A second trailer park is part of another residential cluster along Crassen Boulevard.

Extensive preserved open space in Reach 4 includes the 1253 acre Napeague State Park and adjoining 1441 acre Hither Hills State Park, as well as some of the Town Trustee lands adjoining the harbor.

3. Zoning

Zoning in Reach 4 is low density Residential (A or A2) with a substantial amount of land in Parks and Conservation (PC) in Napeague State Park. There are a large number of pre-existing non-conforming lots in the reach, particularly in the Lazy Point area, including the trailer parks and the Town Trustee owned residential leases along Shore Road. The Multi-Aquaculture facility next to the old fish factory site is a non-conforming use in an A Residential District. Restaurants including the Clam Bar, Sharkey's [former Napeague Inn], Cyril's Fish House, a retail store, and the Napeague Tennis Club, all on the north side of Montauk Highway approaching Napeague Harbor Road are all non-conforming uses in A or A2 Residential Districts. As a membership club Devon Yacht Club is a specially permitted use in a residential district. There are no Waterfront (WF) Districts in the reach.

4. Analysis

Fragile ecology and high environmental and recreational values for the Napeague area dictate retaining maximum open space through a combination of zoning and development restrictions and private conservation. These recommendations are detailed in the Town's Open Space Plan for the parcels listed in Key Sites above, and should be incorporated into planning processes by all agencies of the town, county, state and federal governments.

Limited redevelopment of the waterfront portion of the old fish factory site for recreation, e.g. with a public fishing pier, accompanied by an educational program relating to the site's historic use and ecology, will transform this former industrial site into a useful recreational facility for both Town and State residents, and should be pursued. Possible reuse of some of the surviving buildings as a finfish hatchery should also be explored. The remainder of the site, because of its fragile ecology and prominent habitat values, should be maintained as undisturbed open space. See also **Public Access and Recreation Policies #9 and #19-22, and Projects.**

The old fish factory has been mentioned as a possible site for a car ferry terminal. However, such use would conflict with its park status, and would be particularly inappropriate for this location given its fragile ecology and inadequate road system. The recently completed *Transportation Element of the Town Comprehensive Plan* (L.K. McClean Assoc., 1997) recommended "that the Town adopt zoning regulations to prevent new ferry service from being established to the Montauk area [including Napeague]." The report specifically analyzed traffic concerns related to the Napeague site as follows:

"Cranberry Hole Road would provide the primary access to the site because of its southwest-to-northeast orientation. There are concerns with the width of this roadway, as well as horizontal and vertical curves, particularly at the bridge over the Long Island Rail Road. The bridge itself has significant structural deficiencies, which will require correction by the Long Island Rail Road.

This route experiences a significant amount of non-motorized travel (i.e. bicyclists and rollerbladers) during the summer season. Due to its current narrow width, lack of shoulders, and alignment deficiencies, significant increases in vehicular traffic would raise safety concerns for these modes of travel."

In response to these and other concerns the Town has amended its Zoning Code (§153-1-20, §153-5-26 and §153-5-50), SEQRA Law (§75-3-20), and Waterways and Boats Law (§149-8) to address potential traffic and environmental impacts associated with passenger ferry boats, and prohibited vehicle ferries in all districts (Local Law #40, 12/18/97). Excerpts from the local law and transportation study pertaining to ferries may be found in the discussion of Permitted Uses in Waterfront (WF) Districts in the Introduction, page II-4, and Appendix D.

Long term objectives for the Lazy Point area are to develop a hazard mitigation and redevelopment plan for hurricane and other storm events, and within that context to maintain and restore the seasonal fishing-camp character of the area, including the sensitive ecology and the simple style of existing camps and cottages. See **Flooding and Erosion Policies #11-17** for Reach 4, and the proposed Hurricane Damage Mitigation Plan in **Projects**. Most actions in the area now require Natural Resource Special Permits (see XV-7). Similar to Gerard Drive in Reach 3 and Sammy's Beach in Reach 2, flood hazards and problems with drinking water supply dictate limiting expansion of existing residences and accessory structures. Swimming pools should not be permitted. Extension of public water to Lazy Point may serve to increase development pressure, and should be carefully monitored from ecological and planning perspectives. The two trailer parks are inappropriate uses in flood zones, and as non-conforming uses should be phased out if substantially damaged or destroyed by storm flooding.

The protected anchorage at Lazy Point inside Napeague Harbor is actively used by local baymen for commercial fishing (see **Policy #10**), and its water-dependent uses should be continued and infrastructure, viz. the channel and launch ramp, maintained.

The Devon Yacht Club has been a long-time feature of the reach's coastal zone with relatively little impact and should be permitted to remain in its present configuration. Any significant expansion however, would probably be undesirable, and should be examined with great care.

The Multi-Aquaculture facility near the old fish factory is a non-conforming use in a Residential A District, which does not allow it to be expanded or converted to other commercial uses, water-dependent or otherwise. However, the present wholesale fish use is an important distribution component of the local fishing industry, and should not be hindered. With respect to aquaculture/mariculture efforts on the site, see **Commercial Fishing Policies #10 and #10A, Aquaculture/ Mariculture**, which express the Town's environmental concerns and views that aquaculture/mariculture should benefit the overall public resource and be compatible with existing traditional fisheries. Note the possibility of developing a compatible finfish hatchery operation at the adjoining NYS OPRHP old fish factory site, which might link with the Multi-Aquaculture facility. If Multi-Aquaculture is for some reason unable to remain at its present site, which is being

sub-divided for residential development, the state should consider allowing the use to be moved to the old fish factory site (see **Projects**).

5. Key sites in Reach 4

An extensive and largely pristine wetland system, the Cranberry Hole Marsh, at the intersection of Bendigo and Cranberry Hole Roads in the southwest corner of the reach deserves strenuous conservation efforts.

The old fish factory site acquired by New York State as part of Napeague State Park is a potential site for revitalization (see **Policy #1A** and **Projects**). The Valenti Multi-Aquaculture facility adjoining the old fish factory site is the base for the live-fish industry in the Town, which provides a high value market opportunity for local fisherman.

The Lazy Point area, originally a small colony of local fishing camps, most on Town Trustee leased land in a flood-prone area, has seen expansion of existing cottages into second homes. Land use is intensifying, and includes two non-conforming trailer parks. The Art Barge on the south shore of Napeague Harbor is also in a flood-prone location.

The Town's Open Space Plan identifies a number of parcels for specific changes in land use in the reach: SCTM #127-3-16,-17,-18,-19 & -20, are Napeague Bay shorefront lots in the Devon Colony, some with existing dwellings and containing freshwater wetlands, recommended for rezoning to Residential A3 District; SCTM #128-0-2, 129-0-0, 151-0-0 & 152-0-0 represent the Old Montauk Highway sand road from Cranberry Hole Road to Napeague Meadow Road, a Town Trustee-owned road recommended for retention as a trail corridor [with Trustee consent]; SCTM # 151-2-13.4, -14.1, 14.2, -18 & -19 are woodlands in the Devon Colony estate area, some with freshwater wetlands, recommended for rezoning to A3 with protection for slopes, woodland corridors and open space; SCTM #151-2-21 and 152-1-11.1, -11.2, -11.3, -12 & -13 are Napeague shorefront parcels totaling approximately 64 acres, most containing freshwater wetlands, recommended for rezoning to Residential A3 and protection of the wetlands through private conservation; SCTM #128-1-6 is a 10.7 acre parcel fronting on Napeague Bay with dune and freshwater wetlands recommended for an open space subdivision preserving the wetlands; SCTM #128-1-29.3 is a 1.3 acre parcel on Napeague Bay near the old fish factory, recommended for public acquisition as a means of providing needed public access to the shore in this area (see also **Public Access and Recreation Policies #9 & 19-22**); SCTM #110-1-5.1 & -5.2, 110-2-10, -12.10, -12.12, -12.16, -12.6, -12.7 & -12.9 are a group of parcels with freshwater wetlands adjoining the southeast part of Napeague Harbor, all recommended for public acquisition; and SCTM #129-2-11, #130-1-1.7 & #152-2-2.1, a LILCO right-of-way through Napeague, now that LILCO lines are being replaced underground, is recommended for private conservation through a donation from LILCO.

6. Key issues in Reach 4

Extensive wetlands and other environmental features around Cranberry Hole make it an area of significant concern for open space preservation and habitat conservation. Maintaining trail and woodland corridors throughout the Napeague area are important from both recreational and wildlife standpoints.

The old fish factory in Napeague State Park must be carefully analyzed to determine what redevelopment or revitalization is appropriate to the site. The site is surrounded by a fragile dune and wetland ecology. Any redevelopment plan must be consistent with preservation objectives for this area, and at the same time should provide increased waterfront recreational opportunities and limited public access to the water (see **Projects**). A proposed use of the site as a ferry terminal would be incompatible with environmental constraints and the capacity of the adjoining rural roads, and has been prohibited by the Town (Local Law #40, 12/18/97 and Zoning Use Tables).

At Lazy Point, land use issues revolve on vulnerability of residential development to storm flooding and erosion, again in a fragile landscape, much of which has already been given over to public parkland and open space. Much of this land is Town Trustee leasehold which, it has been suggested in the *HURRICANE DAMAGE MITIGATION PLAN for the South Shore of Nassau and Suffolk Counties* (LIRPB, 1984) should be reclaimed for public use if a catastrophic storm destroys a significant portion of the homes in question. However, currently the Town Trustees do not agree with the recommendations of said Mitigation Plan. Residences along Cranberry Hole Road are also at significant risk from storm flooding and erosion. See **Flooding and Erosion Policies #11-17**.

REACH 5 HITHER WOODS/FORT POND BAY

1. Description

Nearly all of the Hither Woods section of Reach 5 to Fort Pond Bay is preserved open space, with a naturally receding bluff line and elevations to 60' overlooking boulder strewn beaches. Hither Woods also encompasses the Town's Montauk Recycling Center, a former landfill, with an adjacent "antenna farm" used for radio and cellular telephone communications, and some residential development approaching the hamlet of Montauk.

From the morainal coastal bluffs of Hither Woods, the shoreline topography descend to near sea-level at Rocky Point, then rises once more in 60-80' bluffs before descending to the southerly shore of Fort Pond Bay, where a low marshy infill area divides the bay from Fort Pond. Two of the highest points in Montauk, "Montauk Mountain" to the west and Fort Hill to the east, border Fort Pond Bay and overlook Fort Pond. Approaching Culloden Point the shoreline terrain again rises gradually to a line of 30-50' bluffs along the Culloden shore.

Fort Pond Bay is the deepest (47') harbor of the Town, the original site for the Montauk fishing village prior to the 1938 hurricane, and was used by the military as a torpedo testing facility during World War II. Present development in the reach centers on this southeast shore of Fort Pond Bay and around Fort Pond.

2. Land Use

The western portion of the reach known as Hither Woods includes a large tract of publicly owned open space, the southerly portion of which was purchased by Suffolk County for drinking water recharge and open space as the so-called "Lee Koppelman Preserve", otherwise known as the Montauk County Preserve. Hither Woods has an extensive trail network which is used recreationally, and is a prospective site for a Suffolk County Water Authority well field for Montauk.

The easterly portion of Hither Woods is the site of a former Town landfill, now closed and being used as a recycling facility and transfer station, and also encompasses a communications antenna farm.

Along the Fort Pond Bay shore a former sand mining site is proposed as a residential subdivision. Also along Fort Pond Bay are a condominium on the site of U.S. World War II installations and the former NY Ocean Science Laboratory, Town affordable apartments, the Town Shellfish Hatchery, a motel, the LIRR Montauk Station, the Duryea fish packing operation on Tuthill Road, and a variety of small businesses and a residential enclave that occupy the former site of the Montauk fishing village. The condominium complex, Rough Riders Landing, is of recent construction and is floodproofed to NFIP standards.

Along the eastern shore of Fort Pond Bay extending to the Culloden tract are residential areas interspersed with several guest houses and the Hotel Montauket, a popular bar and restaurant. Several stairways pass over the bluff to the rocky boulder-strewn beach below. A residential subdivision plan recently approved for the 272.2 acre Culloden property, the largest remaining private parcel in the reach, will protect wetlands and other environmental and archaeological resources, and incorporates open space purchases by the Town in conjunction with other levels of government.

Fort Pond itself is bordered by residential and commercial resort construction including single-family homes, restaurants, motels, a day camp, small movie theater, etc. There are a number of residential docks as well as two commercial docks at the south end, including a sailboat rental business. Town and State parkland rims much of the immediate shore of the south end of the pond. At the north end of Fort Pond on Industrial Road there are a number of commercial sites, a Town Highway equipment barn, and a LIPA emergency generating station. The upland area west of Fort Pond and overlooking Fort Pond Bay has considerable residential development and also incorporates the Montauk School.

3. Zoning

Reach 5 encompasses a wide variety of zoning districts, generally following existing development patterns. Residential Districts range from high density B zones on the west side of Fort Pond to low density Residential A, A2, and A3 along the Fort Pond Bay shore and in the future development at Culloden. Most of Hither Woods is in Parks and Conservation (PC), except for the Town Recycling Center and antenna farm, a Commercial-Industrial (CI) District. Two other CI Districts at the north end of Fort Pond cover an area south of the LIRR tracks along Navy and Industrial Roads.

The Rough Riders condominium is in a Resort Business (RS) District, as is the Hotel Montauket along Fort Pond Bay. A seafood packing business constitutes the sole Waterfront (WF) District in the reach, located on the shore of Fort Pond Bay backed by Tuthill Pond, an area prone to overwash and flooding in hurricanes and nor'easters. At the south end of Fort Pond a small section of the reach is within the Central Business (CB) District for the hamlet of Montauk.

4. Analysis

Reach 5 is fortunate in having opportunities to revitalize an existing site and to preserve connected tracts of remaining open space. The recycling center and transfer site at the former Montauk Landfill in Hither Woods should be reclaimed and landscaped as a municipal park since it is one of the highest points in the Montauk area and enjoys excellent views to Block Island Sound, while bordering on the Hither Woods Preserve. The site offers a variety of opportunities for passive and active recreation, to be explored and implemented in a new Town park (see **Projects**). An adjacent 95.5 acre parcel (SCTM #48-3-8.7) would continue the Hither Woods parkland system and substantially complement a municipal park. It should be rezoned to A5 Residential and Water Recharge Overlay District and considered for public acquisition as recommended in the Town Open Space Plan.

Additional recommendations of the Open Space Plan for parcels within the reach should be consulted by all involved agencies, and are an important means of maintaining quality of life. As noted above a table of recommendations for all of Montauk (Reaches 5-9) is included in Appendix B.

Ferry terminal and retail proposals for the sole Waterfront (WF) District site on Fort Pond Bay illustrate the complexity of maintaining water-dependent uses. A change in use would replace a long held commercial fishing, a Permitted Use priority in the only Waterfront (WF) District in the reach. Special Permit Waterfront (WF) District Uses such as "multi business complex", "restaurant", or "retail store" could replace a higher priority "fish market" Permitted Use. Although use of the pier for unloading local lobster or fishing boats has declined, if possible the commercial Waterfront (WF) District Permitted Use should be retained for the future because of the shortage of such facilities. Attendant traffic, parking, and non-point pollution from other uses would substantially increase risks to water quality in neighboring Tuthill Pond and Fort Pond Bay. These impacts could affect the operation of the nearby Town Shellfish Hatchery, and would be contrary to LWRP goals in **Water and Air Resources Policies #30-44, Commercial Fishing Policy #10 and Public Access & Recreational Resource Policies #9 and #19-22.**

5. Key sites in Reach 5

The former Town landfill at the border of Hither Woods has the potential to be reclaimed as a parkland site for active recreation uses, beyond its current use as a recycling and transfer center (see **Projects**). An adjoining large undeveloped parcel (SCTM #48-3-8.7, 95.5 acres) presently zoned A3 residential should be considered for public acquisition as an extension of the Hither Woods tract.

The proposed Benson Point subdivision at the former sand mine on the west shore of Fort Pond Bay (SCTM #26-1-1.1) is a 22.4 acre site recommended by the Town's Open Space Plan for an open space subdivision.

On the eastern shore of Fort Pond Bay there is concern that the sole Waterfront (WF) District retain its historic use for commercial fish-packing/shipping, which is a policy priority for the Town (see **Commercial Fishing Policy #10**), particularly as this is the last remaining commercial fishing business on Fort Pond Bay. The site was proposed as a car ferry terminal by Cross-Sound Ferry for

crossing Long Island Sound, which would have displaced the current water-dependent use and conflicted with the Town's Comprehensive Plan. A subsequent local law (#40, dated December 18, 1997) prohibits vehicle ferry terminals in Waterfront (WF) District.

The Town Shellfish Hatchery, also located on this shore, is an important water-dependent use which relies on the high quality surface waters of Fort Pond Bay. The hatchery furnishes shellfish seed stock for all of the Town's enclosed harbors, as well as for New York State waters (see **Commercial Fishing Policy #10**). Anything that negatively affects surface water quality in Fort Pond Bay will have an adverse impact on the hatchery's operations.

There are three piers on Fort Pond Bay, one at Duryea's fish-packing site, a second at the former Ocean Science Laboratory (now Rough Riders Condominium), and a third at the Navy Road site of the prospective Benson Point development. All of these facilities offer recreational potential for fishing or boating. However, as they are all privately owned, the prospects for improved public access are limited.

The Town's Open Space Plan offers additional recommendations for specific parcels within the reach. Recommendations for Reaches 5-9 are consolidated in a single table for all of Montauk (Appendix B), which should be consulted by any agency contemplating an action on the Montauk peninsula.

6. Key issues for Reach 5

Land use issues in Reach 5 include continuation of the existing water-dependent uses in the sole Waterfront (WF) District and at the Town Shellfish Hatchery, as well as maintenance of the excellent surface water quality in Fort Pond Bay.

A second concern in Reach 5 is to maintain and extend the significant open space, critical habitat, historic resources, and drinking water recharge areas in the developable land adjacent to Hither Woods, in the proposed Culloden subdivision, and elsewhere in the reach. See recommendations for specific parcels in the Town Open Space Plan, Appendix B.

Additional public access to Fort Pond Bay for recreational purposes is a priority (see also policies for **Significant Habitats Policy #7, Public Access & Recreational Resources Policies #9 & 19-22, and Historic Resources Policy #23**).

REACH 6 MONTAUK NORTH SIDE - CULLODEN POINT TO SHAGWONG

1. Description

Lake Montauk, formerly a large coastal pond known to the colonials as Great Pond, and to the native Montauks as Lake Wyandane, is the dominant feature of the reach and the Town's largest harbor, covering 1037 acres. It was fresh or brackish until Arthur Benson's purchase of much of Montauk in 1879, then was privately dredged open. It was transformed into a small harbor area in 1926 when Carl Fisher's Montauk Beach Development Company received permits from the Army Corps of Engineers to construct the present inlet to the Lake, which was stabilized with two stone jetties to

form a 500' wide inlet, and later became a Federal channel. Dredge spoil from the inlet was used to raise and enlarge Star Island and connect it to the mainland with a causeway.

From the late 1920's to the 1930's, Montauk Harbor was reserved for the exclusive use of recreational craft and sport fishermen. Until the late 1930's commercial fishing vessels in Montauk were moored five miles away in the unsheltered waters of Fort Pond Bay. As a result of repeated damage from winter storms and hurricanes, culminating in the devastation of the 1938 hurricane, the Town permitted commercial boats to dock in Coonsfoot Cove.

Montauk Harbor is the Town's busiest, and continues to be used as a home port by recreational craft, sport and commercial fishermen. It has the highest dockside values of commercial landings of any fishing port in New York State, exceeding Boston (Sea Grant, and East End Economic and Environmental Task Force). The harbor has also become a popular tourist attraction, with restaurants, accommodations, and other development growing up around the fishing and boating industries, much of it tourist oriented. Fishing and tourism have made the harbor a primary node of Montauk's economic activity along with the downtown business area.

Reach 6 also includes extensive open space and important recreational resources (see **Public Access and Recreational Resources Policies #9, & 19-22**).

2. Land use

Northern Lake Montauk, especially in the Coonsfoot Cove and East Lake Drive area, has the highest concentration of water-dependent businesses, recreational and commercial marinas, fish-packing, etc., as well as water-enhanced enterprises such as waterfront restaurants, in the Town. It is the home port for the Town's offshore commercial fishing fleet. On the northwest side of the Lake there is a concentration of residences and resort motels extending to the west along Sound View Drive. South of Star Island the west side of Lake Montauk is primarily a single-family residential area with some condominium development (Stepping Stones) and two restaurants.

A similar land use pattern is present along East Lake Drive in a less intensive fashion, with marina and commercial fishing businesses toward the harbor mouth, and residential development bordering the Lake to the south. Commercial waterfront uses along East Lake are hampered by limited infrastructure, including availability of potable water and the narrow winding roadway of East Lake Drive. As a result development is sparse compared to the west side, and there is also considerable preserved open space, with approximately 900 acres in Montauk County Park. A single non-conforming recreational marina, Montauk Lake Club/Captains Marina in a Regimental A District, is located south of Star Island along East Lake Drive on the southeastern shore. Montauk Airport, a privately owned airstrip with minimal facilities located at the northeast side of Lake Montauk, is also a non-conforming use, in a Residential A2 District.

To the west of the inlet, on Block Island Sound along Sound View Drive and Captain Kidd's Path, erosion problems in front of the motels and waterfront residential lots have resulted from insufficient setbacks, aggravated by the effects of shore-hardening structures and the massive inlet jetties which

interrupt sediment transport, with resultant scouring to their west (see **Flooding & Erosion Policies #11-17**).

Reach 6 enjoys a spectrum of land uses and activity, ranging from the 1920's grandeur of the old Montauk Manor hotel looming over Flamingo Avenue, to small residential lots and large tracts of open space in the Montauk County Park. It includes a world class golf course designed by Robert Trent Jones at Montauk Downs State Park, and contains some of the Town's most significant archaeological resources as one of the last habitations of the Montauk tribe and one of the last areas of the Town to be developed.

3. Zoning

Residential zoning in Reach 6 covers a wide range of densities, with a number of high density B zones on the west side of Lake Montauk in old file map subdivisions, and lower density A and A2 residential primarily on the east side of the Lake. An undeveloped parcel on the west side of the Lake includes a large contiguous open space area east of the Culloden tract (SCTM #12-2-2.19, 97.7 acres), partially in A2 and partially in A3 Residential district.

Reach 6 contains six Waterfront (WF) Districts clustered at the north end of Lake Montauk around Coonsfoot Cove and the north end of East Lake Drive. In addition there are ten commercial Resort (RS) Districts at the north end of the Lake, and two Central Business (CB) Districts around the primary tourist areas of the harbor and in the southwest corner of the reach which encompasses part of the downtown Montauk business area. Where water-dependent and water-enhanced uses remain as pre-existing mixed uses in Resort (RS) Districts in Lake Montauk as a result of changes in the zoning code, the Town may wish to further study the planning implications of these uses. Some parcels may require rezoning to adequately define their current use and to protect existing water-dependent uses as a planning priority.

The Waterfront (WF) and Resort (RS) Districts in Reach 6 include the following parcels and uses:

SCTM#	Use and Location
#06-3-6,7	Duryea's (Montauk Fish Dock & Tuma's Dock), NW side of Coonsfoot Cove (WF)
#06-1-8,28,29,30	Gosman's Dock [and Restaurant], NW side of Coonsfoot Cove (WF)
#06-3-8	Johnny Marlin's Restaurant (WF)
#06-3-9	Salivar's Dock, northwest side of Coonsfoot Cove (WF)
#06-3-10,11,12	Viking Dock, northwest side of Coonsfoot Cove (WF)
#06-3-13,14	Harrington/Merkin, northwest side of Coonsfoot Cove (WF)

#06-3-15,16	Uihlein's Rentals, northeast side of Coonsfoot Cove (WF)
#06-3-20.2	Montauk Marine Basin, west side of Coonsfoot Cove (WF)
#06-3-22,24	Montauk Sportsman Dock, west side of Coonsfoot Cove (WF)
#06-3-26	Offshore Sports, west side of Coonsfoot Cove (WF)
#06-3-28	The Landings, west side of Coonsfoot Cove (RS)
#12-1-1,2	Land's End, west side of Coonsfoot Cove (RS)
#12-1-3	West Lake Marina, southwest side of Coonsfoot Cove (RS)
#12-1-4	Captain's Cove, southwest side of Coonsfoot Cove (WF)
#12-1-5	West Lake Fishing Lodge, southwest side of Coonsfoot Cove (RS)
#12-1-8.3	Snug Harbor Marina, south end of Coonsfoot Cove (RS)
#06-4-9,16.1,17	Montauk Resort and Marina (Star Island Plantation, Montauk Yacht Club, Deep Sea Club), east side of Star Island (RS)
#06-4-1	Town of East Hampton Commercial Dock, N end of Star Island (WF)
#06-4-2	U.S. Coast Guard Station, north end of Star Island (WF)
#06-4-3,6	Star Island Yacht Club, west side of Star Island (WF)
#06-2-2,3	Inlet Seafood, north end of East Lake Drive (WF)
#06-2-5,6	Deep Water Seafood, north end of East Lake Drive (WF)
#06-2-15.1	Gone Fishing Marina, East Lake Drive (WF)
#13-3-26	Montauk Lake Club, East Lake Drive (non-conforming use in A- zone)

Two vacant sites on Coonsfoot Cove are presently zoned RS, SCTM #6-3-31.1 and #12-1-8.1, 3.7 and 4.8 acres respectively. See Analysis and Key Sites.

Reach 6 also retains large tracts of open space in Parks and Conservation (PC) Districts, including the Montauk Downs State Park (160 acres) and Montauk County Park (approximately 900 acres).

4. Analysis

As the Town's most active harbor and a primary tourist attraction, planning efforts at Lake Montauk should focus on improving and enhancing facilities and maintaining priority water-dependent uses. While the needs of the area are being addressed by private sector business initiatives, the Town can work with the business and commercial fishing community to improve infrastructure such as parking and lighting in the West Lake loop area, help to make the area more pedestrian-friendly, to improve visual attractiveness and enhance water quality. The Town may also be able to assist with planning support and help in obtaining grants, and investigate other ways to assist businesses in upgrading properties. A planning study in cooperation with the business community should examine possible improvements, look at existing regulations and zoning boundaries, identify essential fishery support facilities, and ascertain whether current standards for Waterfront (WF) Districts adequately reflect the Town's planning priorities and the needs of the fishing and tourist industries, and develop an overall *Harbor Management Plan* (see also *Revitalization of Montauk Harbor* in **Projects**).

In recent years there has been an increasing tendency for traditional water-dependent uses such as commercial fishing support facilities to be displaced by higher value uses such as retail shops and other tourist oriented businesses. Since commercial fishing is dependent on fluctuations in wild fish populations and vagaries of market pricing, there are years when the fishing business and related shoreside support enterprises are economically attractive and years when they are decidedly less so. In the down years pressure mounts to make more profitable use of valuable waterfront real estate.

Commercial fishing is an important input to the Town economy both directly and indirectly, in maintaining the character of a working waterfront that attracts tourists. The Town is committed to retaining necessary infrastructure to insure continuity of its traditional fisheries, as a priority use in its Waterfront (WF) Districts. The primary method used by the Town to preserve water-dependent uses in Waterfront (WF) Districts are the Permitted and Special Permit uses in Waterfront (WF) Districts, in § 153-5-45D of the Town Code (see **Policy #2, Water-Dependent Uses**). To encourage the commercial fishing industry some incentives may help to retain necessary infrastructure on Montauk Harbor's working waterfront. Possibilities to consider include permitting additional combinations of Special Permit water-enhanced uses in Waterfront (WF) Districts, provided they complement and supplement existing water-dependent fishing uses, or providing tax incentives or grant assistance for improving fishery support facilities.

Fish packing facilities at the north end of East Lake Drive, the Town commercial docks at West Lake and Star Island, and facilities in Coonsfoot Cove are the support core for commercial fishing, and future shoreside infrastructure should continue to be provided in these areas to maintain the health of the industry. As part of the planning study suggested above, the Town should work with local businessmen, landowners and fishermen in developing plans to make sure the upland areas for fishing support facilities remain available. See also **Commercial Fishing Policy #10** and *Fisheries Shoreside Support Infrastructure* in **Projects**.

Recent changes in Zoning Code §153-1-20, §153-5-26, §153-5-50 and local SEQRA law §75-3-20 tighten current regulations pertaining to ferries in Waterfront (WF) Districts. Expansion of existing Special Permit uses such as the present passenger ferry operation could have detrimental

consequences for the waterfront, as well as traffic and environmental implications for the Town. Concerns are cited in Findings for the Town Code amendments discussed in the Introduction and in Reach 5. In addition the recent Transportation Element of the Town Comprehensive Plan (THE, 1997) noted the following site-specific traffic concerns for the Lake Montauk area:

West Lake Drive (CR77) is expected to accommodate the bulk of the traffic destined for this site. The concerns identified for the Fort Pond Bay site are applicable to Lake Montauk as well, because Edgemere Street/Flamingo Avenue (CR 49) also provides access to this site.

An access route to the site via West Lake Drive would pass through the following high accident locations in the Montauk area:

- Route 27/Old Montauk Highway/Second House Road
- CR 49 (Flamingo Avenue)/CR 77 (West Lake Drive)
- Route 27 at CR 77

Introduction of larger ferry vessels into the tightly constrained area of Coonsfoot Cove could also cause boat traffic congestion, as well as altering the dominant fishing industry character of the waterfront to a ferry terminal use. Experience with other ferry ports such as New London and Port Jefferson give some indication of the chain reaction of economic and use alterations that could be expected. As recommended in the Transportation Element, the Town should plan for maximum requirements of existing or future permitted and special-permit uses, and insure that no further expansion of ferry or excursion-boat use occurs without comprehensive review.

Two vacant parcels on either side of the south end of Coonsfoot Cove (SCTM #12-1-8.1 and #6-3-31.1, of 4.8 and 3.7 acres respectively) preserve a sample of the saltmarsh and native forest originally bordering Lake Montauk, and form a visual and natural relief to the otherwise intensively developed shoreline. They are an historical reminder of how the area once appeared, and bear some habitat value, particularly in relation to the south end of the Lake, a designated State Significant Coastal Fish and Wildlife Habitat. The parcels should be maintained in open space to the maximum extent possible, and development potential should be limited by upzoning to one-acre residential [A-zone].

Surface water quality remains a high priority for the Town in Lake Montauk, as it represents both an important commercial and recreational resource, and there is a direct relationship between the Lake's biological productivity, its water quality and its ability to sustain such uses. Requirements for pollution abatement and surface water improvement for lands adjacent to inner harbors have been implemented by the Town in the form of a *Harbor Protection Overlay District*, Appendix C. The Town is also undertaking a pollution abatement project for the south end of Lake Montauk, and stormwater abatement for the remaining perimeter of the Lake, as well as producing *Harbor Management Plans* and undertaking a *Road-end and Beach Access Modification* program (see **Projects**). See also **Water and Air Resources Policies #30-44**.

Documented finds of archaeological resources from Archaic and Woodland aboriginal periods, as well as pre- and post-colonial periods of Montauk tribal occupation, have made Reach 6 one of the most sensitive archaeological areas in the Town. Preservation of these resources is a high priority,

since once disturbed the "layer cake" of antiquity is difficult if not impossible to reconstruct. Structures from more recent recorded history, such as the Montauk Manor hotel and Star Island Coast Guard Station (although it was moved to the present site), retain architectural integrity from Montauk's 1920's heyday under Carl Fisher, when it was touted to become "the Miami Beach of the north" and should also be preserved. See **Historic Resources Policy #23** and accompanying Inventory and Analysis.

5. Key sites in Reach 6

The Montauk Harbor complex incorporating Coonsfoot Cove, Star Island, and the north end of East Lake Drive, is the most intensively used waterfront area in the Town in terms of water-dependent and water-enhanced uses. A number of facilities in the area provide critical shoreside infrastructure for the Town's commercial fishing fleet (see **Commercial Fishing Policy #10**), and future commercial fishing needs will logically be best met here (see **Projects**). There are also a large number of recreational fishing and boating marinas and related businesses in the area, along with water-enhanced uses such as restaurants, lodging and fish markets, which make it a focal area for tourism in Montauk.

The existing uses and zoning status of the Viking dock (SCTM's #06-3-10, -11, & -12) need clarification. Viking has for some years run party fishing boats, and an assortment of passenger ferries. As with all ferry uses, the Town is concerned with the traffic implications, the environmental impacts and the impacts to the recreational and commercial fishing community. The Viking fleet also runs excursions, including whale-watch trips, and in 1997 the firm began conducting gambling cruises. Viking is reportedly constructing a new and larger vessel which may substantially increase the magnitude of its use. Existing infrastructure should be examined to make sure it is adequate to handle any proposed expansion, and no additional ferry use, especially a high-speed ferry, should be introduced on the site without a comprehensive review of additional uses by the Town. The Town recently revised its Zoning Code (§153-1-20, §153-5-26 and §153-5-50), SEQRA Law (§75-3-20), and Waterways and Boats (§149-8) to address potential traffic and environmental impacts associated with passenger ferry boats. See also the discussion of potential ferry impacts and new legislation in Introduction and Reach 5.

On Star Island a 4.8 acre vacant parcel (SCTM #12-1-8.1) in a Resort (RS) District opposite the Montauk Yacht Club was subject to litigation regarding its development. The court settlement limits potential development to 8 units, which should condition any future development efforts. The Town may wish to further limit development by rezoning the parcel to Residential A District, as the site contains extensive wetlands and a significant stand of white and red oak.

A second vacant parcel (SCTM #6-3-31.1) just across Coonsfoot Cove and adjoining the Town launch ramp on West Lake Drive covers 3.7 acres of mostly saltmarsh, and should be kept open to maintain remaining wetlands in Coonsfoot Cove. Together these parcels are representative remnants of the aboriginal vegetative communities of saltmarsh and forest bordering Lake Montauk, and form a visual and natural relief to the otherwise intensively developed shorelines on either side of Coonsfoot Cove. They should be maintained as open space if at all possible, or development limited through other measures, e.g. rezoning to Residential A District.

South of Star Island use of the lake shore is primarily residential and use of the lake itself is almost entirely recreational except for commercial shellfishing, particularly scalloping in season.

The Town Open Space Plan contains a number of parcel specific recommendations for lands in Reach 6, including the Montauk Airport (SCTM #7-1-2.2 & 2.3, 37.6 acres, rezone to A3), numerous parcels of underwater lands in Lake Montauk, the large undeveloped tract south of Culloden (SCTM #12-2-2.19 & #12-3-3, 113 acres total, recommended for open space subdivision and rezoning to A3), and a number of moorlands and downs habitats around the Lake recommended for public acquisition. See Appendix B for a complete list of recommendations for Reaches 5-9.

6. Key issues for Reach 6

As might be expected in the most active of the Town's harbors, harbor management issues in Lake Montauk are at the fore, and are addressed in a number of LWRP policies, projects and initiatives. Water quality issues such as non-point pollution from upland sources are dealt with in the Town's *Harbor Protection Overlay District, or HPOD* (Appendix C), and *Stormwater Abatement* and *Water Quality Monitoring* projects. Boat waste is being addressed in a proposed *No-Discharge Zone*, as well as a *Boater Education* project to promote best management practices (BMP's). The Coonsfoot Cove area will benefit from LWRP projects designed to ensure stability of water-dependent uses and prevent their displacement, and to enhance and improve the appearance of the area and its accessibility for tourists. See *Fisheries Shoreside Support Infrastructure* and *Revitalization of Montauk Harbor* in **Projects**. Integrating these initiatives in a *Harbor Management Plan* specific to Montauk Harbor is also a **Project**. As part of this project a comprehensive study should be conducted of Lake Montauk's water quality, the relative extent of various nutrients, and sources of potential pollution inputs.

At the north end of Lake Montauk, maintaining priority water-dependent uses, such as commercial fishing, against encroachment or displacement by water-enhanced or non-water-dependent uses is a key issue. As noted, regulations pertaining to ferry uses have been redefined under Town Code. Further refinement of Permitted Uses in the Town Code and other methods for preserving water-dependent uses should continue to be developed.

Continued use of the south end of the lake for commercial fishing and shellfish harvest, and recreational uses is contingent on improving surface water quality. Lake Montauk is the receiving body of water for the north end harbor activity, drainage from Montauk Downs State Park golf course to the west, and residential development, especially the Oceanside subdivision to the south.

Reach 6 is rich in historic and prehistoric resources, and although an important part of the Town's heritage, their preservation often conflicts with new development. New methods for protecting these resources are needed. See **Historic Resources Policy #23** and associated **Projects**.

REACH 7 OYSTER POND/ NORTH MONTAUK POINT

1. Description

Montauk Point and Oyster Pond are the principal features in Reach 7. Montauk Lighthouse is a primary landmark, a scenic and historic site for the Town and the State, and its preservation a priority. All land in this reach is government owned, and the only structures and facilities present are those relating either to Montauk Lighthouse or Montauk State Park.

The Montauk Lighthouse was commissioned by George Washington in 1796 on the Montauk Point headland with a projected 200-year lifetime. It was originally set back some 300' from the ocean but now is protected from the forces of wave action only by rock revetments. Geologically Montauk Point is the most prominent eroding headland on the South Fork, and its sediments have fed beaches to the west since the retreat of the glaciers.

Oyster Pond, a mile east of Montauk Harbor, was known for its abundance of oysters and historic use by the native Montauk tribe.

2. Land use

Land use in Reach 7 is either preserved open space or supports the historic structures and related park facilities of the Montauk Lighthouse. All of the land is government owned.

3. Zoning

All land in Reach 7 is government-owned and designated as a Parks and Conservation (PC) District.

4. Analysis

Operation of the Montauk Lighthouse was recently transferred to the Montauk Historical Society. A major enhancement and expansion of the rock revetment designed to protect the lighthouse and Montauk Point has been underway for about two years and is nearing completion. If this protection should prove ineffective against storm erosion further preservation options would have to be contemplated, such as moving the lighthouse back.

5. Key site in Reach 7

The Montauk Lighthouse complex is the only structure of significance in the reach. Aboriginal presence and historic use patterns suggest that much of the reach should be treated as a sensitive archaeological site. The historic significance of the Montauk Lighthouse is evinced by its listing in the National Register of Historic Places (see **Historic Resources Policy #23**).

6. Key issue for Reach 7

Preservation of the lighthouse and its environs and preventing erosion at the site are the key issues for the reach, also considered in **Flooding and Erosion Policies #11-17**, and **Historic Resources Policy #23**.

REACH 8 MONTAUK BLUFFS

1. Description

Reach 8 includes a large percentage of public parkland in Montauk State Park and Camp Hero, a former U.S. military base now owned by NYS OPRHP. The reach contains significant wetlands systems and moorlands habitat, some of which remains in private ownership.

Dramatic clay bluffs known as "hoodoos" line much of the Reach 8 shoreline, a scenic and natural phenomenon unparalleled elsewhere on the east coast. Along some of the bluff tops, perched freshwater ponds and wetlands support unique communities of rare and endangered plants.

From Montauk Point to the western edge of the reach the moraine terminates at the shoreline in wave-cut bluffs 30'-80' high bordered by narrow boulder strewn beaches. The rocky shore west of the point was the site of numerous shipwrecks in the nineteenth century, and the Montauk Lighthouse still serves to keep boats clear of its hazards.

2. Land use

Land use in Reach 8 consists largely of undeveloped parkland with isolated residences dispersed in the moorlands along the ocean bluffs. The parkland area was recently expanded by State purchase of the Sanctuary (SCTM #15-1-14), a 339.8 acre parcel that includes moorlands, extensive freshwater wetlands, a State designated Significant Coastal Fish and Wildlife Habitat, and the watershed for Oyster Pond. It adjoins the protected open space of Camp Hero.

Other Reach 8 land use includes a Town affordable housing project of converted base housing in Camp Hero, and the Montauk Shores condominium trailer park on the ocean at the west end of the reach. A few of the prestigious resort homes, notably Stone House, are hazardously close to the retreating bluff edge.

3. Zoning

A large portion of Reach 8 consists of State parkland in Parks and Conservation (PC) District, with an inholding in the former Camp Hero airbase that contains Town affordable housing units, zoned Residential B. Because of environmental and other considerations much of the remainder of the reach is in the Town's lowest density Residential A5 District. The trailer park condominium at Montauk Shores is in Resort (RS) District, following its earlier land use. A change to Residential B District is recommended consistent with its present residential condominium structure.

4. Analysis

The Camp Hero site offers redevelopment potential for low-impact recreation, public access to the water, and creative use of its historic resources, but it is limited by environmental constraints.

There are numerous remaining structures, some of which may be reusable as a military or natural history museum complex or theme park, a natural outgrowth of Camp Hero's military heritage from the Spanish American War to the post-World War II period. The facilities from World War II and

the post-war period are in various stages of disrepair and will require renovation or, in some cases, demolition and cleanup.

This section of the Town's shoreline has few approaches and is in demand from recreational fishermen and surfers. The Camp Hero site has the capacity to increase access to the water, which would be welcomed. However, wetlands and habitat values may again be limiting factors (see **Public Access and Recreational Resources Policies #9 and #19-22, and Projects**). Given the fragile ecology, extensive wetlands, rare plants, and other high habitat values of the parcel, only passive or low intensity recreational uses such as hiking, surfcasting, nature trails, birdwatching, photography, or education, etc. are appropriate.

NYS OPRHP is conducting a feasibility study for use of Camp Hero. A public golf course on the site, one of the potential uses proposed by NYS OPRHP, would impair the delicate ecology and habitat and is unworkable given the known constraints of the parcel and chronic water supply problems in Montauk. The golf course use is inconsistent with LWRP policies, and was recently ruled out as an option in an announcement by NYS State Parks Commissioner Bernadette Castro. The military museum concept should be explored as a means of utilizing the remaining buildings and as a way to document Camp Hero's significant military history. Potentially toxic residual materials need to be surveyed and removed before redevelopment can occur. Given the large radar tower and other structures on the site, leasing some structures for communication antennas could be considered in the already developed portion of the property. Likewise, using a disturbed section of the site for wind generation of electricity is another potentially compatible use, given the high wind speeds recorded in Montauk.

Following the feasibility study, a Camp Hero management plan should be developed by NYS OPRHP with consultation and approval by the Town. The primary goals of the management plan should be to preserve ecological/habitat values, and to provide public access and enhance public recreational opportunities without impacting the natural resources. Strenuous efforts were exerted by many levels of government and individuals to preserve Camp Hero's natural resources, and this was the principal reason for its conveyance to the State by the Federal government. The transfer agreement for the parcel from the U.S. Government to New York State specifies that no more than 15% of the site be developed. The original conservation goals expressed at the time of acquisition by the State remain valid, and the Town advocates a management plan consistent with those aims.

The management plan should address the existing habitat, hydrological and historic resource concerns, while encouraging appropriate public access and recreation use. Possibilities for restoration, reuse or demolition and clean-up of the abandoned military structures for recreational, educational or other purposes should be evaluated, along with their historic value, and criteria developed for environmental protection of the site's abundant natural resource base (see **Projects**).

As noted the Montauk Shores trailer park condominium is extremely vulnerable to flooding and erosion in the event of a hurricane with attendant storm surge (see also **Flooding and Erosion Policies #11-17**). This vulnerability and possible strategies for protection and post-storm

redevelopment should be examined in the Hurricane Damage Mitigation Plan (see **Projects**). Zoning should be changed from Resort (RS) to Residential B District consistent with present use.

The undeveloped parcels that remain in private ownership in Reach 8 should be considered for acquisition or private conservation to complement the existing preserved open space and State and Local Significant Coastal Fish and Wildlife Habitats. They would constitute meaningful additions to scenic and recreational resources that contribute to the resort economy of the Town. As suggested in the Town Open Space Plan a variety of measures may be considered to conserve maximum open space with limited public funds, including acquisition, private conservation with attendant tax incentives, and open space subdivision. See Appendix B. See also **Significant Habitats Policy #7** and **Public Access and Recreation Policies #9 & 19-22**.

The Historic District for the National Register listed Montauk Association homes east of Ditch Plains is an important example of the early resort character of the Town, and represents the work of an outstanding architect of the time. The moorlands ecology surrounding the Association is an intact component of the larger Montauk Point community. The Town should develop specific local legislation with standards for preservation of these historic buildings and their surroundings. See **Historic Resources Policy #23** for additional information regarding the Historic District.

5. Key sites in Reach 8

Camp Hero has potential for redevelopment for low-impact recreation use, as a military history museum or theme park, and for subsidiary use as an antenna farm or for wind generated electricity. The site offers public access to one of the Town's least developed and most interesting sections of shoreline, an area of special recreational interest to fishermen and surfers. Only uses that protect the site's fragile wetlands, plant communities and historic resources are appropriate. It should be noted that the agreement between OPRHP and the Federal government conveying the property to New York State allows for amendment by written agreement of both parties, consistent with the purposes for which the property was transferred.

The Montauk Shores trailer park condominium remains a concern for flooding and erosion, particularly in hurricanes and winter storms.

The historic Stanford White homes of the Montauk Association at the west end of the reach (SCTM #32-6-1.1, -10, & -11, 123.3 acres total) form a National Register Historic District. The buildings and their historical context should be preserved, insofar as possible, with the original moorlands landscape. See **Historic Resources Policy #23**.

Because of the large areas of preserved parkland and high habitat values in the reach, remaining parcels of contiguous open space (primarily SCTM #21-2-24.15, 122.8 acres, and #22-1-7, 40.2 acres) should be considered for public acquisition and/or a combination of private conservation and open space subdivision. See the Town Open Space Plan recommendations for Montauk in Appendix B for details.

6. Key issues in Reach 8

Revitalization or redevelopment of Camp Hero is a prominent land use issue in Reach 8, along with protection of its extensive habitat and fragile ecological values.

Other priority concerns are redevelopment of the Montauk Shores condominium in the wake of a catastrophic storm, conservation of the remaining large undeveloped parcels, and preservation of the Montauk Association historic district with attendant moorlands.

REACH 9 HAMLET OF MONTAUK/HITHER HILLS

1. Description

The Montauk hamlet is the Town's second largest commercial center after East Hampton Village. The area including the Montauk business area, Ditch Plains, and Old Montauk Highway to the west in Reach 9 encompasses the highest concentration of motels and other facilities for transient guests in the Town.

Terrain in Reach 9 varies from morainal knob and kettle and outwash formations in the eastern and western extremities, to a sandy floodplain deposited by littoral drift in the Montauk hamlet area. At the eastern extremity of the reach, the Ditch Plains subdivision was erected in a low wetland area that was ditched and drained in the 1950's for housing development. The Ditch Plains beach is a popular Town bathing beach and surfers' mecca.

30-50' bluffs along the shore west of Ditch Plains continue the hoodoo formations of Reach 8, with numerous trails along the bluffs, and traversing an undeveloped Montauk moorlands tract known as Shadmoor. Between Shadmoor and the Montauk hamlet the clay bluffs continue through a residential subdivision, Surfside Estates.

West of the low dunes fronting the business area, the terrain again ascends to 50' morainal bluffs. The beach throughout this area is wider and sandier due to littoral deposition from the east. The bluffs in this area along the Old Montauk Highway are less steep and better vegetated than those to the east.

2. Land use

As the center of business and resort activity for the area, the Montauk hamlet has numerous motels along the oceanfront, many of them built into the dunes themselves. A busy downtown shopping area extends to a traffic circle presided over by East Hampton's sole skyscraper, a six-story artifact from Carl Fisher's day. The area grew up chock-a-block around the circle in Montauk, beginning in the 1930's with the Montauk Beach Company skyscraper and the former Montauk Surf Club, now the site of a condominium. Much of the present motel and other resort construction dates from the post-war boom of the 1950's, pre-dating zoning, site plan review and other planning procedures.

The Town's largest recreational facility in Montauk, Kirk Park, is located along the beach with a large paved parking lot behind the primary dune, and an additional area on the north side of Montauk Highway extending to the shore of Fort Pond.

West of the business area a substantial portion of the brushy upland between Old Montauk Highway and the bluff edge is within the Benson Reservation, an undeveloped buffer which provides access and uninterrupted vistas to the Atlantic and contains a substantial dune/bluff ecosystem. Further west, buildings are again present on the south side of Old Montauk Highway including residences and several resort hotels, with Gurney's, Panoramic View and Wavecrest built directly on the slopes of the bluff.

3. Zoning

Zoning districts in Reach 9 include a Central Business (CB) District in the hamlet, and Resort Business (RS) Districts for a number of the hotel and motel operations. Residential B Districts include several old filed map areas, with Residential A for much of the rest, and the 'Shadmoor' property zoned Residential A5 because of its environmental sensitivity. The Benson Reservation property is in a Residential A3 District, although it cannot legally be developed because of its governing covenants.

4. Analysis

In downtown Montauk, with cooperation from a pro-active business community, the Town has an opportunity to revitalize the aging business area. The Town should form a partnership with local business leaders, and contribute its planning expertise to facilitate an exchange among business owners to improve common infrastructure such as parking, sidewalks, parks and active recreation sites, and to formulate community standards that will enhance the entire area (see **Projects**).

While there are no water-dependent uses in Reach 9, waterfront resort development is enhanced by its proximity to the ocean, which also renders it vulnerable to flooding and erosion damage in storms. The shoreline has already receded considerably over the years, with a paper street, South Edgewater Avenue [sic], that was originally designed as part of the downtown area, now completely underwater. Future vulnerability of the Montauk business district should be assessed in detail in the Hurricane Damage Mitigation Plan (see **Projects**) and a program of remedial actions, contingency mitigation, and post-storm redevelopment plans put in place to respond to post-storm emergency conditions and reconstruction.

The Shadmoor parcel contains significant representation of both the once extensive Montauk moorlands and downs habitats, and of Montauk's historic World War II role in the defense of New York City. Surviving fire control and observation structures, dramatic bluffs and extensive wetlands justify the strenuous efforts being made by the Town and other government and non-governmental agencies to secure its preservation. The Town Open Space Plan recommends protecting its natural features, trails and historic structures, and public acquisition remains the desired alternative for the property.

The nearly 70 acres of the Benson Reservation extending west of the Montauk hamlet between Old Montauk Highway and the ocean is a scenic asset to the community, providing a natural bluff barrier against erosion and a densely vegetated buffer with pedestrian access to the beach. Public access and habitat management remain a concern and permanent preservation is a priority (see Open Space Plan recommendations, Appendix B). Approximately 40 acres of the easterly portion was recently donated to the Town, for which

zoning is recommended to be changed to Parks and Conservation (PC) District. The westerly 35-40 acres should be also be permanently preserved, but is privately owned by the Montauk Beach Property Owners Association, and would require the owners' consent.

5. Key sites in Reach 9

The downtown business area in Montauk is a key site for the Town's tourist trade. The resort operations in the Montauk hamlet and along Old Montauk Highway are greatly enhanced by their proximity to the water, indeed their profitability depends on access to the beach. These water-enhanced uses contribute significantly to the Town's resort economy.

The Town Open Space Plan identifies a number of important parcels in the reach. In Ditch Plains these include several freshwater wetlands parcels, SCTM #32-4-31.1, -32, -33 & -34. The largest parcel noted in the Open Space Plan for Reach 9 is Shadmoor (Bear and Schub proposed subdivision), SCTM # 28-9-46.1 & -46.2, 98.8 acres, an important example of the Montauk moorlands community with oceanfront hoodoo bluffs, globally endangered and protected species, locally designated Significant Coastal Fish and Wildlife Habitat (see **Significant Habitats Policy #7**), extensive freshwater wetlands, scenic views, and historic structures. The Town Open Space Plan has been revised (1998) to form a Community Preservation Project Plan, including the Villages of East Hampton and Sag Harbor, and will continue to be updated every 3-5 years.

The Benson Reservation east of the business area, SCTM's #67-4-34, 34.9 acres and #48-3-30, 34.3 acres, is recommended for rezoning to Parks and Conservation (PC) upon consent of the landowner. SCTM #49-2-8 & #51-1-7.2 are small freshwater wetlands of less than an acre adjoining protected open space, recommended for public acquisition. Additional recommendations may be found in the Open Space Plan Recommendations for Montauk, Appendix B.

6. Key issues in Reach 9

The downtown Montauk Central Business (CB) District is an integral part of the Town economy. Revitalizing it is a challenge for both the business owners who operate there, and for the Town, to maintain and improve its infrastructure. Many of the structures are aging and may require renovation in the future. Issues for the Town include: how to redevelop and improve an area that predates present-day planning standards, especially to enhance its visual attractiveness; and how to maintain the recreational and visual resources, and the beaches that draw visitors to the area.

The resorts and the Central Business (CB) District in downtown Montauk, as well as sections of the resorts along Old Montauk Highway, and the Ditch Plains subdivision are within NFIP flood hazard zones and some are also within CEHA hazard zones (see **Flooding and Erosion Policies #11-17**), putting the area at high risk in a catastrophic storm. The business area in Montauk probably constitutes the greatest concentrated liability for storm induced flood damage in the Town.

With remaining open space in Reach 9 at a premium, parcels such as Shadmoor contribute significantly to the habitat and scenic values of the reach, and should be preserved.

The Benson Reservation along Old Montauk Highway should be maintained as a scenic and vegetative buffer greatly enhances this meandering picturesque route and its ocean views.

REACH 10 NAPEAGUE SOUTH/AMAGANSETT

1. Description

From Hither Hills west to Amagansett, Reach 10 is characterized by the beaches and dunes associated with the tombolo complex of spits which formed Napeague. From its origins in littoral deposition much of Reach 10 exhibits characteristics of a barrier beach rather than the outwash plain or moraine structure common to other reaches of the Town. Barrier beaches and dune systems tend to be mobile land forms, which can pose problems for development on them. The broad sandy beach and dune system is backed by low backshore areas extending to the wetlands of Napeague Harbor which are susceptible to storm flooding.

Bluff Road extending to the west parallels an ancient shoreline cliff [or fossil bluff] cut into the Ronkonkoma outwash plain by wave action. A complex system of dunes known as the Atlantic Double Dunes evolved between this ancient shoreline and the present shore, now separated from the fossil bluff by distances up to about 1/4 mile, south of Bluff Road between Atlantic Avenue and Indian Wells Highway.

2. Land use

Most land use within Reach 10 is residential with the exception of open space in the Double Dunes preserved by government (New York State and U.S. Fish and Wildlife Service) and private organizations (The Nature Conservancy).

A large undeveloped section of the reach area is included within Napeague State Park, which encompasses a long segment of the double dunes area bordering the Atlantic Ocean as well as a significant dune and wetland tract along Napeague Bay acquired from the Smith Meal Company (the old fish factory). Segments of the park adjoining Napeague Harbor and extending south to the ocean are within a designated CBRA zone in the Federal Coastal Barrier Resources System. The CBRA zone does not include residential development within the Montauk-By-The-Sea subdivision. However, some previously undeveloped areas within the reach that are proposed for subdivision are within the CBRA. Much of this CBRA zone is also a State designated Significant Coastal Fish and Wildlife Habitat. The 490-acre tract of undeveloped parkland consists of sandy beaches and primary dunes with elevations to 20'-30' above mean sea level (AMSL), some of which are well vegetated. A second CBRA zone is located in Amagansett in the Double Dunes system extending through a National Wildlife Refuge and on Nature Conservancy land from Atlantic Avenue to the west of Indian Wells Highway.

The majority of development in the Napeague stretch consists of single family residences, multifamily condominiums, and one or two restaurants. The inland area contains numerous freshwater wetlands and these low areas periodically flood from heavy rains and/or coastal storm overwash. Most of the residential construction has occurred since the last major hurricane in 1938,

when a massive overwash of the Napeague isthmus occurred. Montauk was cut off by flooding in Napeague for nearly a week, and a number of structures in the Amagansett dunes were destroyed.

Reach 10 encompasses a number of extensively used bathing beaches, at White Sands, Napeague Lane, Atlantic Avenue, and Indian Wells Highway. The beaches and the recreation they afford are a cornerstone of the Town's resort economy, and their maintenance is an important planning consideration. The Atlantic Avenue beach provides the most extensive parking of any of the Town's ocean beaches and receives some of the most intensive use. See also **Public Access and Recreation Resources Policies #9 and #19-22**.

During the summer and fall surf fishing seasons the Amagansett and Napeague beaches receive intensive use from ORV's driving on the beach.

3. Zoning

Reach 10 Parks and Conservation (PC) Districts include parkland owned by New York State in Hither Hills and Napeague State Parks and the Federal USFWS Refuge between Atlantic Avenue and Indian Wells Highway in the Double Dunes. The remainder of the reach is zoned in various Residential Districts ranging from high density B Districts in older sections of Beachampton and in Montauk-by-the-Sea in Napeague, to A, A2 and a few A3 Districts in sensitive dunelands. The only commercial zone in the reach is a Resort Business (RS) District at the east end of the reach encompassing the Driftwood, Sea Crest and Hermitage condominiums.

4. Analysis

The fragile ecosystems of the barrier beach and Double Dunes through Napeague and Amagansett are a high priority for protection and conservation. Fortunately, significant portions have already been preserved through public ownership and private conservation, primarily by The Nature Conservancy. Significant remaining parcels should be acquired where possible by the public, either by Town or other government agencies, or otherwise protected as per the recommendations of the Town Open Space Plan. All government agencies, including semi-autonomous authorities such as Suffolk County Water Authority, should incorporate a policy of protecting the ecological and habitat values of these fragile areas into their planning and permit procedures.

As much of the reach is vulnerable to flooding from hurricanes, future development and/or redevelopment in the wake of a severe storm should be carefully evaluated in the Hurricane Damage Mitigation Plan. This applies particularly to the low-lying areas of Napeague and Beachampton where the resort businesses and intensive residential development have produced concentrated areas at potential risk of inundation.

Other facets of Reach 10 coastal development issues are addressed in other sections of the LWRP, including: **Significant Habitats Policy #7, Flooding and Erosion Policies #11-17, Public Access and Recreation Policies #9 & 19-22, and Water and Air Resources Policies #30-44**. Also refer to the Hurricane Damage Mitigation Plan (HDMP) in **Projects**.

5. Key sites in Reach 10

The beach resorts along the Napeague stretch are components of the Town's tourist economy. However, they are located in an environmentally sensitive and flood-prone area, and several are non-conforming uses in Residential Districts. Their continued presence should be evaluated in the HDMP if substantially damaged or destroyed by storm. Dense residential development in Montauk-by-the-Sea and Beachampton is also at risk from hurricanes and storm surge, also recommended for detailed examination in the HDMP (see **Projects**). See also **Flooding and Erosion Policies #11-17**.

A number of sites in the dunes of Reach 10 received specific recommendations in the Town Open Space Plan. SCTM #130-2-2 is a 40.9 acre parcel of oceanfront duneland just east of Dolphin Drive containing freshwater wetlands, protected species and providing scenic views and waterfront access. It is designated as State designated Significant Coastal Fish & Wildlife Habitat, is within a Velocity Flood Hazard Zone and a CBRA Zone, and the Open Space Plan recommends it be acquired by the public. SCTM #189-5-2.5 is a 7.7 acre parcel with an existing dwelling in the Double Dunes off Further Lane, recommended for private conservation to preserve the dunelands. SCTM #189-5-3.3 is 8.5 acres with an existing dwelling, farmland and an old field, where open space subdivision is recommended to preserve the farmland. SCTM #189-5-6, 6.8 acres; #189-5-8, 11.6 acres; #189-5-10.1, 27.6 acres; and #189-6-1.4, 6.4 acres are additional parcels in the Further Lane area recommended for various combinations of private conservation and open space subdivision to preserve farmland and Double Dunes habitat.

6. Key issues in Reach 10

Flooding and erosion and environmental sensitivity of fragile dunelands, wetlands and shallow aquifers are key issues for development in Reach 10. Preservation of remaining open space in the reach is a priority for the Town and should be for other government agencies as well. See **Significant Habitats Policy #7, Flooding and Erosion Policies #11-17 and Surface Water Quality Policies #30-44**.

Although there are no water-dependent commercial uses in the reach the water-enhanced resort uses at the east end of Napeague are part of the Town's tourist economy. Future planning for the area should determine whether they should be permitted to expand, or in the case of the non-conforming uses, to remain in place or be phased out over time, or in case of destruction by a catastrophic storm (see **Projects**).

Some recreational uses have affected development in Reach 10 by increasing flooding and erosion and diminishing the integrity of natural protective features. Remediation and enforcement measures have not yet been effective in preventing or repairing this damage.

REACH 11 WAINSCOTT

1. Description

The terrain of Reach 11 is flat with sandy beaches, and consists primarily of outwash plains, the ocean beach and dune system, and two coastal ponds, Georgica and Wainscott Ponds. The beach

in Reach 11 acts as a simple barrier, lacking an interdunal buffer or back dune system as in the Double Dune system of Reach 10.

Both of the ponds are Locally designated Significant Coastal Fish and Wildlife Habitats (see **Significant Habitats Policy #7**). Particular consideration should be given to preventing habitat degradation in any applications for development in their vicinity.

Its extensive watershed makes Georgica Pond is prone to substantial fluctuations in water level, resulting in periodic flooding of basements and septic systems on bordering properties, even under relatively normal conditions. To an extent this is due to construction of homes too near the pond edge. The Town Trustees traditionally open the Pond to the sea in spring and fall to increase flushing and enhance fishery productivity by allowing migration of anadromous fish and crustaceans such as blue-claw crab.

2. Land use

The beaches at Beach Lane and Town Line Road provide limited parking but enjoy extensive residential use, and also provide access to Georgica Pond for picnicking and crabbing. A cabana serves as a private community beach facility for the Georgica Association. Significant portions of farmland remain in agricultural use in the reach, some covered by agricultural easements, etc. As part of the outwash plain Wainscott farmland has Bridgehampton loam soils, some of the Town's finest agricultural soils.

3. Zoning

Land use in Reach 11 is in low density Residential Districts A2 and A3. There are no Commercial Districts in the coastal zone in Reach 11.

4. Analysis

Flooding and Erosion Policies #11-17 provide a discussion of storm flooding and erosion and related planning issues in Reach 11. A detailed analysis of hazards and possible mitigation strategies, and a parcel-specific evaluation of vulnerability are proposed to be carried out in the Hurricane Damage Mitigation Plan (see **Projects** section).

The Town Open Space Plan provides a context and recommendations for preservation of open space in the reach, primarily farmland, scenic views, and structures in the Wainscott historic district.

5. Key sites in Reach 11

Key sites in Reach 11 are primarily residences vulnerable to storm flooding and erosion, and farmland and the open space parcels which define the character and history of this community.

The Town's Open Space Plan makes a number of specific recommendations for preservation of open space to maintain significant habitat, scenic vistas, historic farms and buildings, and agricultural uses in Reach 11. SCTM #197-7-9 & -12.6 together form a 39.1 acre tract of Georgica Pond shorefront with an existing dwelling including locally designated Significant Coastal Fish and Wildlife Habitat (see **Significant Habitats Policy #7**), and are recommended for private conservation and/or open

space subdivision to preserve pond shore and upland woods. For SCTM #197-7-13.1, 15.6 acres on Georgica Pond with an existing dwelling, the plan recommends obtaining a conservation easement to buffer or enhance the adjacent nature preserve. SCTM #197-7-15, 4.6 acres of woodland and Georgica Pond shorefront, is recommended for public acquisition or partial development, with the possibility of obtaining public access to the Pond, of which there is a dearth, particularly along the western shore.

Various techniques for preservation of the agricultural lands in Reach 11 are recommended in the Open Space Plan. A 20.4 acre parcel consisting of SCTM #200-2-20, -23, -28.2, & -28.4 is recommended for rezoning to Agricultural Overlay District. SCTM #200-2-29, 30.2 acres on Wainscott Pond, is recommended for private conservation and/or open space subdivision, and to obtain public access to Wainscott Pond. SCTM #200-2-33, at the corner of Five Rod Highway and Wainscott Main Street, has an historic dwelling and scenic views, recommended for a scenic easement. In addition, the following parcels are recommended for various measures to preserve farmland, historic resources, and Locally Significant Coastal Fish and Wildlife Habitat around the ponds: SCTM #200-2-48.2, -48.3 & -51.1, 58 acres; #200-2-48.4, 11.9 acres; #200-2-48.6, 1.9 acres; #200-2-48.7, 2.7 acres; #200-3-37, 4.4 acres; #200-3-38, 24.1 acres; #200-3-45, 4.3 acres; #200-3-46, 6.8 acres; and #200-3-47, 2.8 acres. Please refer to the Town Open Space Plan for details of recommendations.

6. Key issues in Reach 11

Primary development concerns in Reach 11 focus on potential flooding and erosion from storm events to which, depending on storm magnitude, most of the reach is vulnerable. See **Flooding and Erosion Policies #11-17** for delineation of flood and erosion hazard zones.

Other important issues are preservation of open space, especially farmland, and finding a creative mix of techniques to preserve the historic character and scenic vistas that describe the Wainscott community.

REACH 12 GARDINER'S ISLAND

1. Description

Gardiner's Island is one of the largest privately held islands on the east coast, and represents an immensely important part of East Hampton's historical and natural heritage. It was purchased by Lion Gardiner in 1639 from the Montauk Indians, and received a patent from the King of England in 1640, establishing what is usually regarded as the first English settlement in New York State. It remained an independent manorial estate until after the American Revolution when it was annexed to Suffolk County and East Hampton Town. The Gardiner family trust remains the owner of the island, and continues to maintain it for private use.

From an historic and archaeological standpoint Gardiner's Island contains the longest continuous intact record of colonial settlement in the Town and probably for much of New York State. Ecologically it provides exceptional habitat for many rare and endangered species, including the largest concentration of nesting osprey in New York State. The entire island is a State designated

Significant Coastal Fish and Wildlife Habitat. Federal CBRA designations cover zones at the northern and southern spits and surrounding the coastal ponds and associated shorelines.

2. Land use

Since Gardiner's Island is effectively a single residence at present, routine planning and development concerns do not apply. The principal means of entry and egress from the island is by boat, and the private marina/boat basin on Cherry Harbor on the west side is a water-dependent use vital to the maintenance of the island.

3. Zoning

Because of its unique resources and extreme sensitivity, the Town has zoned the entire island a Residential A5 District, the category of lowest residential density.

4. Analysis

To date the Gardiner family heirs have maintained and preserved their heritage on the island with great dedication. If future conditions alter this state of affairs all levels of government should exert their utmost efforts to ensure its preservation without additional development.

Maintaining the present minimal level of use of the island should be encouraged by the Town and other government agencies, including maintenance of the current water-dependent use at the boat basin.

The historic structures and archaeological resources of the island are a vital component of the history of the Town and New York State, and government agencies should encourage intact preservation of the historic and archaeological record, and to the extent possible, record oral history from the surviving Gardiners (see **Historic Resources Policy #23** and Oral History in **Projects**). Town and State agencies should, in cooperation with the Gardiner families, designate the Island's resources in an historic district.

5. Key sites/issues

The primary issue for Gardiner's Island is preservation of its extraordinary historic and natural resources. If in the future development is contemplated for the island, conservation of these resources, indeed preservation of the island as an intact entity, should be the foremost consideration and the focus of all levels of government and whatever private resources that can be brought to bear.

C. PROPOSED LAND USES

The proposed land uses for the Town of East Hampton are illustrated on [Map II-3](#), opposite page II-42. They translate the LWRP policies into a cohesive land use plan for the coastal area. These proposed land uses reflect and implement the policies, applying them to the existing land use patterns and natural resources of the Town, along with its development potential and constraints.

East Hampton's coastal area is included in what The Nature Conservancy has described as one of "The Last Great Places". The LWRP seeks to maintain and enhance the community character of the Town by protecting and preserving the natural and cultural resources that contribute to this unique sense of place. The LWRP proposes to achieve this by sustaining the historic land use patterns of the Town of East Hampton, working with development patterns and trends, and utilizing existing infrastructure.

In recent decades East Hampton has been experiencing one of the highest growth rates in New York State, as demand for second homes has spurred a building boom. Although opportunities for well planned growth continue to exist within the Town's long established land use patterns, increased development pressure means that increasingly marginal areas are being developed on the shore and on the fringes of hamlets, producing increasing stress on resources and municipal infrastructure.

As reflected in the LWRP policies, the Town continues to exert its utmost efforts to preserve its natural coastal resources and, in particular, to protect open space according to the 1995 Open Space Plan addition to the Town Comprehensive Plan. Open Space Plan recommendations are described in some detail in the reach Inventory and Analysis and appended sections of the Open Space Plan. Other efforts to preserve significant habitat areas and natural protective features of the coast are discussed in **Significant Habitats Policy #7** and **Flooding and Erosion Policies #11-17**.

Other proposed land uses pertaining to historic and visual resources and to waterfront infrastructure for commercial fisheries are being considered in various **Projects** of the LWRP. See **Projects** Section XIV and accompanying [Map XIV-1](#).

D. DEVELOPMENT POLICIES #1-6

POLICY 1 RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL AND INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.

POLICY 1A RESTORE, REVITALIZE, AND REDEVELOP THE FOLLOWING UNDERUTILIZED SITES FOR CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES:

- (1) MARINA LANE DREDGE SPOIL SITE, THREE MILE HARBOR**
- (2) OLD FISH FACTORY SITE, NAPEAGUE**
- (3) FORMER MONTAUK LANDFILL**
- (4) MONTAUK HARBOR AREA**
- (5) CAMP HERO, MONTAUK**
- (6) MONTAUK BUSINESS AREA**

Explanation of policy:

The purpose of this policy is to promote new uses for deteriorated or underutilized sites on the Town's waterfront, particularly those disturbed by previous industrial uses or other activity. Redevelopment and revitalization of these sites will provide economic or other benefits to the Town's coastal area that are consistent with the policies of the LWRP.

In the Town of East Hampton, six sites have been identified as deteriorated and underutilized and worthy of restoration or revitalization:

- 1. Reach 2, Marina Lane dredge spoil site on the east side of Three Mile Harbor
- 2. Reach 4, former fish factory site in Napeague State Park
- 3. Reach 5, former Town Landfill in Hither Woods, Montauk
- 4. Reach 6, Montauk Harbor, including the marina/dock complex and related areas of Coonsfoot Cove, West Lake Drive loop, and Star Island
- 5. Reach 8, Camp Hero abandoned military complex in Montauk Point State Park
- 6. Reach 9, the "downtown" Montauk commercial business area

Two of the underutilized sites, the old fish factory in Napeague and Camp Hero, have been purchased by or transferred to the State, and the Town intends that the consistency provisions of the State coastal program be fully utilized to insure that its concerns are taken into account by State agencies in determining future uses of these lands.

Two other sites, the Marina Lane dredge spoil site and the former Town landfill in Montauk, are Town-owned and represent opportunities to creatively enhance recreation and environmental remediation in the coastal area. The proposed projects on these sites will further a number of LWRP

policies and initiatives related to habitats, recreation and water quality, and will have benefits for a wide spectrum of residents and visitors as well as the environment.

The remaining two sites, Montauk Harbor and the Montauk business district, are locations where the Town will form multi-level public/private partnerships to enhance economic activity, improve local planning and environmental protection, and in the harbor area, maintain important water-dependent uses for the commercial and recreational fishing and boating industries.

Implementing redevelopment projects may depend on attracting funding from either the private sector or State or Federal agencies, and may occur over an extended period. Although the Town has thoroughly inventoried the coastal area in preparing the LWRP, additional sites may emerge as priorities for revitalization as changes in economic activity occur in the future, or as the LWRP itself is put into effect and other projects are carried out.

Rather than attempt to institute new development standards in this policy, the existing Town Code, acknowledged to be one of the most forward in the State, should be applied for waterfront revitalization projects. Town standards for waterfront use priorities, zoning, subdivision, site plan review and natural resource protection are cited elsewhere in these **Development Policies**, in the **Local Laws** and in the LWRP.

Potential uses and plans for these sites are summarized as follows, and are discussed in more detail in the **Projects**.

1. Marina Lane Dredge Spoil Site, Three Mile Harbor, Reach 2

The Marina Lane site is underutilized and disturbed, but would be a good waterfront park with exceptional sunset views across the harbor. The Town Natural Resources Department is interested in utilizing the site for a demonstration wetlands restoration project, and using the disturbed upland area as a nursery area for beach grass and other seaside plants. An alternative dredge spoil disposal site would be needed for future dredging of the channel, or parts of the site could continue to be used as a temporary depository from which to move spoil for beach nourishment projects.

2. Old Fish Factory Site, Napeague, Reach 4

The old fish factory (Smith Meal Co.) site at Promised Land was acquired by NYS OPRHP as part of Napeague State Park. Although the site has limitations due to its surrounding ecological features and lack of infrastructure there is potential for limited redevelopment of the waterfront portion as a public fishing pier, and an educational walk or exhibit relating to the history and ecology of the site. A low-impact rustic campsite area for canoers and kayakers is another possible use, as a link in a proposed water trail system extending through the Town from Northwest Harbor to Montauk (see **Public Access and Recreation Resources Policies #9 & 19-22** and **Projects**).

Because of its constraints, the site must be carefully analyzed to determine what kind of redevelopment or revitalization is appropriate, and where it can take place. Any redevelopment plan must be consistent with the preservation objectives of the LWRP. Because of the fragility of its environment and concerns over an influx of undesirable uses such as jetskis, numbers of users,

parking and the area to be used of the site should be restricted. Various proposals for a ferry terminal, or active recreation facilities (ballfields, golf courses, etc.) should be excluded, and Napeague State Park as a whole is of such fragile character it should be classified by NYS OPRHP as a "park preserve".

3. Former Montauk Landfill, Reach 5

The former Montauk landfill is situated in Reach 5 in Hither Woods at one of the highest points in the Town, with impressive views of Block Island Sound to the north. The site would lend itself to reclamation, landscaping and installation of modest park facilities for passive recreation (e.g. sunset viewing) and/or some active recreation use for ballfields, etc. It adjoins an extensive trail network through the preserved open space of Hither Woods, and would also be readily accessible to residents and others making use of the present recycling and transfer facility.

4. Montauk Harbor Area, Reach 6

This project would further LWRP goals to enhance water-dependent commercial and recreational uses in Montauk Harbor. Existing patterns of use in the Waterfront (WF) and Resort (RS) Districts will be analyzed and the Town will work with the marina and fishing industries to maintain or improve existing water-dependent uses. The Town will facilitate a cooperative plan among waterfront business owners to join existing walkways and/or construct connecting links between docks, marinas and other waterfront facilities to improve pedestrian access for tourists and enhance sightseeing, shopping, and recreational opportunities. The plan will also examine realignment of the existing wharf lines to simplify and improve boat traffic, and look at ways to preserve remaining wetlands as natural and scenic buffers.

5. Former Camp Hero, Montauk, Reach 8

The Town's policy for the abandoned military complex, as discussed in the Analysis for Reach 8, is that it should be redeveloped in a limited way for passive or low-impact recreational uses that would provide public access to the water, trails for hiking, etc. Any NYS OPRHP management or use plan must stringently protect the important ecological and habitat components of the site. Active recreational uses such as a golf course are inappropriate to the site. Some of the structures, though deteriorated, may be amenable to restoration or conversion for a military museum or theme park, befitting the site's important military history. Some economic benefit could be derived by leasing existing tall structures for communication antennas, or by utilizing disturbed portions for wind generation of electricity (see **Energy Facilities Policy #27**).

6. Downtown Montauk Business Area, Reach 9

The Montauk business district will progressively require refurbishing and modernization. The Town will form a partnership with Montauk's pro-active business community, to which the Town will contribute overall planning, site plan and design expertise, and facilitate an exchange among business owners and citizens groups to devise community goals and a planning framework for future development or redevelopment. Goals will be to raise development to current planning standards, improve common infrastructure such as parking, traffic flow, sidewalks, parks and active recreation sites, enhance visual appeal, and to address potential problems such as flooding and erosion.

General Reuse Considerations

Sites zoned in Parks and Conservation (PC) Districts under the Town's Zoning Code must be maintained in a substantially undeveloped state for the use and enjoyment of citizens. Other recreational uses and improvements installed to facilitate sports, exercise, picnicking, festivals, concerts or other outdoor activities should only be undertaken after careful consideration of ecological and habitat impacts. Recreational and other uses of such sites must be consistent with policies and guidelines of the LWRP, which in some cases may also include provisions for educational or traditional economic activities.

If an action is proposed to take place within a designated deteriorated or underutilized waterfront area suitable for redevelopment, it should be consistent with LWRP or other Town guidelines for the site, and should only take place with full disclosure to, and consultation and cooperation with the Town of East Hampton.

The development standards cited in **Policy #2/2A** shall be met for redevelopment activities.

POLICY 2 FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.

POLICY 2A WATER-DEPENDENT USES AND FACILITIES SHALL BE SITED ON OR ADJACENT TO COASTAL WATERS, PROVIDED THE PROPOSED USE IS CONSISTENT WITH PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES, INCLUDING CULTURAL OR NATURAL RESOURCES.

Explanation of policy:

The Town's policy is to protect and maintain those water-dependent uses which contribute to or enhance the traditional character of the Town's waterfront, and to improve the economic viability of water-dependent uses by allowing for appropriate non-water-dependent accessory and multiple uses, particularly water-enhanced and maritime services. In the Town of East Hampton, locations where water-dependent uses exist and are permitted, as well as related issues, are described in the Inventory and Analysis, and are shown on [Maps II-1A/-1B](#), Existing Land Use.

Definition of Water-Dependent Uses and Water-Enhanced Uses

Water-dependent use means a business or other activity which can only be conducted in, on, over, or adjacent to a waterbody because such activity requires direct access to that waterbody, and which involves, as an integral part of such activity, the use of the water. The Town Code (§153-1-20) defines a Water-dependent use as, "A use which cannot be conducted or perform its intended purpose unless it is located or carried out in close proximity to water, such as docking or servicing of boats, unloading of fish, shipbuilding or the like."

Water-enhanced use means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses.

See below for a list of Permitted and Specially Permitted water-dependent and water-enhanced uses.

Location of Water-Dependent and Water-Enhanced Uses

Public water-dependent uses include water-related recreational activities at waterfront parks and beaches, boat launch ramps, municipal marinas and docks, etc. These activities are inventoried in **Public Access and Recreation Resources Policies #9 & 19-22**.

The specific areas where private or commercial water-dependent and water-enhanced uses will be accommodated or permitted to expand correspond to locations in Commercial Waterfront (WF) or Resort (RS) Zoning Districts. Special Permit water-dependent uses in other districts are permitted to be maintained but not expanded. Locations where water-dependent uses presently exist are the following:

Reach 2

SCTM#[s]	Location/facilities (Zoning District)
#57-6-23 to -27	Harbor Marina, east side Three Mile Harbor, north of Gann Road, includes restaurant, (WF)
#57-6-3,-11.1	
#61-1-2	Part of Harbor Marina, includes southern 1/3 Sedge Island (dredge spoil) (WF)
#77-5-1.1,-1.2	Shagwong Marina, east side Three Mile Harbor, west of Harbor Blvd (WF)
#75-1-28.5	Maidstone Harbor (Duck Creek Marina), east side Three Mile Harbor, south of Squaw Road, includes restaurant (WF)
#75-1-29	East Hampton Point Marina, east side Three Mile Harbor, south of Squaw Road, includes motel units and restaurant (WF)
#93-1-5,6	Halsey's Marina, east side Three Mile Harbor, opposite Copeces Lane (WF)
#93-1-8	Gardiner's Marina, east side Three Mile Harbor, west of Hill Rd (WF)
#120-1-1	Three Mile Marina (Van de Veer's), southeast end of Three Mile Harbor, adjoining Boat Yard Lane (WF)
#120-1-2,3	Three Mile Harbor Boat Yard, southeast end of Three Mile Harbor, adjoining Boat Yard Lane, includes a retail bait & tackle store and chandlery (WF)
#120-1-10,11	East Hampton Marina, southeast end of Three Mile Harbor, adjoining Boat Yard Lane (WF)
#38-7-15	Sunset Cove Marina (B Residential)
#57-1-2	East Hampton Landings (Folkstone Marina) (B Residential)
#23-2-1	Lion Head Property Owners Association Marina (B Residential)
#23-3-1	Clearwater Beach Property Owners Association Marina (B Residential)

The Town maintains a Commercial Dock at Gann Road (SCTM #59-1-1), used by commercial fishermen and the Town Harbormaster, as well as a recreational boat basin, Town Dock, near the head of Three Mile Harbor. In addition the Town recently acquired an old fishing station near the harbor mouth (SCTM #38-3-8) which may be utilized for environmental education, recreational or other purposes (see revitalization sites in **Policy #1** above and **Projects**).

Reach 3

Reach 3 has one water-dependent land use, the Devon Yacht Club & Marina, SCTM #127-3-16 & -17, approximately 12 acres in a Residential A2 District.

Reach 5

Reach 5 has one site in a Waterfront (WF) District, occupied by Perry B. Duryea & Son's lobster and fish packing business, located on the west side of Fort Pond Bay on Tuthill Road, SCTM # 16-1-8.5, -8.6, & -8.7, 3.9 acres, plus associated underwater lands # 16-1-8.1, -8.2 & -6.3 in Tuthill Pond.

Reach 6

Lake Montauk in Reach 6 has twenty-six waterfront sites in Waterfront (WF) and Resort (RS) Districts with water-dependent or water-enhanced uses. Waterfront Districts cover approximately 61.1 acres of the land area bordering Lake Montauk, and Resort Districts approximately 55.1 acres. Some of these sites are mixed uses predating present zoning, where marinas may have been accessory uses with motels under earlier zoning designations.

Reach 6 WF & RS Districts

SCTM#	Use and Location (Zoning District)
#06-3-6,7	Duryea's (Montauk Fish Dock & Tuma's Dock), NW side of Coonsfoot Cove (WF)
#06-1-8,28,29,30	Gosman's Dock [and Restaurant], NW side of Coonsfoot Cove (WF)
#06-3-8	Johnny Marlin's Restaurant (WF)
#06-3-9	Salivar's Dock, northwest side of Coonsfoot Cove (WF)
#06-3-10,11,12	Viking Dock, northwest side of Coonsfoot Cove (WF)
#06-3-13,14	Harrington/Merkin, northwest side of Coonsfoot Cove (WF)
#06-3-15,16	Uihlein's Rentals, northest side of Coonsfoot Cove (WF)
#06-3-20.2	Montauk Marine Basin, west side of Coonsfoot Cove (WF)
#06-3-22,24	Montauk Sportsman Dock, west side of Coonsfoot Cove (WF)
#06-3-26	Offshore Sports, west side of Coonsfoot Cove (WF)
#06-3-28	The Landings, west side of Coonsfoot Cove (RS)
#12-1-1,2	Land's End, west side of Coonsfoot Cove (RS)
#12-1-3	West Lake Marina, southwest side of Coonsfoot Cove (RS)
#12-1-4	Captain's Cove, southwest side of Coonsfoot Cove (WF)
#12-1-5	West Lake Fishing Lodge, southwest side of Coonsfoot Cove (RS)
#12-1-8.3	Snug Harbor Marina, south end of Coonsfoot Cove (RS)
#06-4-9,16.1,17	Montauk Resort and Marina (Star Island Plantation, Montauk Yacht Club, Deep Sea Club), east side of Star Island (RS)
#06-4-1	Town of East Hampton Commercial Dock, N end of Star Island (WF)
#06-4-2	U.S. Coast Guard Station, north end of Star Island (WF)
#06-4-3,6	Star Island Yacht Club, west side of Star Island (WF)
#06-2-2,3	Inlet Seafood, north end of East Lake Drive (WF)
#06-2-5,6	Deep Water Seafood, north end of East Lake Drive (WF)
#06-2-15.1	Gone Fishing Marina, East Lake Drive (WF)

#13-3-26 Montauk Lake Club, East Lake Drive (Residential A)

Two of the parcels presently in Resort (RS) zones are recommended for rezoning:

- #06-3-31.1 Vacant 3.7 acre parcel, extensive wetlands, recommended for upzoning from RS to Residential A
- #12-1-8.1 Vacant 4.8 acre parcel, wetlands and forest, recommended for upzoning from RS to Residential A

Permitted and Special Permit Water-Dependent and Water-Enhanced Uses

Acreage in the Town within commercial Waterfront (WF) Districts is limited to 21 parcels totaling approximately 45.8 acres in Reach 2, one district with 3.9 acres in Reach 5, and 61.1 acres in Reach 6, plus an additional 55.1 acres in Resort (RS) District fronting on Lake Montauk, which includes a number of marinas in Montauk Harbor. Permitted Uses in the Waterfront (WF) district should be restricted to those which further the objectives of the LWRP by providing priority water-dependent functions and critical shoreside facilities for commercial fishing and water-related recreation. Special Permit Uses should be granted only in cases which further the objectives of the LWRP policies, or help to maintain priority water-dependent uses. The following types of water-dependent and water-enhanced uses are Permitted or Special Permit Uses in the Waterfront (WF) District, as provided in **§153-11-10** of the Town Code:

Permitted Uses

- (1) Marina
- (2) Recreational marina
- (3) Boatyard
- (4) Boat rentals or fishing station
- (5) Fish market (may include combination of wholesale/retail)
- (6) Agriculture
- (7) Nature preserve or sanctuary
- (8) Park
- (9) Accessory uses, buildings or structures (as defined)

Special Permit Uses

- (1) Change of single-family residence
- (2) Conversion (as defined)
- (3) Apartment in single-family residence
- (4) Fire station, police station, or post office
- (5) Semi-public facility
- (6) Public utility (as defined)
- (7) Ferry terminal, passenger
- (8) Antique shop or antique auction gallery
- (9) Auditorium or meeting hall
- (10) Bank
- (11) Custom workshop

- (12) Mariculture, research and development
- (13) Multiple-business complex
- (14) Office; business, utility, professional or sales
- (15) Minor recreation facility
- (16) Restaurant
- (17) Retail store
- (18) Tavern or bar
- (19) Technical or trade school
- (20) Theater community
- (21) Wholesale business
- (22) Wholesale/retail beverage distribution, wholesale bakery
- (23) Fish processing facility
- (24) Fuel storage in tanks
- (25) Laboratory: research, processing or testing

Publicly-Owned Waterfront-Dependent Uses and Facilities

Existing publicly-owned water-dependent uses and facilities including beaches, parks, boat ramps, boat clubs, nature preserves, marinas and docks shall remain in public ownership and be maintained or improved.

Standards to Ensure the Preservation of Water-Dependent Uses (§153-5-45[D])

To ensure that water-dependent and water-enhanced uses will be constructed in an environmentally sensitive manner, and to ensure that water-dependent uses will be preserved and not be displaced by water-enhanced uses, the following standards shall apply.

All Special Permit Uses, other than passenger ferry terminals, are deemed not to be water-dependent uses. All Special Permit Uses shall comply with the following standards. The Special Permit Use:

- (1) Must not adversely affect any existing waterfront use which is water-dependent or any potential water-dependent uses to be made of the lot or of nearby waterfront;
- (2) Must be ancillary to the principal water-dependent use in that the Special Permit Use would economically support the principal water-dependent use and would enhance the ability of the general public to gain visual or physical access to the waterfront;
- (3) Must not usurp any land surface area needed by the principal water-dependent use and must, together with all uses on the lot, be able to demonstrate an integrated and adequate circulation and parking plan; and
- (4) Must have a maritime character or theme.
- (5) As a condition to the following special permit uses in the Waterfront District, the site shall be of sufficient size to accommodate the proposed use with safeguards set forth in ***§153-5-50*** below, but in no case shall the site be smaller than forty thousand (40,000) square feet per two (2) uses:
 - (a) Auditorium or meeting hall.
 - (b) Fish processing facility.
 - (c) Fuel storage tank.

- (d) Laboratory: research, processing, testing.
- (e) Theater, community.
- (f) Wholesale business, including lumber and building products.
- (g) Transportation terminal.
- (h) Semipublic facility.
- (i) Public utility.

General Standards (§153-5-40)

- (1) **Nature of use.** The use proposed will be in harmony with and promote the general purposes of §153-1-11 of the Town Code.
- (2) **Lot area.** The lot area will be sufficient, appropriate and adequate for the use, as well as reasonably anticipated operation and expansion thereof.
- (3) **Adjacent properties.** The proposed use will not prevent the orderly and reasonable use of adjacent properties, particularly where they are in a different district.
- (4) **Compatibility.** The site of the proposed use will be a suitable one for the location of such a use in the town, and, if sited at that location, the proposed use will in fact be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.
- (5) **Effect on specific existing uses.** The characteristics of the proposed use shall not be such that its proposed location would be unsuitably near to a church, school, theater, recreational area, or other place of public assembly.
- (6) **Use definition.** The proposed use conforms to the Town Code definition of the special permit use where such definition exists or with the generally accepted definition of such use where no definition is included in the Code.
- (7) **Circulation.** Access facilities are adequate for the estimated traffic generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not within seventy-five (75) feet of the intersection of street lines at a street intersection, except under unusual circumstances.
- (8) **Parking.** There will be room for creation of off-street parking and truck loading spaces at least in the number required by the applicable provisions of this chapter, but in any case adequate for the actual anticipated number of occupants of the proposed use, whether employees, patrons and visitors; and further, that the layout of the spaces and related facilities will be made convenient and conducive to safe operation.
- (9) **Buffering and Screening.** Adequate buffer yards and screening can and will be provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.
- (10) **Runoff and waste.** Adequate provision can and will be made for the collection and disposal of stormwater runoff, sewage, refuse and other liquid, solid or gaseous waste which the proposed use will generate.
- (11) **Environmental protection.** The natural characteristics of the site will be such that the proposed use may be introduced there without undue disturbance or disruption of important

natural features, systems or processes and without significant negative impact to groundwater and surface waters on and off the site.

- (12) **Compliance with other laws.** The proposed use can and will comply with all provisions of this chapter and of the Town Code, including **Chapters 104 and 106** thereof, which are applicable to it, and can meet every other applicable federal, state, county and local law, ordinance, rule or regulation.
- (13) **Conformity with other standards.** The proposed use can and will meet all of the general standards for special permit uses in particular districts set forth in **§153-5-45** and also meets all of the specific standards and incorporates all of the specific safeguards required of the particular use, if any, by **§153-5-50**.

Standards for Waterfront Development

- (1) Shellfish beds, wetlands, and Significant Coastal Fish and Wildlife Habitats shall not be adversely affected.
- (2) Filling or dredging of wetlands for construction or access is prohibited.
- (3) Buffer zones of natural vegetation should be established between the proposed development and any waterways and wetlands. Where possible, existing shoreline vegetation shall remain undisturbed and kept available for shoreline stabilization.
- (4) Development shall not prevent, hinder, or obstruct access to public lands and navigation channels.
- (5) State water quality classifications shall not be violated.
- (6) If necessary, stormwater runoff retention basins should be utilized to prevent direct discharges and contamination of adjacent wetlands and waters.

Special Standards for Recreational Marinas (§153-5-50)

- (1) No discharges of pollutants or other activities of any kind which are deleterious to surrounding wetlands and surface waters shall be permitted to occur on the site. Specific layouts or facility designs may be required in order to ensure that such impacts will not occur.
- (2) Sanitary restrooms, holding tanks and sewage disposal shall be provided on site in accordance with federal, state and local laws, including county laws.
- (3) There shall be provision made for the safe collection and disposal of boat-generated solid wastes. See **Policy #34, Vessel Discharges, in Water and Air Resources Policies**.
- (4) Outdoor lighting shall be contained on site, and no dock lighting may be more than ten feet above the ground or dock level underneath it. These provisions shall not apply to navigational aids approved by the Coast Guard and the Town.
- (5) Public address or speaker systems shall be designed so as to project little or no noise across the property lines of the facility onto neighboring residential properties, and no such system shall be used between 10:00 p.m. and 8:00 a.m.
- (6) Surface water quality shall be protected and improved to the extent practicable by the applicant through marina design, including protection of wetlands on the site, restricting dredging to the minimum needed, and dredging during periods least destructive to shellfish.

Marina operators shall post signs and distribute information designed to educate boat owners about trash, sewage disposal, non-toxic boat cleaners, avoiding fuel spills, and other best management practices.

Harbor Protection Overlay District (§153-3-70 through -75)

All development within the *Harbor Protection Overlay District* shall conform with the requirements and regulations of the district (Appendix C).

POLICY 3 FURTHER DEVELOP THE STATE'S MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT OF THE WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.

Explanation of why this State policy is not applicable:

This policy is not applicable in the Town of East Hampton. There are no major ports in the Town.

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALL HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

Explanation of policy:

Three Mile Harbor and Montauk Harbor are traditional small harbors which are the focus for commercial and recreational fishing and boating activity in the Town of East Hampton. Three Mile Harbor is located in Reach 2 and is discussed in the Inventory and Analysis beginning on page II-11, and is shown on [Map II-1A](#), Existing Land Use. Montauk Harbor is located in Reach 6 at the northern end of Lake Montauk, discussed beginning on page II-24 of the Inventory and Analysis, and noted on [Map II-1B](#). The working harbor area generally includes lands in the immediate vicinity of the federal channel at the Lake entrance, the Coonsfoot Cove area, and most of Star Island.

Three Mile Harbor has for many years been the Town's center for recreational boating on the bay side, particularly for sailing. Its marinas have approximately 700 slips, with capacity for another 150 vessels on moorings in the Town Trustee grid. A second vital use of the harbor is made by commercial baymen and fishermen, with draggers, lobstermen and trap fishermen making regular use of the Town Commercial Dock and launch ramp at Gann Road.

The recreational marinas are located along the east side of Three Mile Harbor where the navigation channel parallels the shore, and several combine restaurants that provide waterfront dining with

views of boats and sunsets across the water. Commercial development is sparse enough that Three Mile Harbor maintains a primarily residential shoreline, and parkland on either side of the harbor mouth presents an unspoiled expanse of sand and water. Despite its concentration of boating activity, Three Mile Harbor retains a low-key character that attracts cruising mariners from around the region.

Montauk Harbor is the most active center of maritime activity and home port for the Town's offshore commercial and recreational fishing fleets. A cluster of marinas, restaurants, resorts and other retail establishments occupy the area around the harbor mouth and Star Island, intermixing the working waterfront of the commercial fleet with an assortment of other uses from fishmarkets to the U.S. Coast Guard Station. The entrance is flanked by public beaches outside the harbor jetties, with extensive parklands on the east side. Harbor activities are a prime tourist attraction as well as being a center of fishing and boating operations. They include a seasonal passenger ferry carrying passengers to Block Island, whale watching boats, and charter and party fishing boats available to the public, as well as fishpacking, tackle and marine supply shops, etc.

Shoreside support facilities for commercial fishing and other water-dependent uses are under constant development pressure from tourist-oriented businesses offering a higher return on real estate. This is a particular problem in Montauk, which has a higher concentration of commercial water-dependent uses. The Town tries to preserve and protect priority water-dependent uses through its zoning code (see **Policy #2/2A**), and continues to explore ways to maintain the economic vitality of its working waterfront (see **Commercial Fishing Policy #10** and *Fisheries Shoreside Support Infrastructure and Harbor Management Plans in Projects, Section XIV*).

The rich maritime traditions of Three Mile and Montauk Harbors will be maintained and encouraged to prosper and grow responsibly through the following means:

- Provision for water-dependent and water-enhanced uses in Waterfront (WF) Districts in the harbor area with provisions to ensure that water-dependent uses will not be adversely affected by Special Permit Uses (see **Policy #2**);
- Consideration of incentives to assist marina operators in installing shoreside facilities such as pumpouts, restrooms, showers, etc., and support of tax reforms to prevent excessive estate valuation of marinas at waterfront condominium values;
- Continued use of the Town commercial dock at Gann Road in Three Mile Harbor, and the two Town commercial docks in Montauk Harbor by commercial fishing vessels;
- Application of the Suffolk County Right-to-Fish Law, and consideration of a local Right-to-Fish Law, the provisions of which shall restrict public nuisance actions against fishing operations;

- Protection and enhancement of water quality through establishment of *No-Discharge Zones* and other measures recommended in **Water & Air Resources Policies #30-44**, *Harbor Management Plans* and the *Boater Education Project* included in the **Projects** section, and implementation of the *Harbor Protection Overlay District* recently approved by the Town (Appendix C).

The following guidelines shall be used in determining the consistency of actions with this policy:

- (1) The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
- (2) The action will enhance, or not detract from, or adversely effect, existing traditional and/or desired anticipated uses.
- (3) The action shall not be out of character with, nor lead to development which would be out of character with, existing development in terms of the area's scale, intensity of use, and architectural style.
- (4) The action must not cause a site to deteriorate.
- (5) The action will not adversely affect the existing economic base of the community. For example, waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
- (6) The action will not detract from views of the water and Three Mile or Montauk Harbor, particularly where the visual quality of the area is an important component of the area's appeal and identity.
- (7) The action will be consistent with protection and enhancement of water quality as set forth in **Policies #30-44** of the LWRP, and with habitat protection as set forth in **Policy #7**, will not increase risks of flooding and erosion as set forth in **Policies #11-17**, and will not diminish public access or recreational resources as set forth in **Policies #9 & #19-22**.
- (8) The action will be consistent with Town and Town Trustee practices for harbor management as regards mooring, anchorage, docks and bulkheads, boat waste, and harbor management initiatives incorporated within the LWRP such as the *Harbor Protection Overlay District* (Appendix C), Local Laws pertaining to ferries (§153-1-20, §153-5-26, §153-5-50 and §75-3-20), and LWRP **Projects** for *Revitalization of Montauk Harbor*, *Wetland Restoration*, *Fisheries Shoreside Support Infrastructure*, *No-Discharge Zones*, *Boater Education*, *Stormwater Abatement*, *Septic Waste Remediation*, *Dredging Projects*, *Montauk Harbor Channel Sand Bypass System*, and *Open Marsh Water Management*.

- (9) In order to reduce conflict, congestion and competition for space in the use of the harbor area, to allow optimum use of the waterfront and adjacent surface waters, and to reduce the environmental effects of waterfront development and use, the Town will apply the following harbor management guidelines for siting and design of docks, boat ramps, moorings, marinas and marina support facilities:
- a. Docks will be adequately spaced from each other, shallow areas and adjacent properties to ensure safe movement to and from channels and avoid obstructing adjacent uses.
 - b. Permanent structures will be minimized. Town and Town Trustee policy is to allow removable floating docks only, in locations where docks are permitted. With the exception of the easterly side of Three Mile Harbor from Will Curl Highway (the wire) north to the breakwater, the Town Trustees' practice is not to allow installation of new docks (either fixed or floating) in any of their harbors.
 - c. All new marina proposals or expansion of existing marinas shall include sufficient parking, natural areas, toilet facilities, and marine pumpout facilities. Adequate restroom facilities for the use of marina patrons shall be required to discourage any overboard discharge of sewage from boats and to protect water quality.
 - d. Prevent infringement of federal or other established navigation channels.
 - e. Prevent infringement of Town or Town Trustee owned bottomlands.
 - f. Ensure adequacy of service floats, walkways, gangways, lighting and safe design of utilities, including electric, water and sanitary lines.
 - g. Utilize best management practices to prevent fuel spills, or introduction of toxic or hazardous materials into surface waters, as delineated in **Water and Air Resources Policies #30-44**.
 - h. Avoid oversized structures. Avoid structures that conflict with the visual character of the working waterfront.
 - i. Prohibit on-water residences and all other non-water-dependent uses over the water.
 - j. Non-water-dependent structures should be set back from the shoreline.
 - k. Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS.

Explanation of policy:

This policy is intended to promote the historical pattern of growth in East Hampton, which has concentrated development in village and hamlet centers, with outlying districts serving as residential and open space areas. This attractive rural pattern should be encouraged for esthetic, quality of life,

and planning purposes as it minimizes expenditures and need for infrastructure, transportation, and other facilities, and serves the greatest number of people most efficiently.

Adherence to this policy will help to strengthen commercial centers and minimize sprawl. Large blocks of preserved open space have been protected in the areas farthest from commercial centers in Northwest, Napeague and Montauk. By maintaining this pattern of decreasing density and intensity of development with distance from town centers, the areas needing infrastructure improvements and services will be reduced. The Town should continue to encourage concentration of development within hamlet areas by not extending public water or other growth inducing infrastructure to remote or environmentally sensitive areas.

The pattern of development which exists and is permitted within the coastal zone in the Town of East Hampton is described in the Inventory and Analysis for this section, and is shown on [Maps II-1A](#) and [II-1B](#), Existing Land Use. Most waterfront land uses consist of low density residential and preserved open space uses, or of water-dependent or water-enhanced uses in Waterfront (WF) or Resort (RS) Districts.

There are no areas in the Town which are connected to sewers. The combination of naturally sandy soils and generally low density development has made the use of on-site septic systems suitable for most development. There are two tertiary sewage treatment plants in the Town which serve high density developments in the Town's coastal area: the Rough Rider's Condominium (Reach 5) and the Montauk Manor (Reach 6). Several additional locations have denitrification and other alternative systems to treat septic wastes. Development should continue to be planned to avoid the future need for sewers and sewage treatment.

Similarly, except for the town centers and hamlets, on-site wells rather than public water mains serve most of the area of the town. According to the 1987 Town Comprehensive Water Resources Management Plan (TOEH, 1987), the major portion of full-time residences are served by individual homeowner private wells. In the waterfront areas, the land uses in Reaches 1,2,3,7,8, 11 and 12 are all served by on-site wells. Only portions of Amagansett and Montauk within Reaches 4, 5, 6 and 9 are served by public water. Suffolk County Water Authority is the public water supplier serving the East Hampton community.

Contamination of drinking water supplies in Napeague and more recently in the residential area adjacent to Cedar Point Park (Landfall Subdivision) have led to the decision to extend public water long distances adjacent to low-density residential and parkland uses. The Napeague water main was extended approximately 5 miles, traversing thousands of acres of undevelopable parkland. The Northwest water main is proposed to be extended approximately 7 miles, adjacent to generally low density residential land uses which would not ordinarily require public water service. The estimated cost for extension of public water to these areas is over \$1 million dollars each. Suffolk County Water Authority is planning to extend water mains to connect the Napeague pipeline to Montauk in an attempt to alleviate problems associated with over pumping the existing Montauk wells. The East Hampton Town Board has required, and the Water Authority has agreed to, a limit of 20 million

gallons annually on the amount of water transported from mainland East Hampton to Montauk via this water main.

In addition to the cost constraints, extending public water through low density residential, parkland and other coastal areas outside of town centers and hamlets have other potentially undesirable impacts. Extending water mains is the quintessential growth inducement factor. Additional growth in areas where there is public water, rather than in areas which can sustain development, can degrade sensitive environmental features, encourage growth in flood prone areas, deplete recharge of public water supply wells, alter wetlands and change groundwater conditions. Before public water was extended to these areas, specific environmental impact statements were prepared examining these and other site specific impacts, evaluating alternatives and formulating mitigation. Unless similar thorough environmental analyses are prepared, public water mains should not be extended to the areas in the coastal zone which are not already served. The Town Trustees have supported the extension of public water to Lazy Point, subject to stringent environmental review by the Town.

POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

In the Town of East Hampton, State and local agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs for specific types of development activities and in areas suitable for such development, as long as the integrity of the regulations' objectives is not jeopardized. Types of development activities that will be expedited include those which meet LWRP policy objectives of providing significant waterfront access to the general public, which supply or enhance water-dependent or water-enhanced public recreational resources, or which contribute significantly to improvement of surface water quality, as set forth in the applicable policies of the LWRP.

Efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies procedures at each level of government, and the Town will assume lead agency status in all such applications to ensure adherence to local standards. The Town presently assumes such lead agency status and attempts to expedite processing of permits for coastal development and other applications consistent with the policy objectives of the LWRP and other environmental goals, e.g. for a marina installing toilets or other shoreside facilities leading to water-quality improvements. However, at present such activities in the coastal zone may require permits from the federal Army Corps of Engineers, NYS DEC, and the County Health Department, as well as a local Natural Resources Special Permit.

The Town also has an expedited emergency permit procedure to address storm damage and other emergency conditions, allowing in-place in-kind replacement of waterfront structures for water-dependent uses in Waterfront (WF) District zones and certain other areas identified in **Flooding and Erosion Policies #11-17**. There is also an administrative permit procedure for those activities in the coastal zone which meet existing requirements and setbacks, which can be processed on an expedited basis without public hearings, although the legal notice requirement and accompanying legal interval remains necessary.

The Town is willing to work on a streamlined permitting procedure, using a single form, that would include standards of all levels of government, and which could be issued locally. Regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the regulatory burden on a particular type of development and will not jeopardize the integrity of the regulations' objectives. Proposed new regulations will be submitted to the Town and NYS DOS for determination of consistency with the LWRP and State coastal policy objectives.