

SECTION XV

LOCAL IMPLEMENTATION

A. Summary of Town Code Provisions Implementing the LWRP

A summary of existing Town Code provisions that implement the policies of the LWRP follows. Please consult a current text of the Code for verbatim language. Where not otherwise denoted, the term "Town" in this summary may refer to any of a number of Town agencies, including the Town Board, Town Trustees, Town Planning Board, Zoning Board of Appeals, Architectural Review Board, etc.

§22 Conservation Easements

Sets forth conditions for acceptance and management of conservation easements. Except for agricultural easements, conservation easements may not be "developed, built upon, cleared or otherwise disturbed or changed ... except that bona fide conservation management measures may be permitted pursuant to a conservation plan approved by the Director of Environmental Protection of the town." The Town Board may not change or terminate a conservation easement without approval of a proposition by the voters. The law also provides for penalties and fines for violations.

Conservation easements are used to preserve coastal wildlife habitat and vegetative communities, implementing Policies #7-10. They complement setbacks by providing buffers for flooding and erosion, implementing Development Policies #1-6 and Flooding and Erosion Policies #11-17, and filtering runoff (Water Quality Policies #30-44). Conservation easements on occasion protect public access points to the water (Policies #19-20), and enhance visual quality by providing unobstructed natural views of the coastline (Policies #24-25). Conservation easements have been a useful tool for preservation and in the future the Town may look to strengthen the protections they afford.

§43 Beaches and Parks

Sets up a power sharing arrangement between Town Board and Town Trustees over the town's beaches and defines the jurisdictional boundaries. Provides specific use limitations for some tracts of parkland, viz. the Grace Estate and Hither Woods.

§43-4 Prohibited Conduct

Prohibits camping, riding (seasonal), disturbance of endangered birds, obstructing access, noise, etc. Prohibits placing fill or any other material, or installation of any structure including erosion control devices on the beach without authorization and proper permits from the Town Board or Town Trustees.

§43-5 Vehicles on the beach

Requires Town permit for beach driving; requires towrope or chain, jack and spare tire; restricts operation on some [specified] beaches between 10 a.m. - 6 p.m. from Thursday before Memorial Day to September 15; exempts commercial fishermen, handicapped drivers and crabbers in Georgica Pond; provides exclusions and fines for designated bird nesting areas; gives driving regulations including speed limits, avoiding driving over beach vegetation, dunes or bluffs, and gives right of way to pedestrians.

§43-12 Temporary Closure

Allows the Town Trustees or Town Board to temporarily close or restrict any beach at any time if deemed appropriate and necessary. Either Board shall advise the other of its decision to order any closure.

Note that a cooperative agreement between the Town Board and Town Trustees creates a joint arrangement for beach management, requiring mutual consent to alter regulations. Coastal structures on Town Trustee owned beaches or bottomlands require Town Trustee permits as well as permits required under provisions of the Town Code.

§43-40 to -51 Hunting on Town Parklands

Provides for town licenses for hunting access to town parklands in addition to NYS hunting license, requirements and eligibility for town license, where hunting is permitted.

The Town's Beaches and Parks ordinances provide protection for natural coastal features and for recreational use of the Town's coast. As such they implement many of the LWRP policy groups, including Fish and Wildlife Policies #7-10, Flooding and Erosion Policies #11-17, General Policy #18, Public Access #19-20, Recreation Policies #21-22. Provisions of the Beaches and Parks law may in the future be affected by additions to Town Code proposed to implement recommendations of the Flooding and Erosion Policies. **§43-12, Temporary Closure** to beach vehicles, is effected differently each year depending on habitat needs and location of nesting shorebirds, storm or hurricane activity, etc.

§53 Building Construction

Establishes the Building Inspector's Office and the requirement for obtaining a town building permit for all building construction and improvements in East Hampton.

- §53-4 (A) 1.** For all construction in the Flood Hazard Overlay District (**§153-3-40**) requires actual elevation above MSL of lowest floor, and to which structure has been floodproofed
- §53-6 (C) 2.** Requires flood elevations and certification of floodproofing per **§153-3-45A(2)b** be incorporated into building plans and specifications
- §53-8 (D),** Requires elevation certificate for Flood Hazard Overlay District

The Town's Building Construction codes implement LWRP **Development Policies #1-6, Fish and Wildlife Habitat Policy #7, Flooding and Erosion Policies #11-17, and Water Resources Policies #30-40 and 44**, by insuring conformity with the Town's goals for open space, habitat preservation, water quality, setbacks from wetlands and natural erosion protection features, and implementation of NFIP standards.

§75 SEQR

Implements on a local level the provisions of the State Environmental Quality Review Act and related regulations, thereby incorporating environmental factors into planning and decision making. The SEQR process provides an avenue for introducing environmental factors and overall planning goals into the development process, and in so doing affects all aspects of LWRP policy.

§79 Farmland Preservation

Authorizes the Town Board to purchase the development rights to farmland designated in the Town Comprehensive Plan, on the initiative of either the Town Board, Planning Board, or the landowner. General procedures guiding the purchase of development rights are set forth.

These tools help to implement the Town's open space goals as articulated in **Development Policies #1-6**, as well as maintaining indigenous agriculture, per **Agricultural Lands Policy #23**.

§103 Nature Preserves

Establishes a procedure whereby Town owned properties are afforded additional protection through the dedication to the Town Nature Preserve. Parcels are nominated to the Nature Preserve by the Town Board and administered by a committee consisting of a Town Board member, Town Trustee, the Directors of Planning and Natural Resources, and three at-large members. Once dedicated, these Nature Preserve Properties cannot be sold, leased, exchanged or otherwise disposed of without adherence to the following: a Town Board Public hearing; a majority plus one vote of the Town Board; a public referendum; and adherence to all other laws regarding the divestiture of parkland including the common law rule which requires an act of the State legislature to sell or divest parkland for other uses.

This section of the code insures that future Town governments will adhere to commitments of open space preservation of sensitive tracts, further implementing the Town's open space and habitat preservation goals expressed in **Development Policies #1-6** and **Significant Habitats Policy #7**.

§104 Natural Resources

Creates the Town's Department of Natural Resources, listing among its duties protection of natural resources, and investigation and enforcement of pollution discharges into the environment. The Natural Resources Department provides the professional expertise to implement Town programs and laws related to protection of resources in **LWRP Development Policies #1-6, Fish and Wildlife Habitat Policies #7-10, Flooding and Erosion Policies #11-17, Public Access and Recreational Resources Policies #9 & 19-22, and Water Resources Policies #30-40 & 44**.

§105 Department of Planning

Creates the Town's Planning Department, listing among its duties the protection, preservation and conservation of the town's natural resources and to provide technical and professional advice to the various town agencies. The Planning Department provides the professional expertise to implement Town programs and laws related to protection of resources in **Development Policies #1-6, Fish and Wildlife Habitat Policies #7-10, Flooding and Erosion Policies #11-17, Public Access Policies #19-20, Recreational Resource Policies #21-22, and Water Resources Policies #30-41 & 44**.

§110 Open Space Preservation

Empowers the Planning Board to vary the dimensional requirements of the Zoning Ordinance in order to foster the protection of open lands. East Hampton was the first municipality in the State to require the preparation of open space subdivisions in certain areas. This type of "cluster" subdivision enables the Planning Board to reduce the minimum size of lots in a development in exchange for a greater set-aside of natural or recreational land for common ownership and preservation.

Open space subdivisions have proven successful at protecting the Town's character while returning a profit to landowners and developers. They have become the standard method of development for almost all major land divisions. Open space plans are mandated for the subdivision of farmland and groundwater recharge areas and for all practical purposes, for the subdivision of all tracts of land greater than 25 acres. The law specifies minimum open space requirements for various types of land: 70% preservation of large tracts or contiguous tracts of farmland; 40% preservation of isolated, smaller tracts of farmland; 50% preservation of groundwater recharge areas or areas containing important natural features, scenic or historic resources or recreational resources greater than 25 acres. Chapter 110 specifies how these lands will be preserved and restricts future uses in perpetuity. These provisions help to implement the open space goals in Development Policies #1-6, which also affect objectives for **Significant Habitats Policy #7, Public Access and Recreational Resources Policies #9, and 19-22, and Water Resource Policies #30-40 & 44.**

§118 Right to Farm

Provides that agricultural uses shall not be considered nuisances in relation to surrounding land uses, provided the agricultural activities have been in operation for more than one year or pre-existed the surrounding conflicting land use. This legislation recognizes that agricultural preservation involves more than just the preservation of land. The extension of residential development into an area with agricultural activities has resulted in legal actions forcing agricultural activities to cease. Right to Farm Legislation is a means of protecting and encouraging agricultural activities. Besides helping to preserve open space for agriculture (**Development Policies #1-6**), **§118** specifically implements **Agricultural Lands Policy #23.**

§123 Scavenger waste

Stipulates licensing and record keeping for carters of scavenger waste, and provides for disposal at Town scavenger waste treatment plant, and conformity with Suffolk County Health Department regulations for residential wastewater treatment. Implements **Water Resources Policies #30-40 & 44.**

§125 Shellfish

Regulates and permits taking of a variety of shellfish from Town waters and bottomlands owned by the Town and Town Trustees. Among the species regulated are blue claw crabs, scallops, hard clams, soft clams, lobsters and oysters. Implements **Policy #9, Recreational Use of Fish and Wildlife**, and **Policy #10, Commercial Fishing**, and ties into efforts in **Significant Habitats Policy #7** and **Water Resources Policies #30-40 & 44** to maintain or improve marine habitats.

§131 Subdivision

Provides regulations and procedures for division of land into two or more lots and is intended to facilitate development compatible with existing features and natural features and ecosystems. The subdivision regulations include standards for the preservation and protection of open space and natural resources, street layouts, lot configuration and drainage improvements. The law promotes the use of cluster subdivisions, referred to as Open Space Plans, also governed by Chapter 110 of the Town Code.

§131-1.04 Definitions

Includes definitions and references to Coastal Features and Wetland Areas, and for Lot Area (see also §153-1-20), which excludes from computation of the buildable area "that portion of any lot which is underwater land or ... which is seaward of the bluff line or primary dune crest or which is beach, wetland or watercourse."

§131-1.05 General policies

Enunciates priorities for protection of coastal features and wetlands, and other natural and cultural features including trails, which are to be identified and shall be protected by preservation in their natural state by conservation or by such other means as the Planning Board shall deem necessary. Gives effect to the Flood Hazard Overlay District requirements, and review requirements for any coastal structures.

§131-1.06 Subdivision requirements

Provides standards for subdivision design, including reserve areas to protect recreational, environmental, cultural, historical, archaeological and agricultural features; property owner associations; water conservation. It excludes natural features such as beaches and wetlands from computation of buildable area (see also §153-1-20), and provides for preservation of trails, etc. Standard details for road and drainage improvements assure that all new development will have suitable and safe access, all drainage will be contained on site and adequate landscaping in the form of existing or planted street trees is provided.

As it relates to the LWRP, subdivision law primarily implements **Development Policies #1-6**, but it also affects policy goals of habitat protection (**Policy #7**), flooding and erosion (**Policies #11-17**), public access and recreational uses (**Policies #9 and 19-22**), cultural and visual resources (**Policies #23-25**), agricultural Land (**#26**), and water resources (**#30-40 &44**).

§146-34, -35 Parking Permit

Standards and regulations for parking permits for Town beaches. Implements **Public Access and Recreation Policies #9 & 19-22**.

§147 All terrain vehicles

Prohibits ATV's, including snowmobiles, from operation on Town property, and from private property without written permission of the owner, and by children under the age of 16. Implements **Public Access and Recreational Resources Policies #9, & 19-22**.

§149 Waterways and Boats

Regulates use of Town waters and boats operating therein, Town docks, of moorings, floats, and anchorages, speed limits for boats, distance from bathers, waterskiing, surfboarding and water scooters (jet-skis, etc.), diving, waste disposal, fish trap placement, etc.

§149-2 Prohibited discharges

Prohibits dumping of oil, refuse, garbage or waste and discharge of toilets in Town waters.

§149-3 Placement of boats

Makes moorings and anchorage of boats in Trustee waters subject to their control and supervision; defines Trustee waters and beaches.

§149-8.1 Speed of boats

Limits speed of vessels with more than 2000 installed h.p. to 15 m.p.h. within Town waters.

§149-12.B. Waterskiing; surfboarding; water-scooters

Waterskiers, surfboarders, water-scooters must stay at least 200' from shore and 50' from any bather or swimmer, except when commencing or ending a ride; and further, water-scooters may not operate in any harbor or designated bathing beach, and must stay 500' from shore except for beginning/ending ride, at 10 mph or less.

§149-30.1 Placement of fish traps

No one may install a fish trap on Town bottomlands unless a resident and without obtaining a permit from the Town and/or the Town Trustees.

§149-34 Prohibition on floating homes

Prohibits floating homes, defined as boats or other floating craft without independent means of propulsion, or designed primarily for residential use as opposed to transportation over water.

§149-60 to -67 et al, Vessel Waste No-Discharge Zone

Local law implementing State and Federal No-Discharge Zone designation for the Town's inner harbors.

These sections implement **Significant Habitats Policy #7, Public Access and Recreational Resources Policies #9, & 19-22, Commercial Fishing Policy #10 and Water Resources Policies #30-40 & 44.**

§151 Wind Energy Conversion Systems

Requires a permit from the Town to operate a power generating windmill, guided by considerations of safety, effects on the natural environment and character of the community, and whether the proposed system causes excessive noise or radio or TV interference to adjoining properties. This implements aspects of **Energy Facilities and Siting Policy #27.**

§153 Zoning

The zoning code promotes orderly growth; protects neighborhoods; ensures the proper utilization of land, especially access to and use of public lands; provides for affordable housing; preserves productive agricultural lands and other natural landscapes along with important manmade features to ensure water recharge, clean drinking water and surface waters; maintains safety and health; prevents overcrowding; maintains property values; provides for review of subdivisions and site plans; and perpetuates and enhances the natural beauty of the community.

§153-1-20 Definitions

Provides the meaning of certain terms used in the Code. Definitions have regulatory implications. For example, the definition of lot area excludes natural features, easements and underwater lands for computation of lot size, also land which is seaward of the bluff line or primary dune crest, or which is beach, wetland or watercourse.

§153-3-40 to -45 Flood Hazard Overlay District

Conforms to the National Flood Insurance Program regulations, which include standards for construction and elevation of structures and placement of utilities, and also prohibits alteration or grading of sand dunes. The sand dunes provision states: "There shall be no alteration of any sand dune in any special flood hazard area which cuts down the height of the dune at any point, undermines the dune or which would increase the potential for flood

damage. A natural resource special permit, pursuant to **§153-4-20B and C** ... shall be obtained when required." See also introduction to **Flooding and Erosion Policies #11-17**.

§153-3-65 Water Recharge Overlay District

Establishes additional regulations for land delineated on the Use District Map (Zoning Map) which overlies the Town's groundwater supply and sole source drinking water recharge areas, including: requires mandatory clustering for all subdivisions of land creating five or more lots; designates these lands as critical environmental areas pursuant to SEQRA; establishes restrictive vegetation clearing limits according to lot size and zoning district; prohibits the establishment of new landfills or waste disposal areas; restricts the use and storage of hazardous chemicals and substances as defined by the Natural Resources Director.

§153-3-70 Harbor Protection Overlay District

Establishes additional regulations for land delineated on the Use District Map (Zoning Map) within the primary watersheds of the major creeks, harbors and ponds in the Town. The regulations provide enhanced standards for: control of stormwater runoff; siting of new septic systems and the upgrading of existing systems; preservation of natural vegetation through clearing restrictions; swimming pool construction, sanitization and maintenance; and installation of residential fuel storage tanks. HPOD regulations are included in Appendix C.

§153-4 Protection of Natural Resources

Designates wetlands, watercourses, tidal waters, beaches, beach vegetation, dunes and bluffs as protected natural features and establishes regulations designed to preserve and maintain these features in their undisturbed, natural condition.

§153-4-20 Natural Resource Special Permit

Requires a Natural Resource Special Permit for any alteration of the land or water within specified distances, or jurisdictional limits from the protected natural features above. The jurisdictional limits vary depending on the feature and activity proposed. For wetlands, jurisdictional limits are: 200 feet for the installation of a septic system and 150 feet for any clearing, grading, dredging or any non-septic construction. For bluffs, the jurisdictional limits are 100 or 150 feet from any bluff line, depending on geographical location of the construction. Additionally, beach grass may not be damaged or removed, nor any sand dune removed, cleared, graded, or otherwise altered without a Natural Resources Special Permit.

§153-4-25 Emergency and minor maintenance exceptions

No Natural Resources Special Permit is required for in place and in kind replacement of existing coastal erosion structures, docks or pilings which have been damaged or destroyed, provided that a building permit is first obtained, and materials are approved by the Natural Resources Department. Also allows minor maintenance work not exceeding 25% of a structure by area or extent. A 1992 amendment permits in place and in kind restoration of bluffs, dunes, beaches or other natural erosion protection features which have been damaged or destroyed.

§153-4-32 & 37 Bluff setbacks

Requires a minimum 100 foot setback from the dune crest or bluff line along the Atlantic Ocean except east of the hamlet of Montauk where a 150 foot setback is required, and along certain sections of the Old Montauk Highway where the 100 foot setback is measured from the base of the bluff. Establishes a minimum setback from the bluff along the bays and harbors ranging from 50 feet for lots of 40,000 sq. ft. or smaller, to 100 feet for lots greater than 40,000 sq. ft., and 150 feet for lots 84,000 sq. ft. or greater.

§153-4-34 Wetland setbacks

Requires 150 foot minimum setback for the installation of septic systems; 100 feet for the erection or construction of all other structures; and 50 feet for clearing or grading of natural vegetation.

§ 153-4-39

Contains an exception to the setbacks for coastal structures for which a natural resources special permit has been issued and for which all other necessary federal, state, county and local approvals have been obtained.

§153-4-85 Town Trustee prerogatives

References Town Trustee prerogatives over lands and waters under their ownership.

§153-4.95(A) Use exemption for fishing, shellfishing, hunting and trapping

Exempts fishing, shellfishing, hunting and trapping from the regulations in this section.

§153-5-10 & 40 Special Permit Uses and Standards

Establishes special standards and safeguards for certain land uses which are anticipated to have significant impacts on the surrounding area even though they are allowed under zoning. Thirteen general standards are set forth including: compatibility with the location proposed; provisions for adequate collection of runoff and waste; and protection of natural features including ground and surface waters.

§153-5-45(D) Special Permit Standards in Waterfront District

Uses permitted by zoning in the Waterfront (WF) District are required to be water-dependent. All special permit uses, other than ferries, are deemed not to be water-dependent and therefore must meet the following additional standards: must not adversely affect any existing or potential water-related use; must economically support the water-related use and enhance public access to the waterfront; must not usurp any land area needed by the water-dependent use and must demonstrate an integrated and adequate circulation and parking plan; must have a maritime character or theme; must meet a minimum lot area specified per use.

§153-5-50 Specific standards and safeguards

Sets standards, in addition to the general standards for particular uses. For coastal structures, for example, they must be demonstrated to not interfere with tidal flow, marine life or habitat, or destroy other than minimal areas of existing wetland vegetation or beach grass. Structures are only eligible for a permit if refusal to permit the structure would make likely a rapid or sudden loss of the property to erosion, and there is an explicit determination that similar results are impossible using nonstructural controls. There is an exception for water-dependent facilities in Waterfront (WF) Districts or that are part of a lawful marina or recreational marina, which are held to lesser standards. Using a public utility as another example, the special permit standards require the facility to have, as a primary purpose the

distribution or delivery of a utility or service to the residents of East Hampton and that it be located in a commercial industrial zoning district unless it is shown to be impractical.

§153-6 Site plan review

Requires Planning Board approval for the design and layout of all commercial uses, and land uses requiring a special permit, all agricultural structures greater than 200 sq. ft., all multiple residences and certain clearing activities in a residential zone. Planning Board review of site plans are intended to: help protect the rural, open space environment of the town; protect residential areas; provide safe access and parking areas; prevent drainage and flooding problems; provide for adequate fire protection, water supply, waste and garbage disposal.

§153-6-30

Requires site plan approval for erection, construction or enlargement of any single-family residence on a parcel of 10 acres or more within an Agricultural District.

§153-6-60 G. Protection of agricultural lands. Development of agricultural lands, particularly with prime agricultural soils, shall be avoided or minimized. The Planning Board shall seek to protect public views across farmland, ensure that development is compatible with its surroundings, and strive to protect large contiguous areas of agricultural soils for present or future farm use.

§153-6-72

Provides for referral to the Architectural Review Board of sites designated as landmarks or historic structures or within an historic district.

§153-7 Architectural and design review

Requires all lots subject to site plan review also be reviewed by the Architectural Review Board to maintain the character of the Town and preserve its architectural heritage and harmony. In addition architectural review is required for signs requiring a building permit, structures in Agricultural Overlay Districts [excepting docks and a variety of accessory structures], and other structures for which the code requires it.

§153-7-10, §153-7-20, §153-7-25, §153-7-30, et al, **Historic Preservation Law[s]**, 10/99 Provides for review and approval of the architecture, design, scale, and style of certain classes of buildings and structures, and for the design, scale, and architectural compatibility of historic landmarks and structures and improvements within designated historic districts, gives mechanism for establishing historic districts, describes activities requiring review and establishes standards for review.

§153-11-10 Use and Dimensional Tables

These list uses Permitted, Specially Permitted or prohibited in each of the zoning districts and the dimensional requirements for principal and accessory structure in each zone.

§153-11-72 Height

References limits on height contained in the Dimensional Table for each zone, and includes a Pyramid Law governing relation of building height to property lines.

§153-11-88 Ferry Terminal

Requires special permit and limits types of vessels for ferries.

§153-12 Use District Zoning Maps

Graphically depict the zoning boundaries townwide.

In the aggregate the provisions of the zoning code implement aspects of nearly all LWRP policies, while specific sections implement **Development Policies #1-6, Significant Habitats Policy #7,**

Commercial Fishing Policy #10, Flooding and Erosion Policies #11-17, Public Access Policies #19-20, Recreation Policies #9, and 21-22, Historic Resource and Visual Quality Policies #23-25, Agricultural Lands Policy #26, Energy Facilities Siting and Construction Policy #27, and Water and Air Resources Policies #31-44.

Town Trustee Regulations

As the original fee titleholders of the Town's common lands, now primarily beaches, bottomlands, and trails, the Town Trustees serve an important function by establishing regulations for activities occurring on these properties held in trust for the citizens of the Town. These include permit requirements, fees and restrictions on coastal erosion protection structures, including docks, bulkheads and other structures on Trustee beaches and bottomlands; regulations on taking of shellfish from Trustee-owned bottomlands; and mooring of boats on beaches and bottomlands in Trustee ownership. Nothing in this LWRP should be construed to abrogate, dilute, limit or abridge any rights the Town Trustees may possess, either now or in the future, to regulate and manage properties within their control.

As compiled and revised by the Trustees, these regulations are generally distinct from the Town Code, except where cooperative arrangements exist with the Town Board, as for the management of shellfish and regulation of beach vehicles. The Trustees also work cooperatively with other Town agencies, including the Harbormasters, Natural Resources Department, and Town Shellfish Hatchery to manage coastal resources on the public trust lands within their purview, and carry out independent management actions such as the traditional semi-annual opening of Georgica Pond to the sea. Trustee regulations implement various LWRP policies including related sections of **Significant Habitats #7, Commercial Fishing #10, Flooding and Erosion #11-17, Public Access #19-20, and Recreation #9 and 21-22.**

Solid Waste Management Plan

The Town's state approved Solid Waste Management Plan, including the Stop Throwing Out Pollutants (STOP) program, implements LWRP policies related to pollutants and solid waste including **Pollutants #8, General Policy #18, and Water Resources Policies #30-40 & 44.**

Future Legislation

Approximately 40 acres of the easterly portion of the Benson Reservation is now protected by Town ownership following a recent donation, and a zone change to Parks and Conservation (PC) will be proposed.

A local Right To Fish law will be considered, although most local concerns appear to be addressed by existing Suffolk County Right To Fish legislation, and §915 of Article 42 of State law. Better defined protection for water-dependent fisheries uses and shoreside support facilities within the Waterfront (WF) zone will be examined in the **Projects** for *Fisheries Shoreside Support Infrastructure, Local Fishery Assistance, and in Harbor Management Plans.*

Implementation of **Policies 11-17** with regard to erosion control structures will be included in proposed local legislation to adopt CEHA and implement LWRP recommendations (**Appendix G**). Development in sensitive flood and/or erosion prone areas will be regulated (V-26, ¶3) through a

1999 update of FEMA flood district regulations, local adoption of CEHA, and Town NRSP requirements. Other erosion protection measures such as erosion control districts (V-39) will be studied and legislation developed as part of Flooding and Erosion-related **Projects**, including the *Hurricane Damage Mitigation Plan, Hazard Mitigation Plan, Erosion Control Districts, etc.*

The Town needs legislation requiring mandatory farmland preservation for site plans within Agricultural Overlay District and for consideration of preservation of farmland in all site plans. However, this is a townwide problem that would affect few parcels in the coastal zone.

In recognition of the need for additional protection of its scenic resources through local laws and planning procedures, and to initiate the state designation process referred to in Policy #24, the Town is undertaking a Scenic and Visual Resources Survey and Protection Program as proposed in **Projects**. The program is funded by NYS DOS under EPF, as and will serve to identify and catalog visual resources and develop community standards and protections with public input. The Town also expects to pursue designations of Scenic Areas of Statewide Significance (SASS) using the results of the program.

Although most best management practices (BMP's) for stormwater and non-point pollutant control detailed in **Policy 37** are covered by the Town's Harbor Protection Overlay District (HPOD, §153-3-70 et al), additional legislation may be needed in the future to include more comprehensive BMP's and to extend them to broader watershed management areas. These will be assessed as part of detailed watershed management plans for individual harbors.

A local consistency law will be enacted to implement coastal consistency review and to integrate it with Town Code and planning processes.

ZONING USE AND DIMENSIONAL TABLES XV A-1

TABLE XV.A-2: LOCAL LAWS IMPLEMENTING COASTAL POLICIES

#	CATEGORY	IMPLEMENTING LEGISLATION
1 2 3 4 5 6	Development Policies	§22 Conservation Easements; §53 Building Construction; §75 SEQR; §79 Farmland Preservation; §103 Nature Preserve; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §118 Right to Farm; §131 Subdivision; §153 Zoning code, including §153-3-70 et al, Harbor Protection Overlay District, §153-4 Protection of Natural Features, §153-3-40 et al, Flood Hazard Overlay District, §153-5 Special Permit Uses, §153-6 Site Plan Review, §153-12 Use District Zoning Maps, §153-11-10 Use Tables, §153-11-88, Ferry Terminal, §149 Waterways & Boats
7 8 9 10	Fish & Wildlife Policies	§22 Conservation Easements; §43 Beaches and Parks, §43-40 Hunting on Town Parklands; §75 SEQR; §77-8 Dredging; §53 Building Construction; §103 Nature Preserve; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §125 Shellfish; §131 Subdivision; §149 Waterways & Boats, especially §149-30.1 Placement of fish traps; §153 Zoning, particularly §153-4, Protection of Natural Features, and §153-4.95(A) Use exemption for fishing, shellfishing, hunting and trapping; Town Trustee regulations; Solid Waste Management Plan
11 12 13 14 15 16 17	Flooding & Erosion Policies	§22 Conservation Easements; §43 Beaches and Parks, particularly §43-4 Prohibited Conduct, §43-5 Vehicles on the beach, §43-12 Temporary Closure; §53 Building Construction; §75 SEQR; §77-8 Dredging; §104 Natural Resources; §105 Planning; §131 Subdivision, especially §131-1.04 (cf. §153-1-20) Lot Area definitions, §131-1.05 General Policies; §153 Zoning, particularly §153-4 Protection of Natural Resources, §153-4-20 Natural Resource Special Permit, §153-4-20 (E) Bluff setbacks, §153-4-25 Emergency and minor maintenance, §153-4-30 Setbacks, §153-3-40 Flood Hazard Overlay District, §153-5-50 Coastal structure standards, §153-4-85 ref Town Trustee regulations for coastal structures
18	General Policy	§43 Beaches and Parks; §75 SEQR; §153 Zoning, especially §153-4 Protection of Natural Features; Solid Waste Management Plan

#	CATEGORY	IMPLEMENTING LEGISLATION
19 20	Public Access Policies	§22 Conservation Easements; §43 Beaches and Parks; §75 SEQR; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §131 Subdivision; §146-6 Parking Permit; §153 Zoning, particularly §153-4 Protection of Natural Features; Town Trustee regulations
21 22	Recreation Policies	§43 Beaches and Parks, §43-5 Vehicles on the beach; §75 SEQR; §77-8 Dredging; §103 Nature Preserves; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §125 Shellfish; §131 Subdivision; §146-6 Parking Permit; §147 All terrain vehicles; §149 Waterways and Boats; §153 Zoning, particularly §153-4 Protection of Natural Features; Town Trustee regulations
23 24 25	Historic Resource and Visual Quality Policies	Townwide regulations needed to protect scenic, cultural and historic features and buildings. Current laws include: §22 Conservation Easements; §75 SEQR; §110 Open Space; §131 Subdivision; §153 Zoning, particularly §153-7 Architectural and design review
26	Agricultural Lands Policy	§75 SEQR; §79 Farmland Preservation; §118 Right to Farm; §131 Subdivision; §153 Zoning; legislation needed to require mandatory farmland preservation in site plans within Agricultural Overlay District, and to consider farmland preservation in all site plans
27 28 29	Energy & Ice Management Policies	§75 SEQR; §151 Wind Energy Conversion Systems; §153-5-50 Public Utility; §153-6 Site Plan Review; §153-12 Uses and Dimensions; §153-11-72 Height
30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	Water & Air Resources Policies	§22 Conservation Easements; §53 Building Construction; §75 SEQR; §77-8 Dredging; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §123 Scavenger waste; §125 Shellfish; §131 Subdivision; §149 Waterways and boats, particularly §149-2 Prohibited discharges and §149-34 Prohibition on floating homes; §153 Zoning, particularly §153-3-40 Flood Hazard Overlay District, §153-3-65 Water Recharge Overlay District, §153-3-70 Harbor Protection Overlay District, §153-4-20 Natural Resource Special Permits, §153-4-20(A) Wetland setbacks, and §153-6 Site plan review; Town Trustee regulations for structures, docks and mooring of boats on beaches and bottomlands in their ownership; Solid Waste Management Plan, including Stop Throwing Out Pollutants (STOP) program

B. Other Actions for Implementation

1. Proposed Projects

In the process of preparing the LWRP, the Town has identified some sixty projects to address and implement the LWRP policies. These projects are discussed in detail in **Section XIV, Proposed Projects**. Project objectives include expansion of existing coastal management programs, restoration and revitalization of underutilized sites, research to acquire necessary data, improvements to recreation and public access facilities, acquisition of open space and new public access, and a number of environmental remediation initiatives to improve water quality, habitat, etc.

Some projects require development of public/private partnerships, while others will be accomplished through cooperative agreements with other levels of government. In many cases, the Town expects to carry out these projects with financial assistance from grants. A number of projects are directly dependent on securing sources of outside funding, although a substantial number of improvements and research activities are also being funded directly by Town taxpayers via annual budget appropriations and the Town's capital budget. Note that nothing in the LWRP will compel the Town to undertake a project if financial resources are unavailable.

Proposed Projects in **Section XIV** are listed according to policy group as presented within the LWRP. [Map XIV-1](#) gives the locations of projects, notes projects with multiple locations, and identifies those that are townwide. The Town expects to prioritize and allocate funding for projects on an annual basis as part of the ongoing implementation of the LWRP. A number of initiatives have already commenced that will contribute to the knowledge base for the LWRP and provide the basis for other projects. The **Projects** are a crucial component of the LWRP in that they actualize many facets of the plan, and in effect provide the most visible and convincing rationale for its existence.

2. Public Education

A second critical facet of implementing the LWRP is educating the public about the purpose and substance of the local program, and how it may improve everyday living with the shore environment. The Town will create presentations to inform both the general public and particular user groups on coastal issues and how they are addressed by the LWRP. Specific initiatives such as the *Harbor Protection Overlay District* and *No-Discharge Zones* will require additional education programs, brochures, and media campaigns to inform residents and users of new requirements and how they can help to improve water quality, habitat, etc. Several of these expanded public education programs are listed in **Proposed Projects, Section XIV**.

C. MANAGEMENT STRUCTURE TO IMPLEMENT THE LWRP

The Town intends that the LWRP be carried out in a coordinated and comprehensive manner that ensures a proper balance between human uses of the land and waters and protection of natural

resources. Since the Town already has an extensive apparatus governing actions in the coastal area, implementation of the approved LWRP will, for the most part, be incorporated within existing Town planning and zoning procedures, and will be executed by Town departments with responsibility for these procedures, augmented as necessary to handle LWRP evaluations, policy directives, tasks, and projects.

The Town Waterfront Advisory Committee will continue to meet annually to monitor implementation of the LWRP and consider future amendments to the plan. Community and user involvement is vital to the success of the LWRP, and the Town may also appoint advisory groups on an ad hoc basis for specific issues, projects or in other needed capacities. One of the benefits of the Waterfront Advisory Committee has been to provide a working forum on coastal issues for community interests and the various departments of the Town government. This function will be continued through quarterly coordination meetings convened by the Town Supervisor.

The management framework for the LWRP will be institutionalized in a Local Consistency Review Law (see **Appendix H**). The effectiveness of this management structure will be evaluated in an annual review, in addition to the quarterly coordination meetings. A summary of anticipated LWRP tasks and functions, and which official or department of Town government will be expected to carry them out, follows.

Function	Organization
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Consistency Review:	Initial evaluation of actions in the coastal area will be conducted by the Planning Department as part of the initial project review process. A Coastal Assessment Form (CAF) will be filled out as an attachment to the Environmental Assessment Form (EAF) or as an attachment to other permit applications. A sample CAF is included in Appendix H . The Planning Department will coordinate their review with permitting or other review by the Planning and Architectural Review Boards, the Zoning Board of Appeals, or the Town Board. The Planning Department will be available for consultation with the Town Trustees if requested. The appropriate board will make the final determination of consistency. If an action requires approval of more than one board, decision making will be coordinated between boards to determine which board will conduct the final consistency review, and only one Consistency Assessment Form per action will be prepared. The Planning Department will also coordinate with NYS DOS regarding consistency review for actions by State or Federal agencies.
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Coordination:	The Town Supervisor will convene a quarterly LWRP coordinating meeting, including relevant Town department heads and the Town Trustees, to discuss LWRP issues, monitor progress and efficacy of LWRP management, and determine project and grant priorities. The Supervisor's office will conduct an annual evaluation of the LWRP, and issue an annual LWRP report which will be reviewed by the WAC, and conveyed to the Town Board, Town Trustees, NYS DOS and the public. The report will focus on LWRP progress
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and problems, and will prioritize LWRP projects prior to preparation of the Town's annual budget.

Oversight: The Town Supervisor will coordinate implementation of the LWRP, with annual review by the WAC, Town Board and NYS DOS. The Town Trustees have oversight of those aspects of this LWRP which relate directly to their harbors, bays, lands and bottomlands.

Projects: LWRP projects, as listed in **Section XIV, Proposed Projects** or subsequent addenda, will be carried out by appropriate Town agencies under the direction of the Town Supervisor.

Grant Writing/ Administration: As at present, LWRP project grant applications will be prepared by the various Town departments, at the direction of the Supervisor, or by a consultant[s]. Approved projects and any associated grants will be administered by the implementing Town agency, with regular progress reports to the Supervisor and under the fiscal supervision of the Town Comptroller.

LWRP Amendments: Future amendments to the LWRP will be prepared by the Planning Department, or consultant[s] hired for the task, on the advice of the WAC, or at the direction of the Supervisor and Town Board, in cooperation with NYS DOS.

Public education and education of Town Boards/Departments responsible for LWRP implementation: Initial briefings on the LWRP for Town boards and departments and the Town Trustees will be carried out by the Planning Director, with the assistance of a consultant. Public education on the overall content of the LWRP will also originate in the Planning Department, and may include publications or dissemination through other media. Additional public education for specific coastal issues such as *HPOD* or *NDZ*, will be undertaken as LWRP projects or through ad hoc committees.

Community Commitment: The Town Board and the Town Supervisor will maintain the community's interface with the LWRP by continuing the WAC, in its present or in a reconstituted form, and by appointing ad hoc advisory groups to work on specific projects or issues, which will include appropriate community, user, government and water-related business interests.

D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

There are two main funding implications to the Town of East Hampton in implementation of the LWRP, the administrative costs involved in the continuing local management of the LWRP, and the capital and revenue costs involved in project implementation. Management costs associated with the administration of the LWRP can be absorbed within the regular budget of the Town of East Hampton and financed out of general revenues. However, the Town may require additional staff to perform some of the tasks outlined in the management framework, and may seek outside funding for this purpose.

The second funding implication involves capital and revenue costs for the 61 **Projects** outlined in **Section XIV** and for future projects. The projects are grouped according to policy associations, though many overlap several policy categories. Cost estimates have not as yet been formulated for most of the projects in **Section XIV**. These will be developed as funding is identified or becomes available, whether from Town revenues and capital budgets, or from external sources. The Town may also seek to develop public/private partnerships where appropriate for projects involving, for instance, revitalization of harbor or business districts, or erosion protection districts. The Town of East Hampton will work closely with the NYS DOS Division of Coastal Resources to identify potential sources of outside funding for the **Projects**. It should be noted that nothing within the LWRP will compel the Town to undertake a project if financial resources are unavailable.

Possible sources of funding include, but are not limited to, the New York State Environmental Protection Fund, the New York Clean Water/Clean Air Bond Act, Federal ISTEA and its successor Transportation Enhancement Program, US Department of Interior USFWS appropriations for habitat acquisition, Hazard Mitigation Program Section 404 funds under the Stafford Disaster Relief Act via FEMA/SEMO, US EPA Peconic Estuary Program funds, and private foundations.

A key element in building successful fiscal partnerships with other levels of government or the private sector is the availability of a local match from the Town of East Hampton. This match is essential in leveraging public or private sector grant funding. The local match can usually be supplied in a variety of ways, including direct appropriations, provision of materials or public works labor by the Town, and the use of volunteers and staff time as a monetary equivalent. It can also be advantageous to link LWRP project implementation to other capital improvement work occurring in the Town, such as highway drainage work, dredging or land acquisition, thus stretching the benefits of limited public funds and achieving multiple objectives. In terms of providing a monetary match, the Town should consider setting up a regular budget line that will dedicate funds to LWRP projects. These funds could fund small scale capital improvements such as public access improvements, or design studies, or to fulfill match requirements and leverage larger amounts of money for project implementation.