

**APPENDIX D**

**FERRY LEGISLATION**

**Zoning Code Chapter 153**  
**SEQRA Law Chapter 75**  
**Waterways and Boats Chapter 149**

(1153) **ADOPT LOCAL LAW:**

**AMEND CHAPTER 153 - REGULATION OF FERRY TERMINALS & OTHER PURPOSES**

The following resolution was offered by Councilman Pete Hammerle, seconded by Councilwoman Nancy McCaffrey, and adopted:

**WHEREAS**, a Public Hearing was held by the Town Board of the Town of East Hampton on December 18, 1997, regarding a Local Law amending Chapter 153 ("Zoning") of the Town Code in order to institute improved zoning regulations governing ferry terminals within the Town and to make certain other related changes in the Zoning Code, all as more fully set forth in the text of the Local Law; and

**WHEREAS**, the Town Board held a public hearing on October 24, 1997 on an earlier version of this Local Law (Introductory No. 36 of 1997), which was very well attended and led to several changes in the proposed law; and

**WHEREAS**, the Town Board has considered the comments of all persons regarding this revised version of the Local Law (Introductory No. 43), both as submitted in writing and as presented orally at the public hearing; and

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

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

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

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

**LOCAL LAW NO. 40 OF 1997**

**INTRODUCTORY NO. 43 OF 1997**

A Local Law providing for the amendment of Chapter 153 ("Zoning") of the East Hampton Town Code in order to institute improved zoning regulations governing ferry terminals within the Town and to make certain other related changes in the Zoning Code, all as more fully set forth in the text of the Local Law, said Local Law to read as follows:

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

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

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 August, 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 (S.R. 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.

## **SECTION II. - TOWN CODE AMENDED:**

A. Chapter 153 ("Zoning") of the East Hampton Town Code is hereby amended to add to § 153-1-20, "Definitions," the following terms:

"AIR TERMINAL - An airport or heliport, and all related facilities including hangars, offices, and parking areas.

BUS TERMINAL - A bus depot or similar facility for embarking or disembarking passengers of a bus line, limousine service, taxi service, or other similar business engaged in transporting passengers on the public highways, including any ticket office and all related facilities including parking areas. This term shall also apply to a storage yard for vehicles used in such business if the yard includes administrative offices and/or fueling facilities, but it shall not be construed to include a "taxi company" unless the site from which the "taxi company" operates is also used to embark or disembark passengers and/or includes fueling facilities.

COLLECTOR STREET - Any road now or hereafter designated as a state or county highway, and any of the following town highways: Abraham's Path, Accabonac Highway (Old Accabonac Road), Albert's Landing Road, Alewife Brook Road, Atlantic Avenue, Barnes Hole Road, Bluff Road, Cedar Street, Copeces Lane, Cranberry Hole Road, Cross Highway (between Montauk Highway and Skimhampton Road), Cross Highway (between Albert's Landing Road and Fresh Pond Road), Cross Highway (between Fresh Pond Road and Abraham's Landing Road), Cross Highway (between Abraham's Landing Road and Cranberry Hole Road), Daniel's Hole Road, East Flamingo Avenue, Fireplace Road, Floyd Street, Fort Pond Boulevard, Fresh Pond Road, Further Lane, Hand's Creek Road, Hog Creek Road, Indian Wells Plain Highway, Industrial Road (Montauk), Jenny's Path, King's Point Road, Napeague Meadow Road, Navy Road, Neck Path, Northwest Road, Northwest Landing Road, Old House Landing Road, Old Montauk Highway (the segment running through Hither Hills State Park to downtown Montauk), Old Northwest Road, Old West Lake Drive, Sayres Path, Second House Road, Skimhampton Road, Soak Hides Road, South Fairview Avenue, Spring Close Highway, Springs-Amagansett Road (Old Stone Highway), Springy Banks Road, Stephen Hand's Path, Swamp Road, Town Lane, Town Line Road, Two Holes of Water Road, Wainscott Main Street, Wainscott Northwest Road, Wainscott Stone Road.

EXCURSION BOAT - A vessel used on a commercial basis to take passengers to sea from any port or place within the Town of East Hampton, and which returns those passengers to the point of origin without an intervening stop at any port or other land not located in the Town. As used herein, the term "to sea" shall mean into any harbor, bay, or other waters within or adjoining the Town of East Hampton, including the Atlantic Ocean. This term shall include a vessel employed on a commercial basis for party-fishing trips (commonly called a "party boat"), a vessel used for sight-seeing trips or tours (e.g., a "whale-watching" boat), a dinner cruise vessel, or a vessel employed on gambling trips outside the territorial waters of the State of New York. Compare "ferry."

FERRY - A vessel used in the business of carrying passengers between any port or place in the Town of East Hampton and any other port or place without the Town. Compare "excursion boat."

FERRY PASSENGER CAPACITY - The number of persons which a vessel used as a ferry may lawfully carry, under the rules and regulations of the United State Coast Guard or other regulating authority then in effect. As applied to a "passenger ferry terminal," this term shall mean the sum of the passenger capacities of each ferry regularly docking at or using the terminal, multiplied by the peak number of departures of each such vessel in any twenty-four (24) hour period as shown by the ferry terminal's public sailing schedule.

FERRY TERMINAL, PASSENGER - Any dock, wharf, pier, or other place at which a ferry embarks or disembarks passengers, including ticket offices, parking areas, and all other related facilities. This term shall not include a facility for embarking or disembarking motor vehicles to or from a ferry.

FERRY TERMINAL, VEHICLE - Any dock, wharf, pier, or other place at which a ferry embarks or disembarks passengers and motor vehicles (i.e., trucks, buses, cars, and/or motorcycles), including ticket offices, parking areas, queuing aisles, and all other related facilities.

RAIL TERMINAL - A railroad train station, including rail yards and rail freight facilities whether or not associated with passenger rail service, and all parking areas and related facilities.

TRUCK TERMINAL - A truck depot or similar commercial road freight facility at which goods carried for hire for third parties are loaded or off-loaded, together with all related facilities including parking areas. This term shall also include a storage yard for trucks used in such business if the yard includes administrative offices and/or fueling facilities."

B. Chapter 153 ("Zoning") of the Town Code is hereby further amended at § 153-1-20, "Definitions," by renumbering paragraph C of the subsection entitled "EXPANSION, SUBSTANTIAL" as paragraph D, and by adding a new paragraph C to "EXPANSION, SUBSTANTIAL" to read as follows:

"C.Passenger ferry terminals. In addition to the other provisions of this subsection regarding substantial expansion of structures or uses, a substantial expansion of a "passenger ferry terminal" shall be deemed to result from any increase in "ferry passenger capacity" as defined in this chapter. Such increase shall be regarded as a "substantial expansion" regardless of its magnitude and regardless of whether it is due to an increase in the number of ferries using the terminal, the replacement of one ferry with another having a larger capacity, an increase in the capacity of an existing ferry, an increase in the number of ferry trips daily, or other cause."

C. Chapter 153 ("Zoning") of the Town Code is hereby amended to delete from § 153-1-20, "Definitions," the term "Transportation Terminal."

D. Chapter 153 ("Zoning") of the Town Code is hereby amended at § 153-5-26, "Substantial expansion of existing special permit uses," said section as amended to read as follows:

"Notwithstanding any language to the contrary in the preceding section, an existing special permit use as described therein shall require a special permit in any case where a substantial expansion of such use is undertaken. In such case, the local agency having jurisdiction over the special permit needed for the expansion shall review and decide upon the application for such permit pursuant to the same substantive and procedural standards as are provided for herein for an original special permit. Any special permit issued to authorize a substantial expansion of an existing special permit use shall be conditioned upon conformance by the use to any standards (other than standards concerning initial site location) of §§ 153-5-40, 153-5-45, and 153-5-50 of this Article with which it does not then comply."

E. Chapter 153 ("Zoning") of the Town Code is hereby amended to add new parts entitled "BUS TERMINAL" and "FERRY TERMINAL, PASSENGER" to § 153-5-50, "Specific standards and safeguards," to read as follows:

"BUS TERMINAL:

- (1)The site shall be provided with public rest rooms.
- (2)The site shall be of adequate size to accommodate an improved parking area capable of handling pickup and delivery of passengers as well as areas for long-term parking, all of which areas are large enough for the peak number of passengers anticipated to use the terminal.

FERRY TERMINAL, PASSENGER:

- (1)No special permit shall be issued hereunder unless the Planning Board shall find and determine that the passenger ferry service to be accommodated by the proposed passenger ferry terminal will not result in either of the following adverse effects:
  - (a)A significant increase in overall traffic volume on the streets of the Town; or
  - (b)An increase in traffic volume along any portion of a state road, county road, or other collector street, or an increase in traffic volume at the intersection of a state road, county road, or other collector street with another state road, county road, or collector street, such that traffic flow on that road segment or at that intersection would be degraded by an amount equivalent to a reduction in the "level of service" of the road segment or intersection by one (1) full grade. For the purpose of applying this standard, "level of service" shall have the meaning ascribed to it in the Highway Capacity Manual prepared by the Transportation Research Board of the National Research Council.
- (2)The site shall be of adequate size to accommodate an improved parking area capable of handling pickup and delivery of passengers as well as areas for long-term parking, all of which areas are large enough for the peak number of passengers anticipated to use the terminal.
- (3)In order to assist the Planning Board in making the determinations required by paragraphs (1) and (2) hereof, every application for a special permit hereunder shall state a maximum ferry passenger capacity for the terminal. The Planning Board shall use this capacity in evaluating the eligibility of the proposed use for a special permit, and may set a lower maximum capacity as a condition of any special permit which it issues if the Board believes this is necessary to ensure compliance with the provisions of this chapter. Any special permit actually issued by the Planning Board shall impose a maximum ferry passenger capacity for the terminal. Said capacity shall not be increased unless a new special permit has first been issued therefor.
- (4)The limitations on vessel horsepower and capable speed which are found at § 153-11-88 (PASSENGER FERRY TERMINAL) (B) of this Code shall be expressly included as a condition of any special permit issued hereunder.
- (5)The site shall be provided with public rest rooms."

F. Chapter 153 ("Zoning") of the Town Code is hereby amended to delete from § 153-5-50, "Specific standards and safeguards," the part entitled "TRANSPORTATION TERMINAL."

G. Chapter 153 ("Zoning") of the Town Code is hereby amended at § 153-11-45, "Schedule of off-street parking requirements," to add the following:

"(30) Passenger ferry terminal1 per each 3 persons of ferry passenger capacity, as defined herein."

H. Chapter 153 ("Zoning") of the Town Code is hereby further amended to add a new part entitled "FERRY TERMINAL, PASSENGER" to § 153-11-88, "Additional rules for particular principal and accessory uses," to read as follows:

"FERRY TERMINAL, PASSENGER:

A.Special permit required. No person shall construct, commence to use, or substantially expand a passenger ferry terminal, nor commence any passenger ferry service, without having first obtained a special permit pursuant to Article V hereof which specifically authorizes the proposed use and approves the onshore terminal facility to be employed.

B.Vessel limitations. No ferry which has more than two thousand (2,000) installed horsepower and the capability of travelling at a speed in excess of twenty (20) knots, nor any vehicle ferry of any description, shall dock at or otherwise make use of any passenger ferry terminal, or be allowed to dock at or make use of such facility, except in case of emergency."

I. Chapter 153 ("Zoning") of the Town Code is hereby further amended at § 153-11-10, "Use Table and Dimensional Table for all districts," at Table I and Table II, to make the additions or deletions shown as follows:

[SEE ATTACHED PORTIONS OF TABLES I AND II, § 153-11-10.]

**SECTION III. - SEVERABILITY:**

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

**SECTION IV. - EFFECTIVE DATE:**

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

***AND BE IT FURTHER RESOLVED***, that the Town Clerk is directed to forward copies of this resolution to Town Attorney Robert J. Savage, Deputy Town Attorney Richard E. Whalen, and Planning Director Lisa M. Liquori.

DATED: December 18, 1997      BY ORDER OF THE TOWN BOARD  
TOWN OF EAST HAMPTON, NEW YORK

FREDERICK W. YARDLEY  
TOWN CLERK

(0078) **ADOPT LOCAL LAW:**

**AMEND CHAPTER 75 ("ENVIRONMENTAL QUALITY REVIEW")**

The following resolution was offered by Councilman Pete Hammerle, seconded by Councilman Job Potter, and adopted:

**WHEREAS**, a Public Hearing was held by the Town Board of the Town of East Hampton on October 24, 1997, regarding a Local Law amending Chapter 75 ("Environmental Quality Review") of the Town Code in order to designate the issuance of a special permit for a passenger ferry terminal a Type I action under SEQRA, as more fully set forth in the text of the Local Law; and

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

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

**WHEREAS**, the Board has determined that the adoption of this Local Law will not have a significant negative impact on the environment, and has previously made a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA) regarding this Local Law and companion legislation, by resolution adopted December 18, 1997;

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

**LOCAL LAW NO. 2 OF 1998  
INTRODUCTORY NO. 37 OF 1997**

A Local Law providing for the amendment of Chapter 75 ("Environmental Quality Review") of the East Hampton Town Code in order to designate the issuance of a special permit for a passenger ferry terminal a Type I action under SEQRA, said Local Law to read as follows:

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

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

This Local Law is intended to ensure that any application for a special permit to establish, operate, or substantially expand a passenger ferry terminal within the Town will receive a thorough environmental review under SEQRA. New or expanded ferry operations have the potential to seriously worsen the Town's traffic problems and to have other adverse impacts, such as increased parking demand in the Montauk Harbor area. The review of any application for such a permit is therefore enumerated as a Type I action pursuant to SEQRA.

**SECTION II. - TOWN CODE AMENDED:**

Chapter 75 ("Environmental Quality Review") of the East Hampton Town Code is hereby amended at subsection B of § 75-3-20, "Type I actions," to read as follows:

"(8)The issuance of a special permit authorizing the construction or substantial expansion of a passenger ferry terminal or authorizing the commencement of such use."

**SECTION III. - SEVERABILITY:**

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

**SECTION IV. - EFFECTIVE DATE:**

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

**AND BE IT FURTHER RESOLVED**, that the Town Clerk is directed to forward copies of this resolution to Town Attorney Cynthia Ahlgren Shea, Deputy Town Attorney Richard E. Whalen, and Planning Director Lisa M. Liquori.

DATED: January 6, 1998            BY ORDER OF THE TOWN BOARD  
TOWN OF EAST HAMPTON, NEW YORK

FREDERICK W. YARDLEY, TOWN CLERK

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

SUPERVISOR CATHERINE LESTER	VOTE	AYE	
COUNCILMAN LEN BERNARD	VOTE	AYE	
COUNCILMAN JOB POTTER	VOTE	AYE	
COUNCILMAN PETE HAMMERLE		VOTE	AYE
COUNCILWOMAN PAT MANSIR	VOTE	AYE	

The resolution was declared duly adopted.



(0077)**ADOPT LOCAL LAW:**

**AMEND CHAPTER 149 ("WATERWAYS AND BOATS")**

The following resolution was offered by Councilman Pete Hammerle, seconded by Councilman Job Potter, and adopted:

**WHEREAS**, a Public Hearing was held by the Town Board of the Town of East Hampton on October 24, 1997, regarding a Local Law amending Chapter 149 ("Waterways and Boats") of the Town Code in order to regulate the speed of certain high-powered vessels within Town waters, all as more fully set forth in the text of the Local Law; and

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

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

**WHEREAS**, the Board has determined that the adoption of this Local Law will not have a significant negative impact on the environment, and has previously made a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA) regarding this Local Law and companion legislation, by resolution adopted December 18, 1997;

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

**LOCAL LAW NO. 1 OF 1998  
INTRODUCTORY NO. 38 OF 1997**

A Local Law providing for the amendment of Chapter 149 ("Waterways and Boats") of the East Hampton Town Code in order to regulate the speed of certain high-powered vessels within Town waters, said Local Law to read as follows:

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

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

With recent advances in ship technology and horsepower, it has become increasingly likely that high-powered high-speed vessels will enter Town waters. These vessels, at speed, pose a considerable risk to boaters and other vessel operators. Certain high-powered high-speed vessels with catamaran or other low-water-resistance hulls have also been shown to create wakes which are unusually dangerous to small boats and to bathers in near-shore areas. For these reasons, the Town Board finds that speed restrictions on such vessels, as set forth in this Local Law, are necessary to protect the public health and safety.

**SECTION II. - TOWN CODE AMENDED:**

A. Chapter 149 ("Waterways and Boats") of the East Hampton Town Code is hereby amended in part to add a new section numbered § 149-8.1, to entitle that section "Use of Town launching ramps," and to relocate and renumber existing subsections C and D of § 149-8, "Speed of boats," as subsections A and B of § 149-8.1.

B. Chapter 149 ("Waterways and Boats") of the Town Code is hereby further amended to add a new subsection C to § 149-8, "Speed of boats," said subsection C to read as follows:

"C.No vessel of more than two thousand (2,000) installed horsepower shall operate at a speed in excess of fifteen (15) miles an hour within or upon town waters. This subsection shall not apply to any government or military vessel, to any vessel for which a limited, one-time written exemption of the Town Harbormaster has been previously obtained, nor to any vessel engaged in a bona fide rescue effort or which is otherwise rendering aid or assistance during an emergency."

**SECTION III. - SEVERABILITY:**

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

**SECTION IV. - EFFECTIVE DATE:**

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

***AND BE IT FURTHER RESOLVED***, that the Town Clerk is directed to forward copies of this resolution to Town Attorney Cynthia Ahlgren Shea, Deputy Town Attorney Richard E. Whalen, and Planning Director Lisa M. Liquori.

DATED: January 6, 1998 BY ORDER OF THE TOWN BOARD  
TOWN OF EAST HAMPTON, NEW YORK

FREDERICK W. YARDLEY, TOWN CLERK

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

SUPERVISOR CATHERINE LESTER	VOTE	AYE	
COUNCILMAN LEN BERNARD	VOTE	AYE	
COUNCILMAN JOB POTTER	VOTE	AYE	
COUNCILMAN PETE HAMMERLE		VOTE	AYE
COUNCILWOMAN PAT MANSIR	VOTE	AYE	

The resolution was declared duly adopted.