

**VILLAGE OF EAST HAMPTON BOARD OF TRUSTEES MEETING
OPEN TO PUBLIC
HELD ON AUGUST 20, 2021 MEETING, AT 11:00 A.M.
EMERGENCY SERVICES BUILDING, 1 CEDAR STREET, EAST HAMPTON, NY**

PRESENT: Gerard Larsen, Mayor
Christopher Minardi, Deputy Mayor
Arthur Graham, Trustee
Rosemary Brown, Trustee
Sandra Melendez, Trustee
Marcos Baladrón, Administrator
Vincent Messina, Village Attorney
David Collins, D.P.W. Superintendent
Ken Collum, Code Enforcement
Tom Preiato, Building Inspector
Billy Hajek, Planner
Michael Tracey, Police Chief
Gerard Turza, Fire Chief
J. P. Foster, Public Safety Dispatcher III
Hugh King, Historic Site Manager/Village Historian
Brad Billet, East Hampton Village Foundation
Mary Ella Moeller, Village Resident
Andrew Goldstein, Village Resident
Joan Osborn, Village Resident
Larry Kane, Village Resident
John Tarbet, Village Resident
Tom Cooper, Village Property Owner
Kathy Cunningham, Village Preservation Society
Skidmore Family members
June E. Lester, Administrative Assistant
Jamie Bufalino, East Hampton Star
Jody Gambino, LTV Videographer & Editor

Mayor Larsen welcomed everyone to the meeting.

The Pledge of Allegiance was held.

Mayor Larsen's Announcements

The Village has put the mask mandate back into effect for all our buildings. Thank you for cooperating. Weather permitting the fireworks at Main Beach will be held tomorrow night, with two bands starting at six o'clock. The Tuesday Night Summer Sessions at Main Beach has been well-received by the community. Resident surveys will be mailed out on Monday, seeking village property owners opinions on the East Hampton Airport and short-term rentals. The Artist – Writers Game will be held tomorrow in Herrick park.

Hugh King, Historic Site Manager

Hugh King announced the last of the walking tours by a high school junior, Julianna Lester, will be held on August 28. On September 4th and September 11th Jackie Dunfee and Veronica Messina will be giving historic walking tours. In October Richard Barons and Hugh King will be giving historic walking tours for the East Hampton Historical Society. On September 7th The Circle will be dedicated to the Honorable Stephen Marley, Mayor from 1954 to 1967 was also manager of the movie theater and fire chief. On September 28th Dunemere Lane will be dedicated to the Honorable James Skidmore, Mayor from 1967 to 1971. Members of the Skidmore family were in attendance.

Brad Billet – East Hampton Village Foundation and the Centennial Celebration

Brad Billet, President of the East Hampton Village Foundation, provided an updated on it. The Foundation has received its 501c 3 status and has received commitments to raise approximately \$250,000. The Foundation will be funding the Centennial with some of the funds, the rest will be going towards the Herrick Park Project. The Centennial Celebration, which will run from September 24th thru the 26th, starting on Friday at 11 am with the time capsule and the blessing of the village at Village Hall. Historic discussions will be held in the park at 2 pm. The events will be open to the public and free of charge. On Friday night there will be one paid event "Dress to Impress" – Roaring Twenties themed - Casino Night held at the Maidstone Club, with the proceeds going to the Foundation and Herrick Park. Tickets for the Gala will go on sale next Friday at 9 am on the Centennial's Foundation's website.

On Saturday there will be a Children's Fair in the park with rides, a carousel and activities also be free to the public. The parade will also be on Saturday at 11 am. A music festival will be held from 2 pm to 9 pm. Local restaurants and food truck have been asked to participate. On Sunday morning there will be a classic car show at 11 am. A Maidstone vs. Bonackers Softball game in Herrick park will cap off the festivities. The Fire Department will have hotdogs available.

Roll call was held.

1st PUBLIC HEARING

(copy of notice is inserted at end of minutes)

Public comments submitted prior & during the hearings for Introductories #16 thru #22 are inserted after the hearing for Introductory #22-2021.

INTRODUCTORY #16-2021 LOCAL LAW NO. __/2021

A Local Law amending Chapter 278 to clarify the definition of nonconforming buildings, structure, uses and lots and permitted enlargements, reconstruction, structural alterations, restoration or repair of same.

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

SECTION I. Legislative Purpose and Intent. This legislation is intended to provide for permitted enlargements, reconstruction, structural alterations, restoration or repair of nonconforming buildings, structures, uses and lots. The current code language has caused confusion and/or prohibited both repair/reconstruction and gradual conversion of such uses to conforming uses.

SECTION II. Chapter 233 of the Code of the Village of East Hampton is hereby added as follows (text to be deleted is struck-thru; text to be added is in bold):

§278-1. Zoning; Definitions B. Nonconforming buildings, structures, uses and lots.

(1) Nonconforming Buildings, structures uses and lots.

- (a) ~~Existing nonconforming structure. The provisions of this chapter shall not apply to any lawful nonconforming building or structure existing upon the adoption of this chapter or any pertinent amendment thereto.~~

Excluding those properties subject to the provisions of 278-3A(7) & (8), a nonconforming building or structure which lawfully exists that is devoted to a conforming use, or a building or structure which lawfully exists that is devoted to a conforming use on a nonconforming lot, may be enlarged, reconstructed, structurally altered, restored or repaired, in whole or in part, except that the "degree of nonconformity" shall not be increased. For the purposes of this subsection, an increase in the "degree of nonconformity" shall include any increase in the nonconformity of a nonconforming building or structure with the dimensional regulations of this chapter and shall include any increase in the nonconformity related to the length, width or height of the nonconforming portion of the building or structure.



2nd PUBLIC HEARING

(copy of notice is inserted at end of minutes)

Public comments submitted prior & during the hearings for Introductories #16 thru #22
are inserted after the hearing for Introductory #22-2021.

INTRODUCTORY #17-2021
LOCAL LAW NO. __/2021

A Local Law amending Chapter 278 to repeal certain limitations on permitted gross floor area.

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

SECTION I. Legislative Purpose and Intent. This legislation is intended to repeal previously enacted restrictions on gross floor area.

SECTION II. Chapter 278 of the Code of the Village of East Hampton is hereby added as follows (text to be deleted is struck-thru; text to be added is in bold):

§ 278-3. A. Area, setback and height regulations.

(13) One-family and two-family detached dwellings.

(a) The maximum gross floor area for one-family and two-family detached dwellings, as permitted in all residential districts, shall **be ten (10%) percent of the lot area plus one thousand (1,000) square feet or 20,000 square feet, or the maximum allowed under the following limits,** whichever is less:

Lot Size (square feet)	Maximum Gross Floor Area
Less than 40,000	10% of the lot area plus 1,000 square feet
40,000 or greater but less than 80,000	7% of the lot area plus 2,200 square feet
80,000 or greater	3% of the lot area plus 5,400 square feet

D. Accessory building and structure design requirements.

(7) The maximum gross floor area of all accessory buildings on a lot shall not exceed ~~the following:~~
two (2%) percent of the lot area plus 200 square feet.

Lot Size (square feet)	Maximum Gross Floor Area
Less than 40,000	2% of the lot area plus 200 square feet
40,000 or greater but less than 80,000	1% of the lot area plus 600 square feet
80,000 or greater	0.5% of the lot area plus 1,000 square feet



3rd PUBLIC HEARING

(copy of notice is inserted at end of minutes)

*Public comments submitted prior & during the hearings for Introductories #16 thru #22
are inserted after the hearing for Introductory #22-2021.*

INTRODUCTORY NO. 18 - 2021

LOCAL LAW NO. __, 2021

"A Local Law amending Village of East Hampton Code §278-3(B)(2)(b) to exempt handrails less than twelve (12") inches wide which are required by any New York State statutes, codes, rules and/or regulations from the calculation of height of a structure".

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

SECTION I. Legislative Intent. To exempt handrails less than twelve (12") inches wide which are required by any New York State statutes, codes, rules and/or regulations from the calculation of height of a structure.

SECTION II. AMENDMENT. Additions are in **bold**. The provisions of Village of East Hampton Code §278-3(B)(2)(b)

Are hereby are amended as follows:

§ 278-3 (Zoning; Height Regulations)

(2) Resident districts.

- (b) Within nine feet of the maximum permitted roof height an area equivalent to no more than 15% of the gross floor area on the first floor of the building shall be permitted to have a low pitch roof. Any low pitch roof area within nine feet of the maximum height limit shall be indicated on a two-dimensional roof plan and measured to the outside of the roof edge (drip line). **Safety railings required by New York State statutes, codes, rules and regulations not exceeding twelve (12) inches in width shall not be included in calculation of height.**



4th PUBLIC HEARING

(copy of notice is inserted at end of minutes)

Public comments submitted prior & during the hearings for Introductories #16 thru #22 are inserted after the hearing for Introductory #22-2021.

**INTRODUCTORY NO. 19 - 2021
LOCAL LAW NO. ___, 2021**

"A Local Law amending Village of East Hampton Code §278-2.A.(7) to add (e) "Accessory Dwelling Unit."

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

SECTION I. Legislative Intent. Housing for family members, guests, and caregivers has long been an issue for an aging population in the Village of East Hampton. One of the ways this issue can be addressed is through the legalization of accessory dwelling units. The legislation proposed herein represents a measured approach to applying this solution.

SECTION II. AMENDMENT. Additions are in **bold**. The provisions of Village of East Hampton Code §278-2.A.(7) (e) are hereby are amended as follows:

§278-2. Zoning Districts.

A. Residential zoning districts. In any residential district, no building, structure or premises shall be used or arranged or designed to be used in any part for other than one or more of the following specified purposes:

(7) Accessory uses and accessory buildings.

(e) **Accessory Dwelling Unit.** One detached accessory dwelling unit designed for cooking and/or sleeping purposes, located on a property containing 60,000 square feet or more that is located in a residential district and which contains a primary single-family residence. Such accessory dwelling unit authorized in this subsection shall be limited as follows: (i) an accessory dwelling unit may have no more than two bedrooms; (ii) shall not exceed the maximum ground floor area for accessory structures, but shall be counted toward the ground floor area of the principal structure; (iii) the occupancy of an accessory dwelling unit shall be limited to the family and/or guests of the occupants of the primary single-family residence, and/or to employees working on the premises or working in the primary dwelling unit; and (iv) an accessory dwelling unit may not be rented separately from the primary dwelling unit. The accessory dwelling unit must meet the setback requirement of the principal structure. The use of any parcel of land for both a single family residence and an accessory dwelling unit as provided in this subsection shall be a conforming use under the Code of the Village of East Hampton, and shall not be considered a prohibited use and/or nonconforming use pursuant to §278-1.B(2)(e) of this Code; provided that a Declaration of Covenants and Restrictions with respect to the parcel on which the accessory dwelling unit is located is recorded with the County Clerk which limits the use of the accessory dwelling as set forth herein. The height regulations of §278-3.B shall apply to an accessory dwelling permitted pursuant to this subsection. The issuance of any building permit for such use shall require the installation of an Innovative Alternative Septic System for all dwelling units on the subject real property.

5th PUBLIC HEARING

(copy of notice is inserted at end of minutes)

Public comments submitted prior & during the hearings for Introductories #16 thru #22 are inserted after the hearing for Introductory #22-2021.

INTRODUCTORY NO. 20 - 2021
LOCAL LAW NO. __, 2021

“A Local Law amending Village of East Hampton Code §278-3(B)(2)(b) to exempt elevated walkways or accessways (including stairways) built by an individual property owner for the purpose of noncommercial access to the beach, from the calculation of height of a structure”.

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

SECTION I. Legislative Intent. To exempt walkways or accessways for the purpose of non-commercial access to the beach from the calculation of coverage and to amend permitted coverage to be consistent with other proposed amendments to the Code.

SECTION II. AMENDMENT. Additions are in **bold**. The provisions of Village of East Hampton Code §278-3(B)(2)(b)

are hereby are amended as follows:

§ 278-3 (Zoning; Area, setback and height regulations)

(9) Permitted coverage.

(a) Except as otherwise provided, the maximum permitted coverage for all structures on any lot or parcel of land in a residential district shall be **twenty (20%) percent of lot area, except lots whose size is less than forty thousand (40,000) square feet, which may have a maximum permitted coverage of twenty (20%) percent of lot area plus five hundred (500) square feet.** as follows:

Lot Size (feet)	Maximum Coverage
Less than 40,000	20% of the lot area plus 500 square feet
40,000 or greater but less than 80,000	15% of the lot area plus 2,500 square feet
80,000 or greater	10% of the lot area plus 6,500 square feet

(b) Driveways serving residential property, **walkways over dunes**, and a postman's walkway are exempt from coverage.

6th PUBLIC HEARING

(copy of notice is inserted at end of minutes)

Public comments submitted prior & during the hearings for Introductories #16 thru #22 are inserted after the hearing for Introductory #22-2021.

**INTRODUCTORY # 21-2021
LOCAL LAW NO. __/2013**

"A Local Law amending Chapter 104 (Code Enforcement Administration) to increase the permit fee by 100% whenever the work subject to a permit has been started prior to the issuance of the permit."

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

SECTION I. Legislative Intent. It is the purpose of this local law to provide an appropriate penalty for performing work without benefit of a building permit where one is required.

SECTION III. The provisions of §104-8 of the Code of the Village of East Hampton are hereby amended as follows (text to be added is bold):

§104-8. Permit fees.

Upon filing an application for a building permit or a tent permit, fees shall be payable to the Village Treasurer in accordance with a schedule of fees which shall from time to time be fixed by resolution of the Village Board of Trustees. **Any such fee shall be increased by 100% whenever the work subject to a permit has been started prior to the issuance of the permit.** The building permit fee shall be waived for all modifications to existing buildings relating to improving access for persons with mobility impairments, including but not limited to ramps and bathroom renovations.



7th PUBLIC HEARING*(copy of notice is inserted at end of minutes)**Public comments submitted prior & during the hearings for Introductories #16 thru #22
are inserted after the hearing for Introductory #22-2021.***INTRODUCTORY NO. 22 - 2021
LOCAL LAW NO. __, 2021**

A Local Law amending Village of East Hampton Code §276-2(B)(2); Zoning; Parking Requirements; General Provisions, to provide a waiver of parking requirements for workforce housing constructed in close proximity to mass transportation facilities.

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

SECTION I. Legislative Intent. The Village Board finds that there is a need for workforce housing throughout Suffolk County, the Town of East Hampton, and the Village of East Hampton. However, the costs, both financial and otherwise, to providing such housing are prohibitive. One of the major impediments are the cost of parking improvements, which are compounded by the current definition of "intensification". This amendment seeks to address those issues and encourage the development of workforce housing in areas near mass transportation facilities (commonly referred to as "transportation oriented development"), where the need for a vehicle and concomitant parking is diminished.

SECTION II. AMENDMENT. Deletions are struck-thru. Additions are in **bold**. The provisions of the Village of East Hampton Code §278-3(B)(2)(b) are hereby amended as follows:

§278-6. Zoning. Parking Requirements.

A. Definitions. For the purpose of this section, certain words and phrases shall have the following meanings:

INTENSIFICATION – Any **principal or accessory structure or use of a property, including an accessory use,** which is hereafter introduced, changed, extended, expanded or altered. **Intensification shall not include the reconstruction of an existing building; change of use from a non-conforming use to a permitted use; or a change of use to a different permitted use having the same parking requirements.**

B. General provisions.

- (1) The requirements of this section shall apply to all nonresidential properties and districts throughout the Village of East Hampton, including any and all properties subject to the issuance of a special permit.
- (2) In the interest of pedestrian and traffic safety and in order to alleviate an undue burden on public streets and minimize traffic congestion, any project which ~~is required to obtain site plan approval, and any modification which~~ constitutes an intensification as defined herein, shall comply with the applicable parking requirements of this section. ~~No building or structure lawfully in use at the effective date of this chapter shall be enlarged, nor shall the use of any property lawfully existing at the effective date of this chapter be changed or extended or enlarged or expanded, unless the off-street parking and truck loading space requirements are complied with, except for a change without enlargement or extension or expansion to a different permitted use having the same parking and loading requirements.~~
- (3) Preexisting nonconforming commercial uses shall comply with the same parking requirements as would otherwise apply to that use were it located in the Commercial or Manufacturing-Industrial District.
- (4) Special permit uses shall be subject to the provision of reasonably adequate and appropriate parking as required by § 278-7D(3)(g).
- (5) Size of parking spaces. Each parking space shall be a minimum of 10 feet in width and 18 feet in length or, at the discretion of the Design Review Board, a minimum of nine feet in width and 20 feet in length.
- (6) On-site circulation. All parking, loading and necessary circulation is to be accommodated on site. All parking spaces and loading berths shall be accessed by adequate driveways and turnarounds. Stacked parking and the use of public rights-of-way for immediate access to parking and loading is expressly not permitted.
- (7) Driveways and turnarounds. Aisles between rows of parking shall be no less than 24 feet wide. Minimum driveway width shall be 10 feet in width for one-way traffic and 20 feet in width for two-way traffic. All uses in the Limited Office District, together with all noncommercial special permit uses, shall be exempt from this requirement.
- (8) Parking on separate properties. Parking requirements for one piece of property may be satisfied by providing equivalent parking space on adjacent or neighboring property within 600 feet, as long as both pieces of property are in identical ownership.

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- (9) Handicapped parking.
- (a) The number of handicapped parking spaces in each parking lot shall be in accordance with the following table:

Total Spaces on Lot	Handicapped Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20, plus 1% over 1,000

- (b) A shopping center or facility having at least five separate retail stores and at least 20 off-street parking spaces shall have a minimum of 5% of such parking spaces for the handicapped or 10 spaces, whichever is less.
- (10) Exemptions. A bulk fuel storage tank shall not be deemed a structure for the purposes of this section.
- C. Commercial District and Core Commercial District. Where the application of the following requirements results in a fractional number, the required number of spaces will be rounded off to the next highest number. Wherever the parking requirement is based on the number of seats, a seating plan is required to be submitted in connection with any application for a building permit for such premises.
- (1) The following requirements shall apply for restaurants, bars, nightclubs, discos, dance halls and places of public assembly:
- (a) Restaurants: one parking space per three seats, plus one parking space per employee.
- (b) Bars, nightclubs, discos and dance halls: two parking spaces per three seats, Plus one parking space per employee.
- (c) Places of public assembly: one parking space per three seats, plus parking space per employee.
- (2) Apartments: two parking spaces per apartment.
- (3) All other uses permitted in the Commercial District and Core Commercial District shall provide one parking space for each 200 square feet of gross floor area ~~and two additional spaces for each additional unit as defined.~~

D. Manufacturing-Industrial District.

- (1) All uses permitted in the Manufacturing-Industrial District which are also permitted in the Commercial District shall follow the parking requirements for the Commercial District.
- (2) All uses permitted exclusively in the Manufacturing-Industrial District shall provide one parking space per each 300 square feet of gross floor area and one loading berth per each 10,000 square feet of gross floor area, except for repair garages, which shall provide one parking space per each 200 square feet of gross floor area.
- (3) Mixed uses, where one or more element of an enterprise is devoted to a use permitted in the Commercial and Core Commercial Districts and one or more element is devoted to a use permitted solely in the Manufacturing-Industrial District, shall provide the number of parking spaces commensurate with the percentage of gross floor area devoted to each use, except that if any portion of a building is used for retail sales, one parking space for each 200 square feet of gross floor area shall be provided.
- (4) **Notwithstanding any other provision of the Code of the Village of East Hampton to the contrary, for any mixed use located within five hundred (500) feet of a public mass transportation facility which contains workforce housing, no parking requirement shall be imposed for any gross floor area devoted to the workforce housing.**

PUBLIC COMMENTS ON:

Introductory #16-2021 (Ch. 278; Zoning - definition of non-conforming buildings, structure, uses)
 Introductory #17-2021 (Ch. 278; Zoning - GFA)
 Introductory #18-2021 (Ch. 278; Zoning - handrails)
 Introductory #19-2021 (Ch. 278; Zoning - accessory dwelling unit)
 Introductory #20-2021 (Ch. 278; Zoning - elevated walkways/accessways - access to the beach)
 Introductory #21-2021 (Ch. 104; Code Enforcement - increase permit fee for work done prior to permit issuance)
 Introductory #22-2021 (Ch.278; Zoning - waiver of parking requirements for workforce housing)

From: Donald Weiss <donaaldweiss@gmail.com>
 To: June Lester JLester@easthamptonvillage.org

Sent: Wednesday, August 11, 2021 10:16 PM
 Subject: Proposed Zoning Change

As a residents of the Village for over 28 years, we are strongly in favor of the proposed change in the code. Unfortunately, we will be in Dallas, TX for the hearing date but would very much like to have our support of the proposed change recognized. We have 2.0 acres which is a good sized property with much greenery which is beautifully maintained. Our house is a sprawling ranch house that is aesthetically pleasing, but under the onerous code changes that were made in 2015, we could not so much as add a simple screened in porch to our property. In this day and age of Covid many of us desire to eat outside and this would enable us to make a simple small addition that was well under the previous code that existed, and we had always planned to do so until the unfair restrictions were implemented in 2015.

Our community has always been beautiful. It was before these onerous code restrictions and it will remain so. Please do the right thing and allow us to improve our properties as we had always believed we could for many, many years. This code change will benefit the residents and not hurt the look of our Village in any way. We love our Village and will respect it with any code. Thank you.

Don and Alison Weiss, 267 Georgica Rd.

From: Robert Theiss <rmtheiss@icloud.com>
 To: June Lester <JLester@easthamptonvillage.org>

Sent: Thursday, August 19, 2021 6:54 PM
 Subject: Proposed Code Changes

Just wanted to send this brief note of support for the code changes that have been proposed. They make sense to me as a proper course of action to balance the nature of our village while also allowing homeowners some prudent flexibility.

From: Marc Spilker <marc.spilker@gmail.com>
 To: June Lester <JLester@easthamptonvillage.org>

Sent: Thursday, August 19, 2021 7:41 PM
 Subject: I am a long time resident of E.H. Village

Just sending you a quick note to at that I support the New EHV Code Proposals.
 Thank you very much Marc-

From: d linz <doronlinz@yahoo.com>
 To: June Lester JLester@easthamptonvillage.org

Sent: Thursday, August 19, 2021 9:46 PM
 Subject: Aug. 20, 2021 Meeting of Board of Trustees EHV.

To the East Hampton Village Board; (c/o Deputy Clerk-June Lester)

I am writing as an East Hampton Village Homeowner to express my support for the proposed changes to the EH Village code. Unfortunately, I cannot participate at the hearing itself but i hope this letter will serve to demonstrate my support for proposed changes (clarifications & improvements) that affect village homeowners in regard to issues affecting;

- a- the permitting of ADU's on larger pieces of property
- b- making consistent the maximum GFA for primary residences for differing lot sizes
- c- maximum allowable total coverage for all structures.

Thank you Doron Linz (917)576-0206

21079

From: Sean Mahoney <smahoney@longwallgroup.com>
To: June Lester JLester@easthamptonvillage.org

Sent: Thursday, August 19, 2021 5:49 PM
Subject: Note to EH Village Board re
Proposed Code Changes

Dear East Hampton Village Board,

My family have been residents of the Village for over 21 years at the same property. We strongly support the proposed Code changes recently initiated by Village Board leadership. I had hoped to attend the hearing tomorrow in person, but unfortunately I have a work-related matter tomorrow that will prevent me from attending, so I wanted to register our support in writing.

Our property is approximately 5 acres in size with a very private location – far from the nearest road and with substantial spacing from the nearest neighbors. When we purchased the property in 2000, we had hoped that we would be able to make reasonable improvements as our family's needs changed over time. This has proven very relevant for us because one of our children (now 19 years old) has severe special needs and for many years has required the help of support staff who work closely with her and our family 7 days a week. Sixteen years ago, before our daughter's longer-term needs had become fully clear to us, we built a reasonably sized family house. Unfortunately, as our daughter's needs grew over time, we learned that our home cannot realistically accommodate our hosting either our daughter's caretakers or any family guests – mainly due to number/layout of bedrooms and to the importance of maintaining a quiet, low-activity home setting for our daughter. As a result, for years, we have been paying substantial hotel costs so that our daughter's caretakers have a place to stay nearby while they work with her. Similarly, for years, we have been unable to invite family or friends to spend a weekend with us at our property. Despite our property's large acreage and very private location, the current Code has offered no realistic way for us as private homeowners to reasonably adapt our property to help address these very real family challenges.

Needless to say, our family greatly appreciates the Village Board's leadership in proposing new Code improvements (particularly the accessory-building provision) which will enable Village homeowners to solve for important family needs. As homeowners, we felt that the 2015 Code amendments were overly restrictive and complex -- these proposed changes clearly move the Code to a much more balanced and thoughtful place. After 21 years as residents, we know that Village homeowners care deeply about keeping the Village a very special place for our families to live. Thank you for your proactive leadership here and for your recognition that keeping the Village special also involves enabling Village families to reasonably adapt their properties in line with their changing family needs.

Sincerely, Sean and Lenore Mahoney

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From: Rajesh Alva <raj@rajalva.com>
To: June Lester JLester@easthamptonvillage.org

Sent: Thursday, August 19, 2021 10:18 PM
Subject: East Hampton Village Code Changes

Dear June,

I am writing to express my support for the proposed changes to the East Hampton Village Code. I have been a resident of East Hampton Village for two decades and have watched the previous mayor's ego, ignorance and arrogance take over any rational and fair policy decisions in the village of East Hampton. As an owner of multiple residential properties in the Village, I am strongly in favor of the proposed changes that reverse the hastily implemented 2015 code revisions. Those changes were against the well thought out Comprehensive Plan and used hand selected data that made no sense and included justification of their changes by comparing the Village of East Hampton to Sagaponack and North Haven. Anyone who is lucid and living in the village for any amount of time knows those are not comparable municipalities to East Hampton Village. I hope that we as a community are able to go back to reasoned decision making with multiple constituencies involved in all planning and zoning, similar to what went into the hard work of development of the Comprehensive Plan.

Sincerely, Raj Alva

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AUGUST 20, 2021

From: Jane Buckingham <jane@trendera.com>
To: June Lester JLester@easthamptonvillage.org

Sent: Thursday, August 19, 2021 10:44 PM
Subject: EXTERNAL

To whom it may concern,

I'm writing as an EHV homeowner (50 Osborne Lane and 54 Osborne Lane) I'd like to express my strong support for the proposed changes to the EHV Code. I believe these will be positive changes and helpful to many. Though I can't be there in person, I am available for thoughts or further questions.
Sincerely, Jane Buckingham 310.488.3017

From: David Fisel <Davidf@honeycombam.com>
To: June Lester <JLester@easthamptonvillage.org>

Sent: Thursday, August 19, 2021 10:59 PM
Subject: East Hampton

Dear Mr. Lester,

I am writing as homeowner of 18 and 10 Lily Pond Lane to express my strong support of the proposed changes to the East Hampton Village Code. I believe the policy amendments will bring more efficiency to the existing provisions and processes. I look forward to a more straightforward permitting and variance process which will allow me to improve and maintain my homes with less difficulty.

Warmly, David Fisel

From: David Gallo <dgallo201@gmail.com>
To: June Lester <JLester@easthamptonvillage.org>

Sent: Friday, August 20, 2021 1:51 AM
Subject: August 20 meeting on EHV zoning codes

Hi June,

I cannot make the meeting tomorrow, but as a Village homeowner, I'd like to express my support for the proposed updates to the Village code!

Thanks, Dave Gallo Skylight East, LLC (LLC which owns my home)

From: Steven Wisch <stevenwisch@gmail.com>
To: June Lester <JLester@easthamptonvillage.org>

Sent: Thursday, August 19, 2021 11:37 PM
Subject: Supporting Proposed Changes to the EHV Code at the August 20th Public Hearing

Dear East Hampton Village Board c/o the Village Deputy Clerk, June Lester,

I am writing as a resident and homeowner of the Village of East Hampton at 72 Georgica Close Road. I will not be able to attend the public hearing at 11:00 am tomorrow, but I am writing to strongly support the proposed changes to the EHV code.

Thank you, Steven Wisch, 72 Georgica Close Road, East Hampton, NY 11937, stevenwisch@gmail.com

From: Donald Mullen <dmullen@pretium.com>
To: June Lester JLester@easthamptonvillage.org

Sent: Friday, August 20, 2021 8:38 AM
Subject: East Hampton Homeowner Support

To the East Hampton Village Board,

I have been an East Hampton Village homeowner since 2001 and prior to the village, in the town since 1991. The taking of my rights from the prior board is unconscionable. I fully support the restoring of the rights I had when I bought the property.
Sincerely, Don Mullen

From: Josh Resnick <josh@jerichocap.com>
To: June Lester <JLester@easthamptonvillage.org>

Sent: Friday, August 20, 2021 11:27 AM
Subject: East Hampton Village Code

Dear June,

I am writing this letter to support the proposed changes in the East Hampton Village Code. I have been a resident of East Hampton Village since 2007 on 61 David's Lane and am currently developing a property on 7 West End Road. While going through the building process, I have experienced first hand the arbitrary nature of the rules that were instituted in 2015. My property is 3.6 acres on West End Road and the coverage constraints and accessory structure limitations in the current rules make little sense in the context of the overall property that I am attempting to develop. A return to the previous rules that made the Village so beautiful would be a welcome progression for me, other homeowners and property values. Please feel free to contact me at (631) 324-5902 with any questions.

Warm regards, Josh Resnick

**Testimony of Joseph B. Rose to the Village of East Hampton Board of Trustees
 re #16-2021, #17-2021, #18-2021, #19-2021, #20-21, #20-22
 August 20, 2021**

Good morning Mayor Larsen and members of the Village Board of Trustees. My name is Joseph B. Rose and I am here to submit testimony regarding the proposed land use modifications to the Village Code.

I am a lifelong resident of the Village, I was married here, my children were raised here and I am a homeowner in the Village as are my parents, brother, sister, and a large extended family of many generations. We all love East Hampton.

In addition to my personal attachment to the Village, I have a professional background relevant to today's deliberations: I served for a decade as the Chairman of the City Planning Commission of the City of New York and as Director of the city's Department of City Planning. I have served as chairman of the Community Planning Board for Midtown Manhattan--among other roles the conduit for public participation in the land use process--and also as a board member of the Hudson River Park Trust and what is now the Group for The East End. I currently sit on the board of the Urban Land Institute, the Dean's Council of the Yale Architecture School, and the Village of East Hampton Zoning Board of Appeals. I have worked for decades as a real estate developer with experience in a wide variety of project types.

East Hampton Village is nearly 400 years old and is by everyone's acknowledgement among the most beautiful and environmentally distinctive communities in the nation. People come from all over the world to enjoy this extraordinary place and that it retains its distinctive character is amazing. We all owe a great debt to preceding generations who took such good care of the Village. Certainly, as we approach changes to our land use regulations we would do well to adhere to the Hippocratic Oath's admonition: "First, Do no harm..."

While the Village is wonderful place, it is also true that our land use regulatory regime is a mess. In my brief stint on the ZBA I have witnessed the impact of confusing regulations, inconsistent enforcement, cynical disregard of the law, and frayed confidence in the integrity of the system. This can only result in unnecessary tension and conflict among neighbors. I applaud you Mr. Mayor and the rest of the Board for your willingness to tackle some of these issues and I appear today to put my shoulder to the wheel to try to help in your deliberative process.

The matters you are considering are complex and a few core principles are worth keeping in mind: a) the Law of Unintended Consequences which dictates that whether or not you achieve your stated goals you will certainly generate other impacts not contemplated, b) the irrelevance of nominal fines for regulatory violations in a context of virtually unlimited wealth, c) the legal requirement for careful study and analysis of actions which might cause significant impact, and d) the benefits of deliberation and incremental steps when confronting change.

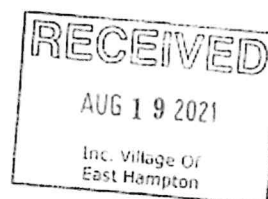
(J. Rose's comments continue on next page)

AUGUST 20, 2021

Here are my comments with regard to the particular items under consideration:

1. #16-2021, This amendment regarding alterations and repairs to non-conforming buildings containing conforming uses makes good sense as long as it does not apply to use changes, especially those being proposed under #19-2021. Taken together and with the kind of interpretive gymnastics we have seen, these provisions could cause problems with non-conforming structures not now used for residential purposes. For example, converting or altering a non-conforming garage to an accessory residential use should be explicitly prohibited within the text of this amendment. Also, the law should specifically forbid changes to a non-conforming building or structure that would increase the amount of that structure's floor area that lies within a required setback area. As currently written, the proposed law is ambiguous on this point.
2. #17-2021, This amendment is appropriate and important. The amendment previously adopted that imposed increased restrictions on large lots made no sense, was based on poor research and reasoning and was rushed through the approval process without needed environmental analysis. Consistent and fair treatment of with regard to GFA and Coverage is important.
3. #18-2021, This proposal is problematic. The obvious consequence of this change would be to encourage construction or conversion of flat-roofed homes to include outdoor rooftop entertaining spaces. Not only is such a building type largely incompatible with the architecture and regulatory intent of the most of the Village, rooftop entertaining spaces will likely lead to quality of life issues and conflict between neighbors.
4. #19-2021, While important and worth considering over time, this proposal to permit accessory residential structures on lots over 40,000 sq ft needs more study and rigorous environmental analysis. This is in fact a radical change to the current land use regulations and could dramatically increase intensity of land use and population density, impacts on neighboring properties, Village traffic, etc. We need to understand how many properties are likely to be eligible for this kind of expansion and how it could impact community character throughout the neighborhoods of the Village. The restrictions on who can use the new structures are virtually unenforceable and put too much responsibility on an already overtaxed Village Code Enforcement team.
5. #20-2020, This is another much-needed modification and as with #17 makes great sense. However, exempting walkways over dunes seems unwarranted. Dunes are among the most fragile and sensitive natural resources and we should not be doing anything that encourages construction that could jeopardize them.
6. #20-2021, I applaud the effort to acknowledge that building permit obligations are often overlooked, but doubling the fees as a strategy is meaningless to transgressors for whom the fees are inconsequential. People should not be commencing construction without permits and we should not be selling indulgences to those who do.
7. 20-2022, This amendment regarding parking requirements seems to make sense except for provision D 4) regarding workforce housing and mass transit. There is currently no mass transit in East Hampton, train service is intermittent at best. Until conditions change, such modifications to parking requirements for workforce housing proposals should be considered on a case by case basis pursuant to a Special Permit process which requires a rigorous analysis of appropriate parking requirements on specific sites.





MATTHEWS, KIRST & COOLEY, PLLC

ATTORNEYS AT LAW

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DEBORAH CHORON

August 19, 2021

VIA HAND DELIVERYMayor Larsen
Board of Trustees
East Hampton Village
86 Main Street
East Hampton, NY 11937

Re: Proposed Legislation Amendments

Dear Mayor Larsen and Trustees:

This office represents 13 Sarah's Way, LLC, the owner of 13 Sarah's Way. The purpose of this letter is to express our support for the proposed amendments to Chapter 278 of the East Hampton Village Zoning Code, particularly with respect to the changes to the gross floor area and coverage calculations and the addition to the code of a provision regarding Accessory Dwelling Units.

With regard to the return to the pre-2015 changes to the gross floor area calculation, we believe that these changes are fair and modest. Allowing a property owner to make use of a larger property is appropriate and not detrimental. The intention of the 2015 reduction in gross floor area for larger lots was unfairly restrictive on large lot owners, virtually sterilizing their ability to use a portion of their property, and this Board is wise to reverse course. An owner of a large lot should proportionally be able to make use of that larger property.

The present environmental restrictions that the Village has in place will ensure that natural features are protected. Furthermore, with new energy efficiency codes and nitrogen reducing sanitary systems, new buildings are greener than those that came before.

Similarly, the proposed pre-2015 coverage limitations are a welcome change that will not result in a negative environmental impact. These changes are modest and allow homeowners to have functional use of the property without causing any harm to their neighbors. The zoning board agenda has been clogged with minor coverage variance requests since the 2015 amendment, and those requests are most often granted. This suggests that the requests are inherently reasonable and the 2015 rollback was a mistake.

With regard to the addition of an Accessory Dwelling Unit, we believe this change is a much-needed amenity in the Village and one that large properties can support. With the required installation of nitrogen-reducing sanitary system, this modest increase in density will not have an undesirable effect on the neighborhood, groundwater or the environment. Rather, it will allow the elderly, the infirmed, parents and grandparents of young children to comfortably retain the care and support they require on their own properties with dignity and privacy. It will allow parents and grandparents to offer a place for their children or other struggling family members a place to live on their property while the cost of living on the east end is out of reach for so many. It will allow property owners to offer living space to much-needed employees, who may not otherwise be able to afford to live in the area, which would aid in retaining valued employees and likely lessen traffic burdens. In short, it is a real solution to address the problems that Village residents face now.

As such, we fully support these code amendments.

As always, we thank the Board and appreciate the Board's efforts in making the Village a better place for its residents.

Very truly yours,

ALICE COOLEY

AUGUST 20, 2021

ANDREW E. GOLDSTEIN
87 JERICHO ROAD
EAST HAMPTON, NEW YORK 11937

August 16, 2021

BY E-MAIL

Mayor Jerry Larsen
Deputy Mayor/Trustee Christopher Minardi
Trustee Rosemary G. Brown
Trustee Arthur S. Graham
Trustee Sandra Melendez
Village Hall
86 Main Street
East Hampton, New York 11937

Re: Introductory Law ##17-2021 and 20-2021

Dear Mayor Larsen and Members of the Village Board of Trustees:

I reside in the Village of East Hampton and write to urge the enactment of the above referenced proposed legislation (the "Proposed 2021 Amendments"). The Proposed 2021 Amendments will roll back the 2015 amendments to the Village Code (the "2015 Amendments") which altered the then-prevailing Code with regard to principal residence gross floor area ("GFA"), accessory building GFA and lot coverage on parcels in excess of 40,000 square feet (so-called "large lots").

Importantly, a majority of the Village's residential properties are large lots. The added restrictions introduced by the 2015 Amendments have therefore have had a very broad negative impact, directly impairing the ability of most Village property owners to reasonably adapt the use of their properties to the changing needs of their families. Prior to the 2015 Amendments, the Code provisions governing large lots were squarely grounded in the extensive work done in creating the Village's Comprehensive Plan, which was adopted in 2002 after careful consideration, extensive specialist input, and thorough public discussion. In contrast to the Comprehensive Plan, as will be discussed below, the 2015 Amendments were based on a flimsy analytical and evidentiary foundation and were adopted with minimal public input.

The Proposed 2021 Amendments are necessary to reverse the unwarranted policy detour reflected in the 2015 Amendments and to restore key Code provisions back into alignment with the intent, spirit and sound foundation of the Village's most relevant guiding document, the Comprehensive Plan.

It is important to emphasize that the Proposed 2021 Amendments do not introduce any radical new policies. It is exactly the opposite: these amendments will restore the Village Code's policies governing large lots to the more balanced, reasonable provisions that prevailed following the adoption of the Comprehensive Plan in 2002 and which served the Village and its residents very well for thirteen years. In the context of these well-considered prior Village policies, it is the 2015 Amendments that actually represent the sharp departure. The Proposed 2021 Amendments simply aim to restore Code policies on large lots to the reasonable track they occupied prior to those 2015 actions. To provide more context, it is helpful to review the extensive development process underlying the Comprehensive Plan and, in contrast, the limited process steps underlying the 2015 Amendments.

The Comprehensive Plan was adopted on February 15, 2002. It was the result of work by the Planning Board, the Board of Trustees, two planning consultants, one environmental engineering consultant, and the 21-member Comprehensive Plan Citizens Advisory Committee; it relied on an original and revised Environmental Assessment Form, a Draft Generic Environmental Impact Statement, input from three community forums and meetings with interest groups, several formal public hearings, and numerous separate reports and studies. In contrast, the 2015 Amendments were based on an eight page report prepared by the Planning and Zoning Committee, with no public participation.

As it relates to GFA and lot coverage, the most important of the studies underlying the Comprehensive Plan was one prepared by Gene E. Cross, entitled "Lot Coverage and Maximum Building Size in the Village of East Hampton, East Hampton, NY (Prepared for the Village of East Hampton)," referred to hereinafter as the "Cross Report." Cross was the Planning Consultant for the Planning Board and Zoning Board of Appeals. He studied all of the residential lots in the Village, and noted that, at the time, there were no constraints on the sizes of principal dwellings and examined how percentage limits would function for various lot sizes. Cross recommended a limit on residence size of 10% of the lot area plus 1200 square feet, and a limit on lot coverage of 25%. I have enclosed a copy of the Cross Report with this memorandum.

(A. Goldstein's comments continue on next page)

AUGUST 20, 2021

The Comprehensive Plan divided the Village into 22 distinct neighborhoods¹ in order to better understand the differing character of each neighborhood; it recognized that there was a difference between the residential style of homes built for year-round residents, and those built as second homes. It examined the "Residential Development Potential," and summarized the number of residential units that might be added. In a section that discussed planning actions with the goal of neighborhood preservation, one issue was identified and discussed² that bears directly on the amendments to the Code that we urge you to consider:

Issue 2. Compatible scale of new development and redevelopment in residential neighborhoods

Issue Overview

The Village's residential neighborhoods vary in terms of the scale and relationship of buildings to one another and to the street. Some are characterized by small homes on small lots that front directly on the street, each set back uniformly beneath a canopy of mature street trees. In contrast, others are characterized by large

¹ Comprehensive Plan of the Village of East Hampton (the "Comp. Plan") at 19-31.
² Comp. Plan at 116-117.

homes on large lots, shielded from view from the street and from neighbors by heavy residential landscaping.

As new development or redevelopment of residential properties occurs in the Village, it is important to ensure that such development is compatible with the character of the existing neighborhood in which it occurs. The Village currently accomplishes this by limiting the maximum gross floor area for homes to 12 percent of the lot area plus 1,200 square feet, or 20,400 square feet, whichever is less. It also limits total coverage of the residential lot. Despite these limitations, there is concern that the current regulations do not protect local character. For example, they do not address the relationship of the permitted building size to the size of buildings on adjacent properties or on a street in general. Furthermore, there is no limit on the size of garages, nor is there a limit on the number of accessory structures. Consequently, it is possible for a property owner to intensify the use of a property by building accessory structures and buildings that cumulatively can be very out of character with the adjacent neighborhood.

In order to address this issue, the Comprehensive Plan proposed a series of specific actions, NP-2, NP-3, NP-4, NP-5 and NP-6,³ which either followed or were more restrictive than the recommendations made in the Cross Report. As relevant here, they were as follows:

Action NP2 - Revise existing limitations on gross floor area to accomplish more compatible residential development and redevelopment

The Village should consider further limitation to the gross floor area and coverage so that new residential development is more responsive to and compatible with the scale of existing development in the neighborhood in which it occurs. To more accurately reflect the total amount of development on a single property, the Village should adjust how gross floor area is calculated. This adjustment should require that maximum gross floor area include the area of the principal residence as well as the area of all accessory buildings.

The Village should also consider further limiting the maximum gross floor areas and coverage for residences. Consideration should be given to reducing the presently permitted maximum gross floor area as follows;

the maximum gross floor area for single-family residences shall be 10 percent of the lot area plus 1,000 square feet

the maximum gross floor area for all accessory structures shall be 2 percent of the lot area plus 200 square feet

³ Comp. Plan at 117-118.

(A. Goldstein's comments continue on next page)

Consideration should also be given to reducing the total maximum gross floor area from 20,400 square feet to a smaller number that is more in character with adjacent residences in the neighborhoods.

Action NP3 - Consider additional limits on accessory structures and buildings

The Village should consider a number of additional limits on accessory structures and buildings, including:

- a cap on total maximum gross floor area of accessory buildings
- a cap on maximum gross floor area of an individual accessory building
- a numerical cap on the number of accessory structures
- limits on the number of floors and on basements in accessory buildings
- clarification of limitations on exterior and interior bathrooms in accessory buildings

The Comprehensive Plan did not recommend or adopt any other proposed changes to the Village Code's area restrictions for the purpose of preserving the character of residential neighborhoods.

In 2002, the Village Board adopted changes to the Village Code to implement actions NP-2 and NP-3 (as well as the other planning actions contained in the Comprehensive Plan) (collectively, the "2002 Laws"). At that time, the Village Code was amended to provide that "The maximum gross floor area for one-family and two-family detached dwellings, as permitted in all residential districts, shall be 10% of the lot area plus 1,000 square feet, or 20,000 square feet, whichever is less." Also adopted was an overall lot coverage restriction for residential zones of 20% of the lot area plus 500 square feet and an accessory building GFA limit of 2% of lot area plus 200 square feet.

As noted above, the 2015 Amendments resulted from a process which fell far short of the data driven process which was at the heart of the Comprehensive Plan and were justified by two erroneous conclusions that are contained in The Statement of Legislative Purpose and Intent for each of the 2015 Amendments.

The Statement of Legislative Purpose and Intent for each of the 2015 Amendments states that the numeric formulas contained in the 2002 Laws were deficient because they "extended across the board without study of the impact of the formula on neighborhoods with larger lots." This statement is simply untrue. The Cross Report was one of the specific studies done for the Village by the Planning Board's Planning Consultant and relied upon in the Comprehensive Plan. The Cross Report tallied the number of residential lots in various sizes (large lots totaled 973, as against 939 lots that were less than 40,000 square feet), and then specifically proposed a size limit of 10% of lot area plus 1,200 square feet noting that "the suggested maximum size of any residence is that which would be permitted on a 200,000 sq. ft lot or 21,200 sq. ft," and then demonstrated how the formula would apply to lots ranging in size from 10,000 to 200,000 square feet. Similarly, the Cross Report noted that its recommendation to adopt a lot coverage limit of 25% was appropriate "in order to compensate for the broad range of lot sizes which exist within each Residence District and to treat properties more equally under the law." The Cross Report also analyzed the area that would be available for accessory buildings and structures, again providing examples that spanned lot sizes from 10,000 to 200,000 square feet with either a one- or two-story principal dwelling. Thus, far from failing to study the impact of the adopted formula on neighborhoods with large lots, the Cross Report provided data that extensively detailed the impact of the proposed formulas on larger lots.

The second justification is that the application of one formula to lots of all sizes does not reflect the historic pattern of development in the Village, that is, that development on large lots (greater than an acre) has been proportionately less than development on smaller lots (less than an acre). This is no more than a truism; it applies in any circumstance where a formula measures permissible development. No matter what formula is used, a house on a large lot will use less of the parcel proportionately than a house on a small lot. This goal had already been achieved though the 2002 Amendments: development using the one-size-fits-all dimensional limits contained in the 2002 Laws resulted in less development and proportionally less mass on large lots than on small lots. The use of this justification for the 2015 Amendments, when the goals of the Comprehensive Plan were already being met, was fallacious.

The report of the Planning and Zoning Committee which underlies the 2015 Amendments in no way justifies such a radical zoning change; it is inconsistent in both content and methodology with Cross Report that supports the Comprehensive Plan. The neighborhoods that were carefully delineated in the Comprehensive Plan (shown on Map 3 in the Comprehensive Plan) have not been restudied; instead the committee apparently gathered some data on approximately 170 lots fronting on selected streets in the Village, less than 20% of the Village's large lots examined in the Cross Report. Further, while these surveyed lots are in areas that the

(A. Goldstein's comments continue on next page)

committee labeled as "neighborhoods," these "neighborhoods" do not match the delineated neighborhoods studied in the Comprehensive Plan. Instead of creating proper neighborhoods where every lot could be counted, the lots in the 2015 study appear to be cherry picked with some identical lots included while others were not. The Planning and Zoning Committee report does not justify the effect that the 2015 Amendments' sliding scale has on the larger lots in the Village. The table below compares permitted principal residence GFA under the 2002 Laws and the 2015 Amendments. One can see that as a parcel gets larger, the effect of the 2015 Amendments becomes sharply draconian.

Lot Size	GFA under 2002 Laws	GFA under 2015 Amendments	Percentage Decrease
40,000 square feet	5,000 square feet	5,000 square feet	0
80,000 square feet	9,000 square feet	7,800 square feet	13.33%
120,000 square feet	13,000 square feet	9,000 square feet	30.76%
160,000 square feet	17,000 square feet	10,200 square feet	40%

Actions beyond the code changes proposed in the Comprehensive Plan and thereafter enacted can only be justified by the Comprehensive Plan if there is a study that shows a significant change warranting a departure from the plan, and if they can be shown to advance a specific goal of the plan. Otherwise, such actions are invalid, *see Ostiecki v. Town of Huntington*, 170 AD 2d 490 (2d Dep't), *lv. den.* 78 N.Y.2d 863 (1991); *see also, Udell v. Haas*, 21 N.Y.2d 463 (1968). Proposed legislation beyond what was studied and proposed as a goal in a Comprehensive Plan require that the plan first be amended.

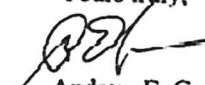
Here, the "study" of the Planning and Zoning Committee proposed actions that were beyond any contemplated Village Code changes adopted in the Comprehensive Plan, and did not serve to further any goal in the Plan. The "study" also lacked any data that would justify what it proposed: it did not present data showing any changes in the potential for development or redevelopment since the 1998 Cross Report, or since the adoption of the Comprehensive Plan in 2002, or since the enactment of the code changes that followed later in 2002 to implement plan actions NP-2 and NP-3. The "study" instead focused on the potential for additional square feet of dwelling space, a criterion that was not used to analyze present conditions, predict future conditions, or identify goals or proposed actions connected with neighborhood preservation in the Comprehensive Plan.

The 2015 Amendments have no doubt depressed the total number of square feet that have been added to the Village's housing stock, but that was not a goal of the Comprehensive Plan. The only identified goal that has any relationship to what was enacted in 2015 is this single sentence in the Comprehensive Plan, appearing in Plan Action NP-2, "Consideration should also be given to reducing the total maximum gross floor area from 20,400 square feet to a smaller number *that is more in character with adjacent residences in the neighborhoods.*" But the Planning and Zoning Committee's "study" lacked any data to show that this legislation would do anything to assure that new residential development or redevelopment would by size be more in character with adjacent residences, or that absent the legislation, homes would be built so large that they would be "out of character" with adjacent residences.

The public hearing on the 2015 Amendments was well attended and lasted about two and one half hours. There were fourteen speakers who spoke in opposition to the measure, many of whom were Village residents who had purchased their homes in reliance on the zoning then in place and who have since had to alter their plans for their homes. Charles Voorhis of Nelson Pope Voorhis, and B. Laing & Associates presented the planning objections to the 2015 Amendments. Finally, Sulin Carling, of HR & A Advisors, a real estate and economic development consultant, detailed the significant potential economic impact that could ensue from the passage of the legislation, estimating a loss of potential construction spending of between \$651 million and \$929 million and spinoff spending, catalyzed by construction spending, of a like amount, for a total potential economic impact of between \$1.3 billion and \$1.9 billion. She also estimated the likely loss of "full time equivalent" construction jobs at between 5,000 and 7,000 a year. The economic analysis also dealt with the loss of potential additional annual tax revenues, which were estimated at \$3 million for the Village (15% of the 2015 budget) and \$8 million for the Town of East Hampton (about 24% of the 2015 budget). Overarching the economic analysis was the emphasis that the numbers presented were conservative estimates which were likely to be increased with the availability of additional data. Tellingly, the Village Board asked not one question of the homeowners and experts. I ask that the record of this public hearing be incorporated by reference into the public hearing on the Proposed 2021 Amendments.

The 2015 Amendments were not justified by any evidence that continued adherence to the 2002 Amendments would create any undesirable change in the neighborhoods of the Village's large lots. The Village Code should be amended to restore the balanced, reasonable policies for large lots that are consistent with the spirit and intent of the Comprehensive Plan.

Yours truly,


Andrew E. Goldstein



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the Village
Preservation
Society of East Hampton

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Board of Trustees
Village of East Hampton
Village Hall
86 Main St
East Hampton, NY 11937

20 August 2021

Re: Introductory #17 – 2021; Introductory #18 – 2021; Introductory #19 – 2021; Introductory #20 – 2021; Introductory #21 – 2021; and Introductory #22 – 2021

Dear Mayor Larsen and Village Trustees,

The Village Preservation Society of East Hampton (VPS) is a non-for-profit member-based organization, the mission of which is to preserve historic structures, quality of life and neighborhood character in the Village of East Hampton and its surrounds.

Our concerns regarding the above mentioned proposed regulations are based on the established, codified tenets of the Comprehensive Plan and long held planning principles that have helped to preserve the historic, neighborhood character of the Village. The Comprehensive Plan and these planning principles also helped to preserve the broader community, by valuing individual neighborhoods and their particular pattern of development as contributions to that character.

Our primary issue is the lack of process by which these proposals have been suggested. The codified goals of the Comprehensive Plan, and Commercial Districts Study, itemize in detail the process by which changes to the Village Code should be conducted. No study has been offered that demonstrates a need for these changes.

We request that a maximum width of 4 ft for the proposed walkways over dunes be incorporated to eliminate the risk that decks may be built as part of walkways on the dunes.

We request that the minimum lot size for Accessory Dwelling Units be raised to 80,000 sq ft. The proposed changes in gross floor area and coverage appear to accommodate the Accessory Dwelling Unit proposal and should be considered together. The Comprehensive Plan specifically recommends that accessory buildings on residential lots be diminished in size.

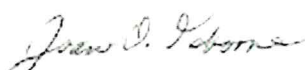
The proposed legislation has some errors in language that need correction. For example, there is no term 'ground floor area'. It should be gross floor area. Additionally, could you please provide a definition for 'mass transit hub' and 'workforce housing'.

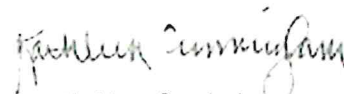
We strongly support workforce housing in the village. The need is obvious and great. However, we request elimination of the proposed exemption from parking to encourage transit-oriented development. There is already a parking deficit of at least 2000 spaces in the Village commercial core and no meaningful public transportation exists to provide commutation options for a transit oriented development project. Parking must be provided by the developer.

Everyone living in this community needs a car to get to and from work, school, etc. A parking exemption for a housing development will push these spaces off the developer's land and onto neighboring residential streets. We'd like to recommend coordinating with the Town's Housing Authority as that organization has overseen workforce and affordable housing development on lots in the Town, that provide parking, that could be instructive.

We attach for your reference the goals of the Comprehensive Plan and the regulations of SEQR for segmentation.

Most sincerely,


Joan D. Osborne
President


Kathleen Cunningham
Executive Director

(Village Preservation Society's comments/attachments follow)

AUGUST 20, 2021



12.0 PLAN IMPLEMENTATION

The *Village of East Hampton Comprehensive Plan* recommends that the Village undertake a variety of actions. These vary in terms of the type of action and the priority for implementation. The table on the following pages lists all of the Recommended Actions presented in Sections 4 through 11 above. Each is categorized as to the type of action and its implementation priority.

TYPES OF ACTIONS

Actions generally fall into two broad categories: those relating to the Village Code and those relating to Village Administrative Policy and Management. Within each category the actions are further broken down into several subcategories, as follows:

Village Code Actions that Commit the Village:

- *To continue to preserve and protect Village resources through existing provisions of the Code.* The intent is to heighten awareness of the importance of specific Code provisions to the quality of life and to the future of the Village
- *To amend the Code in specific areas.* The term "amend" in this context means that the Village will act in a timely manner to make the specifically identified changes
- *To consider amending the Code in specific areas.* The term "consider" in this context means that the Village will further study community support for a Code amendment, the possible manner in which the desired protection or change could be accomplished in the Code, and the legal precedent for the amendment under consideration

Village Administrative Policy and Management Actions that Commit the Village:

- *To implement a general operating policy.* Such policies will guide the day-to-day decision-making of the Village in these areas. For example, an action stating that the Village will "minimize street treatments that detract from Village character (Action NP10)" will influence routine decision-making in a number of areas.



- **To enforce existing regulations.** The intent is to heighten awareness of the importance of enforcement in specific areas to the quality of life and to the future of the Village
- **To monitor conditions.** These actions will enable the Village to document conditions and better inform its decision-making process
- **To complete further study or to prepare a specific plan.** These actions identify areas that require detailed treatments in order to address the identified issues
- **To continue to implement current management practices.** The intent is to support the Village's current practices and its approach to managing its resources
- **To implement new management practices.** These are actions where the Village will change an existing practice or implement a new practice to better manage its resources. Often these changes will occur as a result of further study or following completion of a specific plan. (As a result, for some actions there will be more than one entry on a line that describes the types of action needed for implementation.)
- **To communicate with the community and the Town.** These actions include preparation of information brochures, publishing information in local newspapers, working directly with specific landowners for specific purposes (for example - those whose properties border wetlands), etc.

IMPLEMENTATION PRIORITIES

Implementation Priorities are also presented in the following table for each recommended action, as follows:

- **Already Ongoing** – including actions that are already being implemented
- **Immediate** – including actions that should be undertaken within the next year
- **Short-Term** – including actions that should be undertaken within the next two to five years
- **Long-Term** – including actions that should be undertaken some time in the next ten years



VILLAGE OF EAST HAMPTON COMPREHENSIVE PLAN
Recommended Action Summary and Implementation Priorities

RECOMMENDED ACTION Implementation Priority	VILLAGE CODE			VILLAGE ADMINISTRATION						
	Continue Current Regulations	Amend Current Regulations	Consider New Regulations	Implement a General Operating Policy	Enforce Existing Regulations	Complete Additional Study/Plan	Continue Current Management Practice	Implement New Management Practice	Communicate with the Public	
NEIGHBORHOOD PRESERVATION										
NP1 Retain existing residential zoning districts and related area requirements in Chapter 57 of the Village Code	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>					
NP2 Revise existing limitations on gross floor area to accomplish more compatible residential development and redevelopment		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							
NP3 Consider additional limits on accessory structures and buildings			<input checked="" type="checkbox"/>							
NP4 Maintain limitations on the height of primary structures and consider limiting the height of accessory buildings and structures			<input checked="" type="checkbox"/>							
NP5 Consider use of an "encroachment plane" regulation which could vary in degrees according to lot size			<input checked="" type="checkbox"/>							
NP6 Require setbacks that are based upon lot size		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
NP7 Require all site plans and surveys to show all improvements to a property		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
NP8 Require all site plans and surveys to show all required setbacks and calculations		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
NP9 Continue to manage the Village's street trees										
NP10 Work cooperatively with owners of private property containing elm trees						<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
NP11 Minimize street treatments that detract from Village character				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
NP12 Maintain unobstructed vegetated borders along public rights-of-way				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
NP13 Require private property owners to remove obstructions in vegetated borders along public rights-of-way					<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
NP14 Maintain road shoulder edges to reduce unevenness and ruts							<input checked="" type="checkbox"/>			
NP15 Prohibit overflow parking from commercial uses into residential neighborhoods		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
NP16 Prohibit installation of lighting on non-residential properties that adversely impact adjacent residential neighborhoods		<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>			
NP17 Prohibit special events that impinge on adjacent residential properties		<input checked="" type="checkbox"/>								
NP18 Enforce existing noise regulations					<input checked="" type="checkbox"/>					
NP19 Require landscaped buffers between residential and non-residential uses	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							



VILLAGE OF EAST HAMPTON COMPREHENSIVE PLAN
Recommended Action Summary and Implementation Priorities

RECOMMENDED ACTION Implementation Priority <input checked="" type="radio"/> Already Ongoing <input checked="" type="checkbox"/> Immediate <input checked="" type="checkbox"/> Short-Term <input type="checkbox"/> Long-Term	VILLAGE CODE			VILLAGE ADMINISTRATION					
	Continue Current Regulations	Amend Current Regulations	Consider New Regulations	Implement a General Operating Policy	Enforce Existing Regulations	Conduct a Feasibility Study/Plan	Continue Current Management Practices	Implement New Management Practices	Communicate with the Public
NP20 Identify all existing buildings that contain rental rooms						<input checked="" type="checkbox"/>			
NP21 Establish standards, requirements, and enforcement provisions for lodging facilities		<input checked="" type="checkbox"/>							
NP22 Conduct annual inspections of all buildings that include rental rooms	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				
NP23 Enforce regulations pertaining to rented rooms in single-family homes	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				
NP24 Prohibit the extension or enlargement of non-conforming uses where rooms are rented	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				
NP25 Increase the amount of fines for violation of regulations pertaining to renting rooms and extension or enlargement of non-conforming uses		<input checked="" type="checkbox"/>							
NP26 Limit lodging facilities with more than two guest rooms to those now legally existing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				
NP27 Enforce regulations against group rentals	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				
NP28 Require non-residential uses in residential districts to operate so as not to diminish quality of life for neighbors (see NP15 through NP19)		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	
NP29 Monitor non-residential properties in residential districts on a regular basis to ensure that they conform to the status under which they operate				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
NP30 Redefine the criteria for initiating action against a property owner for extension or enlargement of a non-conforming use		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
NP31 Prohibit extensions or enlargements of pre-existing or non-conforming uses with the intention that the property revert to its primary residential and conforming use		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	
NP32 Establish weight limits for trucks on all Village streets		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NP33 Encourage commercial vehicles on Town or Village business to use primary roads rather than secondary residential streets									<input checked="" type="checkbox"/>
NP34 Aggressively enforce Village speed limits					<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NP35 Protect neighborhood character by limiting traffic lights to the minimum required in accordance with safety design standards				<input checked="" type="checkbox"/>					
NP36 Maintain restrictions on daytime and overnight parking					<input checked="" type="checkbox"/>				
NP37 Require owners to provide adequate parking for new construction on private property		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				
NP38 Consider extending the quiet hours in Chapter 38 beyond the hours from 11:00 p.m. to 7:00 a.m.			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			



VILLAGE OF EAST HAMPTON COMPREHENSIVE PLAN
Recommended Action Summary and Implementation Priorities

RECOMMENDED ACTION Implementation Priority	VILLAGE CODE			VILLAGE ADMINISTRATION					
	Conduct Current Regulations	Amend Current Regulations	Consider New Regulations	Implement a General Operating Policy	Enforce Existing Regulations	Complete Additional Study/Plan	Conduct Current Management Practices	Implement New Management Practices	Communicate with the Public
NP39 Limit hours of operation for construction crews		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			
NP40 Establish limits for the duration of construction to one building permit (1 year) with a potential for one six-month extension		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	
NP41 Consider limiting the hours of operation for professional landscape crews			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			
NP42 Consider limitations on outdoor lighting		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	
NP43 Define "special events" and indicate "special areas of congestion"						<input checked="" type="checkbox"/>			
NP44 Establish guidelines, policies, and procedures to control the number of events on each seasonal weekend			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
NP45 Establish a Special Events Planning Committee						<input checked="" type="checkbox"/>			
NP46 Prepare and publish a calendar of special events						<input checked="" type="checkbox"/>			
NP47 Encourage special parking and transportation arrangement to ease congestion during special events						<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
COMMERCIAL NEEDS									
C1 Prohibit expansion of the Village's Commercial Districts	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					
C2 Consider, where appropriate, reducing the extent of the Village's Commercial Districts		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
C3 On a district-by-district basis, consider further limiting the size of non-residential buildings in the Village's six commercial districts		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
C4 Prohibit overflow parking from the commercial districts into residential neighborhoods					<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
C5 Prohibit installation of lighting in commercial areas that adversely impacts residential areas		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>	
C6 Prohibit uses and activities that impinge on adjacent residential properties	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
C7 Enforce existing noise regulations consistent with the purpose and intent of Chapter 38 of the Village Code					<input checked="" type="checkbox"/>				
C8 Require landscaped buffers between non-residential and residential uses		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				
C9 Under certain circumstances, consider reducing parking requirements for second floor apartments			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			



VILLAGE OF EAST HAMPTON COMPREHENSIVE PLAN
Recommended Action Summary and Implementation Priorities

RECOMMENDED ACTION		VILLAGE CODE			VILLAGE ADMINISTRATION								
		Continue Current Regulations	Amend Current Regulations	Consider New Regulations	Implement a General Operating Policy	Enforce Existing Regulations	Complete Additional Study/Plan	Continue Current Management Practices	Implement New Management Practices	Communicate with the Public			
Implementation Priority		<input checked="" type="radio"/> Already Ongoing	<input checked="" type="checkbox"/> Immediate	<input checked="" type="checkbox"/> Short-Term	<input type="checkbox"/> Long-Term								
C10	Consider reducing the impervious cover limitations for development projects that include second floor apartments				<input type="checkbox"/>				<input type="checkbox"/>				
C11	Consider permitting a limited number of small-scale multi-family residential developments in the commercial districts				<input type="checkbox"/>				<input type="checkbox"/>				
C12	Establish design guidelines for small-scale multi-family developments				<input type="checkbox"/>				<input type="checkbox"/>				
C13	Evaluate the feasibility of securing wastewater disposal permits for new housing in the commercial districts by transferring development rights within the Village (same as PF28)								<input checked="" type="checkbox"/>				
C14	Consider alternatives to encourage housing units in one or more of the commercial districts to be "affordable"								<input type="checkbox"/>				
C15	Seek to acquire public open space in the commercial districts		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							
C16	Decrease the maximum allowable coverage to 80 percent in the Core Commercial District and to 70 percent in the Commercial District and Manufacturing-Industrial District		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>							
C17	When properties are redeveloped in the commercial districts, require landowners to incorporate open spaces that provide critical visual links and pedestrian connections		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>							
C18	Adopt simple and concise design guidelines for commercial development		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>							
C19	Develop and implement streetscape plans and design guidelines for each commercial district		<input type="checkbox"/>						<input type="checkbox"/>			<input type="checkbox"/>	
C20	Coordinate development of a streetscape plan for the North Main Street area with the Town					<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
C21	Evaluate, develop, and implement plans to improve the appearance and efficiency of public parking facilities					<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input type="checkbox"/>	
C22	Without compromising safety, design and locate signs so that they are aesthetically pleasing								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	



3.0 WHAT IS THE CHARACTER OF THE COMMERCIAL DISTRICTS TODAY?

3.1 INTRODUCTION

The Village's six commercial districts encompass approximately 60 acres of land. Sheepfold – the smallest – is only 4.2 acres in size. The Village Center – the largest – is 21.3 acres in size. In addition there are 11.6 acres in the Town of East Hampton – zoned Central Business – that directly border the Village's North Main Commercial District and that should be considered in any study of future commercial land use.

The character of the six commercial districts varies from area to area, yet they all share some common conditions. All currently retain a distinctly village character in terms of scale and size. There is little strip commercial development typical of most American communities. There are as yet no national "big box" chain retailers or superstores. Only a few national chains that typically have small retail stores – such as Coach, Polo, and Banana Republic – have found their way into the Village.

The following six sections of the Commercial Districts Study present an overview of the exiting conditions and character of each of the commercial districts. Some general characteristics are presented in Tables 3.1, 3.2, and 3.3 to provide summary and comparative information regarding parcel sizes, existing non-residential floor area (all floors), average building size, and the number of residential units.

Commercial District	Total Land Area (acres)	Average Parcel Size (sq feet)**	Existing Non-Residential Floor Area (sq feet)	Average Building Size (sq feet)	Residential Units
Village Center	21.26	9,136	374,000	4918	12
Newtown Lane	6.25	15,125	52,365	3673	14
Gingerbread	17.53	27,272	148,396	5968	5
Cove Hollow	7.75	48,227	70,050	11942	1
Sheepfold	4.15	25,825	34,024	4861	0
North Main					
Village	2.35	12,796	11,704	2661	6
Town	11.57	23,958	NA	NA	NA
Total	50.20*	17,600*	600,530*	5,186*	38*

* Including parcels within only the Village of East Hampton
** Excluding public parking lots and alleys.

Table 3.1
Village Commercial Districts – Summary of General Size and Use Characteristics



What is the Character of the Commercial Districts Today?

Information presented in Tables 3.1, 3.2 and 3.3 suggest a number of basic conclusions regarding the Village's Commercial Districts:

- Average parcel sizes are generally small, averaging 0.4 acres – future construction of large commercial buildings will typically require assembly of more than one parcel of land
- Building sizes are also generally small – there are presently only six non-residential buildings in the Village with a gross floor area over 15,000 square feet
- Most commercial buildings are characterized by more than one business unit
- There are very few residential units in the commercial districts
- Based upon the Village's current parking requirements, there is a significant shortfall in the supply of parking in all of the commercial districts except North Main

Table 3.2
Village Commercial
Districts –
Summary of Average
Parcel Size, Building
Size, and Business
Units/Parcel

Commercial District	Average Parcel Size (sq ft)**	Average Building Size (sq ft)	Average Business Units/Parcel (#)
Village Center	9,136	4,918	2.70
Newtown Lane	15,125	3,673	1.33
Gingerbread	27,272	5,968	2.71
Cove Hollow	48,227	11,942	5.14
Sheepfold	25,825	4,861	1.43
North Main	12,796*	2,661*	0.88*
All Commercial Districts	17,690*	5,186*	2.75*

* Village only

** Exclusive of land within public parking lots and walkways

Table 3.3
Village Commercial
Districts –
Summary of Parking
Requirements and
Parking Provided

Commercial District	Parking Spaces		
	Required	Provided**	% Provided
Village Center	2,741	1,206	43.9%
Newtown Lane	352	188	53.4%
Gingerbread	757	399	52.7%
Cove Hollow	508	373	73.4%
Sheepfold	253	207	81.8%
North Main	109*	122*	111.9%*
Total	4,720*	2,495*	52.8%*

* Village only

** This summary of parking spaces provided includes private parking, parking available in public parking lots, and on-street public parking.

Resolutions/Motions:

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to approve claim vouchers for the month of August.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to approve as listed: #71, dated 7-30-21 (LOSAP)

#72, dated 7-30-21 (LOSAP – replacement check)

#73, dated 7-30-21 (General Fund #2 – July 2021)

#74, dated 7-30-21 (General Fund – Void Checks)

#1, dated 8-20-21 (General Fund #1-August 2021)

#2, dated 8-20-21 (General Fund – Warrant - August 2021)

#3, dated 8-20-21 (Capital Fund – August 2021)

Upon motion made by Trustee Brown, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to approve the departmental reports.

Upon motion made by Trustee Melendez, seconded by Trustee Brown and unanimously carried, it was RESOLVED to adopt negative SEQRA declarations with respect to Introductory #'s 16, 17, 18, 19, 20 & 22 of 2021.

Upon motion made Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to adopt Introductory #16-2021 as LOCAL LAW # NINETEEN-2021, amending Ch. 278 to clarify the definition of nonconforming buildings, structure, uses and lots and permitted enlargements, reconstruction, structural alterations, restoration or repair of same.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and carried as follows: Mayor Larsen – Aye, Deputy Mayor Minardi - Aye, Trustee Melendez – Aye, Trustee Brown – Aye, Trustee Graham – No, it was RESOLVED to adopt Introductory #17-2021 as LOCAL LAW NO. TWENTY-2021, amending Ch. 278 to repeal certain limitations on permitted gross floor area.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and carried as follows: Mayor Larsen – Aye, Deputy Mayor Minardi - Aye, Trustee Melendez – Aye, Trustee Brown – Aye, Trustee Graham – No, it was RESOLVED to adopt Introductory #18-2021 as LOCAL LAW NO. TWENTY-ONE-2021, amending Ch. 278 to exempt handrails less than 12" inches wide which are required by any N.Y.S. statutes, codes, rules and/or regulations, from the calculation of height of a structure.

Upon motion made by Trustee Melendez, seconded by Trustee Brown and carried as follows: Mayor Larsen - Aye, Deputy Mayor Minardi - Aye, Trustee Melendez – Aye, Trustee Brown - No, Trustee Graham – No, it was RESOLVED to adopt Introductory #19-2021 as LOCAL LAW NO. TWENTY-TWO-2021, amending Ch. 278 to add (e) Accessory Dwelling Unit.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to adopt Introductory #20-2021 as LOCAL LAW NO. TWENTY-THREE-2021, amending Ch. 278 to exempt elevated walkways or accessways (including stairways) built by an individual property owner for the purpose of noncommercial access to the beach, calculation of height of a structure.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to adopt Introductory # 21-2021 as LOCAL LAW NO. TWENTY-FOUR-2021, amending Ch. 104, Code Enforcement, to increase the permit fee by 100% whenever the work subject to a permit has been started prior to the issuance of the permit.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and carried as follows: Mayor Larsen – Aye, Deputy Mayor Minardi - Aye, Trustee Melendez – Aye, Trustee Brown – Aye, Trustee Graham – No, it was RESOLVED to adopt Introductory # 22-2021 as LOCAL LAW NO. TWENTY-FIVE-2021, amending Ch. 278 to provide a waiver of parking requirements for workforce housing constructed in close proximity to mass transportation facilities.

No motion was made on Introductory #23-2021, a proposed amendment of Ch. 267 (Vehicles & Traffic) to address parking and traffic flow issues on Fithian Lane. It was tabled.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to approve 2021-2022 tuition aid payments of \$750 for the following six dependent children of village employees: Cameron Downs, James Foster, Molly Mamay, Lilia Schaefer, Tia Weiss and Daniel Wilson.

Upon motion made by Trustee Melendez, seconded by Trustee Graham and unanimously carried, it was RESOLVED to notice to bidders for the crack sealing, seal coating & infrared Patchwork, with the bid opening to be held at Village Hall, 86 Main Street, East Hampton, New York 11937 on September 14, 2021 at 2:00 p.m.

Upon motion made by Trustee Melendez, seconded by Trustee Graham and unanimously carried, it was RESOLVED to notice to Bidders for the Herrick Park Design, with the bid opening to be held at Village Hall, 86 Main Street, East Hampton, New York 11937 on September 15, 2021 at 12:00 pm, noon.

Upon motion made by Trustee Melendez, seconded by Trustee Brown and unanimously carried, it was RESOLVED to approve the \$9,723.81 quote from FAB-TEX to refurbish DPW Truck #19 (1996 International, off City of New Rochelle Contract #5314, please refer to August 9th memo from D. Collins)

Upon motion made by Deputy Mayor Minardi, seconded by Trustee Melendez and unanimously carried, it was RESOLVED to approve the \$10,857.20 purchase of one Stainless Steel Salt Spreader from Suffolk County Brake Service Sourcewell Contract #080818BPC (as per August 9th memo from David Collins)

Upon motion made by Trustee Melendez, seconded by Trustee Brown and unanimously carried, it was RESOLVED to accept \$66,075 bid received from Anova Furnishings for trash & recycling receptacles. (August 3rd bid opening - sole bid rec'd; as per August 6th memo from David Collins)

Upon motion made by Trustee Melendez, seconded by Trustee Brown and unanimously carried, it was RESOLVED to approve Rosemar Contracting's \$299,960 quote for the rebuilding and paving of Further Lane between Old Beach Lane and the Town/Village line. (off Suffolk Co. Contract #MHC093019, as per July 19th memo from David Collins)

Upon motion made by Trustee Melendez, seconded by Trustee Graham and unanimously carried, it was RESOLVED to approve the \$8,800 purchase and installation of lockers at the Dept of Public Works facility (from Young Equipment off BOCES Contract # 2020-21-0425, as per July 19th memo from David Collins)

Upon motion made by Trustee Melendez, seconded by Trustee Graham and unanimously carried, it was RESOLVED to approve \$ 33,913.76 purchase of one Ventrac Mower/Tractor and the \$5,000 purchase of a finish mower attachment (from Trim-A-Lawn, Sourcewell Contract #031121-TTC-2, as per July 21st memo from David Collins)

Upon motion made by Trustee Melendez, seconded by Trustee Brown and unanimously carried, it was RESOLVED to accept the resignation of Part-time Paramedic Olivia Michelson, effective retroactively to July 5, 2021.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to employ Sebastiano DeFelice as a 2021 lifeguard at \$16.50 hourly.

Upon motion made by Trustee Melendez, seconded by Trustee Graham and unanimously carried, it was RESOLVED to approve the SQL Server Monitoring Service w/G Force Data for the contract period of 9/1/21 – 8/31/22 at the cost of \$6,985.00 (as per Chief Tracey's August 11th memo).

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to adopt Resolution #57-2021, to standardize the purchase of the teak park benches.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to adopt Resolution # 58-2021, to accept and acknowledge the gift of the "Centennial Rock" from Barry Bistran of Bistran Gravel.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to approve the disposal of two obsolete (not working) HP Laserjet Enterprise M607 Printers from Village Hall.

Upon motion made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried, it was RESOLVED to notice to bidders for storm drain cleaning, with the bid opening to be held at Village Hall, 86 Main Street, East Hampton, New York 11937 on September 14, 2021 at 2:00 p.m.

Upon motion made by Deputy Mayor Minardi, seconded by Trustee Melendez and unanimously carried, it was RESOLVED to employ J. P. Amaden IV at \$16.50 hourly and Olivia Plansker at \$18.50 hourly as a lifeguards, effective retroactively to August 1, 2021.

With no other business to discuss motion to adjourn the regular meeting was made by Trustee Melendez, seconded by Deputy Mayor Minardi and unanimously carried at 12:55 p.m., and enter into an executive session to discuss personnel.

PUBLIC HEARINGS

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on the 20th day of August, 2021, at 11:00 a.m. at the Emergency Services Building, One Cedar Street, East Hampton, New York or via video conference if necessary, at which time all persons interested will be heard with respect to "A Local Law amending Chapter 278 (Zoning) nonconforming buildings, structures, uses and lots. "
INTRODUCTORY #16-2021
LOCAL LAW NO. ____/2021
A Local Law amending Chapter 278 to clarify the definition of nonconforming buildings, structure, uses and lots and permitted enlargements, reconstruction, structural alterations, restoration or repair of same.
BE IT ENACTED by

the Board of Trustees of the Village of East Hampton as follows:
SECTION I. Legislative Purpose and Intent. This legislation is intended to provide for permitted enlargements, reconstruction, structural alterations, restoration or repair of nonconforming buildings, structures, uses and lots. The current code language has caused confusion and/or prohibited both repair/reconstruction and gradual conversion of such uses to conforming uses.
SECTION II. Chapter 233 of the Code of the Village of East Hampton is hereby added as follows (text to be deleted is struck-thru; text to be added is in bold):
§278-1. Zoning; Definitions B. Nonconforming buildings, structures, uses and lots.
(1) Nonconforming Buildings, structures uses and lots.
(a) ~~Existing nonconforming structure. The provi-~~

~~sions of this chapter shall not apply to any lawful nonconforming building or structure existing upon the adoption of this chapter or any pertinent amendment thereto.~~
A nonconforming building or structure which lawfully exists that is devoted to a conforming use, or a building or structure which lawfully exists that is devoted to a conforming use on a nonconforming lot, may be enlarged, reconstructed, structurally altered, restored or repaired, in whole or in part, except that the "degree of nonconformity" shall not be increased. For the purposes of this subsection, an increase in the "degree of nonconformity" shall include any increase in the nonconformity of a nonconforming building or structure with the dimensional regulations of this chapter and shall include any increase in the nonconformity relating to the length, width or

height of the nonconforming portion of the building or structure.
SECTION III. SEVERABILITY.
If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.
SECTION IV. EFFECTIVE DATE.
This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.
DATE: _____, 2021
BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST HAMPTON
BY: Pamela J. Bennett, Village Clerk
5-1

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on the 20th day of August, 2021, at 11:00 a.m. at the Emergency Services Building, One Cedar Street, East Hampton, New York or via video conference if necessary, at which time all persons interested will be heard with respect to "A Local Law amending Chapter 278 (Zoning) to repeal certain limitations on permitted gross floor area."
INTRODUCTORY #17-2021
LOCAL LAW NO. ____/2021

A Local Law amending Chapter 278 to repeal certain limitations on permitted gross floor area.
BE IT ENACTED by the Board of Trustees of

the Village of East Hampton as follows:
SECTION I. Legislative Purpose and Intent. This legislation is intended to repeal previously enacted restrictions on gross floor area.

SECTION II. Chapter 278 of the Code of the Village of East Hampton is hereby added as follows (text to be deleted is struck-thru; text to be added is in bold):
 One-family and two-family detached dwellings.

The maximum gross floor area for one-family and two-family detached dwellings, as permitted in all residential districts, shall be ten (10%) percent of the lot area plus one thousand (1,000) square feet, 20,000 square feet, or the maximum allowed under the following limits, whichever is less:

Lot Size
 (square feet) Maximum

~~Gross Floor Area Less than 40,000 square feet plus 1,000 square feet~~
~~40,000 or greater but less than 80,000 square feet plus 2,200 square feet~~
~~80,000 or greater 3% of the lot area plus 5,400 square feet~~

Accessory building and structure design requirements.

The maximum gross floor area of all accessory buildings on a lot shall not exceed the following: two (2%) percent of the lot area plus 200 square feet.

Lot Size
 (square feet) Maximum
~~Gross Floor Area Less than 40,000 square feet plus 200 square feet~~
~~40,000 or greater but less than 80,000 square feet plus 600 square feet~~
~~80,000 or greater 0.5% of the lot area plus 1,000 square feet~~

SECTION III. SEVER-

ABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION IV. EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

DATE: _____, 2021

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST HAMPTON

By: Pamela J. Bennett,
 Village Clerk
 5-1

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on August 20, 2021, at 11:00 a.m. at which time all persons interested will be heard with respect to a Local Law amending Village of East Hampton Code §278-3(B)(2)(b) to exempt handrails less than twelve (12") inches wide which are required by any New York State statutes, codes, rules and/or regulations from the calculation of height of a structure.

INTRODUCTORY NO. 18 - 2021

LOCAL LAW NO. ____ 2021

"A Local Law amending Village of East Hampton Code §278-3(B)(2)(b) to

exempt handrails less than twelve (12") inches wide which are required by any New York State statutes, codes, rules and/or regulations from the calculation of height of a structure".

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

SECTION I. Legislative Intent. To exempt handrails less than twelve (12") inches wide which are required by any New York State statutes, codes, rules and/or regulations from the calculation of height of a structure.

SECTION II. AMENDMENT. Additions are in bold. The provisions of Village of East Hampton Code §278-3(B)(2)(b) Are hereby are amended as follows:

§ 278-3 (Zoning; Height

Regulations)

(2)Resident districts.

(b)Within nine feet of the maximum permitted roof height an area equivalent to no more than 15% of the gross floor area on the first floor of the building shall be permitted to have a low pitch roof. Any low pitch roof area within nine feet of the maximum height limit shall be indicated on a two-dimensional roof plan and measured to the outside of the roof edge (drip line). Safety railings required by New York State statutes, codes, rules and regulations not exceeding twelve (12) inches in width shall not be included in calculation of height.

SECTION II. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this

law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION III. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: July 30, 2021

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST HAMPTON

By: Pamela J. Bennett,
 Village Clerk

5-1

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on August 20, 2021, at 11:00 a.m. at which time all persons interested will be heard with respect to a Local Law amending Village of East Hampton Code §278-2.A.(7) to add (e) Accessory Dwelling Unit.

INTRODUCTORY NO. 19-2021
LOCAL LAW NO. ____ 2021

"A Local Law amending Village of East Hampton Code §278-2.A.(7) to add (e) "Accessory Dwelling Unit."

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

SECTION I. Legislative Intent.

SECTION II. AMENDMENT. Additions are in bold. The provisions of Village of East Hampton Code §278-2.A.(7) (e) are hereby amended as follows:

§278-2. Zoning Districts.
 • • •

A. Residential zoning districts. In any residential district, no building, structure or premises shall be used or arranged or designed to be used in any part for other than one or more of the following specified purposes:
 • • •

(7) Accessory uses and accessory buildings.
 • • •

(e) Accessory Dwelling Unit. One detached accessory dwelling unit designed for cooking and/or sleeping purposes, located on a property containing 40,000 square feet or more that is located in an R-80 or R-160 residential district and which contains a primary single-family residence. Such accessory dwelling unit authorized in this subsection shall be limited as follows: (i) an accessory dwelling unit may have no more than two bedrooms; (ii) shall not processing by the Planning Department, to install coir logs and perform a coastal restoration

the ground floor area of the principal structure; (iii) the occupancy of an accessory dwelling unit shall be limited to the family and/or guests of the occupants of the primary single-family residence, and/or to employees working on the premises or working in the primary dwelling unit; and (iv) an accessory dwelling unit may not be rented separately from the primary dwelling unit. The accessory dwelling unit must meet the setback requirement of the principal structure. The use of any parcel of land for both a single family residence and an accessory dwelling unit as provided in this subsection shall be a conforming use under the Code of the Village of East Hampton, and shall not be considered a prohibited use and/or non-conforming use pursuant to §278-1.B(2)(e) of this Code; provided that a Declaration of Covenants and Restrictions with respect to the parcel on which the accessory dwelling unit is located is

recorded with the County Clerk which limits the use of the accessory dwelling as set forth herein. The height regulations of §278-3.B shall apply to an accessory dwelling permitted pursuant to this subsection.

SECTION II. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION III. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: July 30, 2021

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST HAMPTON

By: Pamela J. Bennett,
 Village Clerk

S-1

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on August 20, 2021, at 11:00 a.m. at which time all persons interested will be heard with respect to a Local Law amending Village of East Hampton Code §278-3. A. (9)(a) & (b) to amend permitted coverage and exempt elevated walkways or accessways (including stairways) built by an individual property owner for the purpose of non-commercial access to the beach, from calculation of height of a structure".
INTRODUCTORY NO. 20 - 2021
LOCAL LAW NO. ____ 2021
 "A Local Law amending Village of East Hampton Code §278-3. A. (9) (a) & (b) to amend permitted

coverage and exempt elevated walkways or accessways (including stairways) built by an individual property owner for the purpose of non-commercial access to the beach, from calculation of height of a structure.

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

SECTION I. Legislative Intent. To exempt walkways or accessways for the purpose of non-commercial access to the beach from the calculation of coverage and to amend permitted coverage to be consistent with other proposed amendments to the Code.

SECTION II. AMENDMENT. Deletions are struck-thru. Additions are in bold. The provisions of Village of East Hampton Code §278-3. (A) are hereby amended as follows:

§ 278-3 A. (Zoning; Area,

setback and height regulations)

(9) Permitted coverage.

Except as otherwise provided, the maximum permitted coverage for all structures on any lot or parcel of land in a residential district shall be twenty (20%) percent of lot area, except lots whose size is less than forty thousand (40,000) square feet, which may have a maximum permitted coverage of twenty (20%) percent of lot area plus five hundred (500) square feet, as follows:

Lot Size (square feet)	Maximum Coverage
Less than 40,000	20% of the lot area plus 500 square feet
40,000 or greater but less than 80,000	15% of the lot area plus 2,500 square feet
80,000 or greater	10% of the lot area plus 6,500 square feet

Driveways serving residential property, walkways over dunes, and a

postman's walkway are exempt from coverage.

SECTION II. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION III. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: July 30, 2021

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST HAMPTON

By: Pamela J. Bennett,
 Village Clerk
 5-1

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on the 20th day of August, 2021, at 11:00 a.m. at the Emergency Services Building, One Cedar Street, East Hampton, New York, at which time all persons interested will be heard with respect to "A Local Law amending Chapter 104 (Code Enforcement Administration) to increase the permit fee by 100% whenever the work subject to a permit has been started prior to the issuance of the permit."
INTRODUCTORY # 21-2021
LOCAL LAW NO. ____

2013

A Local Law amending Chapter 104 (Code Enforcement Administration) to increase the permit fee by 100% whenever the work subject to a permit has been started prior to the issuance of the permit."

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

SECTION I. Legislative Intent. It is the purpose of this local law to provide an appropriate penalty for performing work without benefit of a building permit where one is required.

SECTION III. The provisions of §104-8 of the Code of the Village of East Hampton are hereby amended as follows (text to be added is bold):

§104-8. Permit fees.

Upon filing an application for a building permit or a tent permit, fees shall be payable to the Village Treasurer in accordance with a schedule of fees which shall from time to time be fixed by resolution of the Village Board of Trustees. Any such fee shall be increased by 100% whenever the work subject to a permit has been started prior to the issuance of the permit. The building permit fee shall be waived for all modifications to existing buildings relating to improving access for persons with mobility impairments, including but not limited to ramps and bathroom renovations.

SECTION IV. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION V. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: July 30, 2021

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST HAMPTON

By: Pamela J. Bennett,
 Village Clerk
 5-1

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on August 20, 2021, at 11:00 a.m. at which time all persons interested will be heard with respect to a Local Law amending Village of East Hampton Code §278-6 (Zoning; Parking Requirements; General Provisions) provide a waiver of parking requirements for workforce housing constructed in close proximity to mass transportation facilities.
INTRODUCTORY NO. 22-2021
LOCAL LAW NO. 2021

"A Local Law amending Village of East Hampton Code §276-2(B)(2); Zoning; Parking Requirements."

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

SECTION I. Legislative Intent. The Village Board finds that there is a need for workforce housing throughout Suffolk County, the Town of East Hampton, and the Village of East Hampton. However, the costs, both financial and otherwise, to providing such housing are prohibitive. One of the major impediments are the cost of parking improvements, which are compounded by the current definition of "intensification". This amendment seeks to address those issues and encourage the development of workforce housing in areas near mass transportation facilities (commonly referred to as "transportation oriented development"), where the need for a vehicle and concomitant parking is diminished.

SECTION II. AMENDMENT. Deletions are struck thru. Additions are in bold. The provisions of the Village of East Hampton Code §278-3(B)(2)(b) are hereby amended as follows:

§278-6. Zoning. Parking Requirements.

A. Definitions. For the purpose of this section, certain words and phrases shall have the following meanings:

INTENSIFICATION - Any principal or accessory structure or use of a property, including an accessory use, which is hereafter introduced, changed, extended, expanded or altered. Intensification shall not include the reconstruction of an existing building; change of use from a non-conforming use to a permitted use; or a change of use to a different permitted use having the same parking requirements.

B. General provisions.

(1) The requirements of this section shall apply to all nonresidential properties and districts throughout the Village of East Hampton, including any and all properties subject to the issuance of a special permit.

(2) In the interest of pedestrian and traffic safety and in order to alleviate an undue burden on public streets and minimize traffic congestion, any project which is required to obtain site plan approval and any modification which constitutes an intensification as defined herein, shall comply with the applicable parking requirements of this section. ~~No building or structure lawfully in use at the effective date of this chapter shall be enlarged, nor shall the use of any property lawfully existing at the effective date of this chapter be changed or extended or enlarged or expanded, unless the off-street parking and access loading space requirements are complied with, except for a change without enlargement or extension or expansion to a different permitted use having the same parking and loading requirements.~~

(3) Preexisting nonconforming commercial uses shall comply with the same parking requirements as would otherwise apply to that use were it located in the Commercial or Manufacturing-Industrial District.

(4) Special permit uses shall be subject to the provision of reasonably adequate and appropriate parking as required by § 278-7D(3)(g).

(5) Size of parking spaces. Each parking space shall be a minimum of 10 feet in width and 18 feet in length or, at the discretion of the Design Review Board, a minimum of nine feet in width and 20 feet in length.

(6) On-site circulation. All parking, loading and necessary circulation is to be accommodated on site. All parking spaces and loading berths shall be accessed by adequate driveways and turn-arounds. Stacked parking and the use of public rights-of-way for immediate access to parking and loading is expressly not permitted.

(7) Driveways and turn-arounds. Aisles between rows of parking shall be no less than 24 feet wide. Minimum driveway width shall be 10 feet in width for one-way traffic and 20 feet in width for two-way traffic. All uses in the Limited Office District, together with all noncommercial special permit uses, shall be exempt from this requirement.

(8) Parking on separate properties. Parking requirements for one piece of property may be satisfied by providing equivalent parking space on adjacent or neighboring property within 600 feet, as long as both pieces of property are in identical ownership.

(9) Handicapped parking. (a) The number of handicapped parking spaces in each parking lot shall be in accordance with the following table:

Total Spaces on Lot	Handicapped Spaces
1 to 251	1
26 to 502	2
51 to 753	3
76 to 1004	4
101 to 1505	5
151 to 2006	6
201 to 3007	7
301 to 4008	8
401 to 5009	9
501 to 1,000	2% of total
Over 1,000	20, plus 1% over 1,000

(b) A shopping center or facility having at least five separate retail stores and at least 20 off-street parking spaces shall have a minimum of 5% of such parking spaces for the handicapped or 10 spaces, whichever is less.

(10) Exemptions. A bulk fuel storage tank shall not be deemed a structure for the purposes of this section.

C. Commercial District and Core Commercial District. Where the application of the following requirements results in a fractional number, the required number of spaces will be rounded off to the next highest number. Wherever the parking requirement is based on the number of seats, a seating plan is required to be submitted in connection with any application for a building permit for such premises.

(1) The following requirements shall apply for restaurants, bars, nightclubs, discos, dance halls and places of public assembly:

(a) Restaurants: one parking space per three seats, plus one parking space per employee.

(b) Bars, nightclubs, discos and dance halls: two parking spaces per three seats. Plus one parking space per employee.

(c) Places of public assembly: one parking space per three seats, plus parking space per employee.

(2) Apartments: two parking spaces per apartment.

(3) All other uses permitted in the Commercial District and Core Commercial District shall provide one parking space for each 200 square feet of gross floor area and two additional spaces for each additional unit as defined.

D. Manufacturing-Industrial District.

(1) All uses permitted in the Manufacturing-

Industrial District which are also permitted in the Commercial District shall follow the parking requirements for the Commercial District.

(2) All uses permitted exclusively in the Manufacturing-Industrial District shall provide one parking space per each 300 square feet of gross floor area and one loading berth per each 10,000 square feet of gross floor area, except for repair garages, which shall provide one parking space per each 200 square feet of gross floor area.

(3) Mixed uses, where one or more element of an enterprise is devoted to a use permitted in the Commercial and Core Commercial Districts and one or more element is devoted to a use permitted solely in the Manufacturing-Industrial District, shall provide the number of parking spaces commensurate with the percentage of gross floor area devoted to each use, except that if any portion of a building is used for retail sales, one parking space for each 200 square feet of gross floor area shall be provided.

(4) Notwithstanding any other provision of the Code of the Village of East Hampton to the contrary, for any mixed use located within five hundred (500) feet of a public mass transportation facility which contains workforce housing, no parking requirement shall be imposed for any gross floor area devoted to the workforce housing. However, a fee in the sum of twenty thousand (\$20,000.00) dollars shall apply in each such instance.

SECTION II. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION III. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: July 30, 2021

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST HAMPTON

By: Pamela J. Bennett,
 Village Clerk

5-1

MONTHLY DEPARTMENT REPORTS



BUILDING DEPARTMENT/CODE ENFORCEMENT

To: Mayor Larsen and The Village Board of Trustees

From: Tom Preiato, Building Inspector

CC: Marcos Baladron, Village Administrator

Chief Tracey, EHVPD

Lieutenant Erickson, EHVPD

Date: July 30, 2021

Re: Monthly Report for July 2021

Building Permits Issued (incl. 5 additional work):	14
Demolition Permits:	3
Limited Work Permits:	0
Outdoor Dining Permits	1
SWPPP (Storm Water Prevention)	0
Guest Room Permits	0
Signs:	3
Yard Sales:	3
Inspections Performed:	106
Certificate of Occupancies/ Compliance:	6
Updated Certificate of Occupancies:	11
Notice of Violations:	8
Stop Work Orders:	1

TO: EAST HAMPTON VILLAGE BOARD OF TRUSTEES
 FROM: MICHAEL J. TRACEY, CHIEF OF POLICE
 SUBJECT: POLICE ACTIVITY REPORT

UNIFORM DIVISION ACTIVITY REPORT FOR JULY 2021

(Codes 030 - 693)

39 Aided Cases
 61 Alarms Answered by the Patrols
 8 Arrests Made by the Department
 ([3] Driving While Intoxicated and/or Impaired Arrests Included in Above Total)
 37 Assists to Disabled Motorists
 Beach Patrol – 69 hour
 Building Check – 64 hours
 4 Child Safety Seat Inspections
 Door Checks – 62 hours
 10 Doors Found Open by the Patrols
 2 Escorts
 0 Fingerprinting
 Foot Patrol – 59 hours
 70 Motor Vehicle Accidents
 277 Traffic Summonses Issued
 (108 Speeding Summonses Issued)
 5 Village Code Summonses Issued
 (1 Animal on Beach Summonses Issued)
 (0 Sign Summonses Issued)
 1,156 Village Parking Summonses Issued

DETECTIVE ACTIVITY:

<u>Complaints Investigated</u>	Active Cases:	13
	Closed Cases:	12
<u>Paperwork for Court</u>	Arrest Warrant:	0
	Bench Warrant:	0
	Criminal Summons:	0
	Seal Orders:	0
	Supporting Deposition Requests:	0

GASOLINE CONSUMPTION - POLICE VEHICLES

July Gasoline Report not received at time report was submitted.

PERSONNEL

Overtime:

Non-Grant - Arrests, Cases, Shift Coverage <i>(Codes 161 - 181):</i>	45 Eight-Hour Shifts
Non-Grant - Foot Patrol, Street Crime, Other <i>(Codes 188 - 190):</i>	.5 Eight-Hour Shifts
Grants - STOP-DWI, Speed, Seatbelt <i>(Codes 185 - 187):</i>	0 Eight-Hour Shifts

Time Off:

Holidays, Personal, PBA Days, Vacation, Injured on Duty, Sick Time, DE Days, Compensatory Time, XDO, Funeral Days <i>(Codes 202 - 401):</i>	156 Eight-Hour Shifts
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Respectfully submitted,
MICHAEL J. TRACEY
 Chief of Police

TO: EAST HAMPTON VILLAGE BOARD OF TRUSTEES
 FROM: MICHAEL J. TRACEY, CHIEF OF POLICE
 SUBJECT: DISPATCH ACTIVITY REPORT

DISPATCH ACTIVITY REPORT FOR JULY 2021

133 Calls Dispatched for East Hampton Fire Department
 East Hampton Village – 42
 Water District – 43
 NW Protection District - 46
 Mutual Aid - 2

185 Calls Dispatched for East Hampton Ambulance Association
 East Hampton Village – 45
 Water District – 78
 NW Protection District - 50
 Mutual Aid - 12

137 Calls Dispatched for East Hampton First Responder
 East Hampton Village – 40
 Water District – 65
 NW Protection District - 31
 Mutual Aid – 1

1,217 Calls Dispatched for East Hampton Village Police Department
 1,882 Calls Dispatched for East Hampton Town Police Department
 485 Calls Dispatched for Sag Harbor Village Police Department
 40 Calls Dispatched for Amagansett Fire Department
 89 Calls Dispatched for Amagansett Ambulance
 83 Calls Dispatched for Montauk Fire Department
 129 Calls Dispatched for Montauk Ambulance
 90 Calls Dispatched for Sag Harbor Fire Department
 101 Calls Dispatched for Sag Harbor Ambulance
 17 Calls Dispatched for Springs Fire Department
 63 Calls Dispatched for Springs Ambulance
 0 Calls Dispatched for Town Haz-Mat Team
 4 Calls Dispatched for Ocean Rescue Team
 34 Miscellaneous FD Events *
 East Hampton – 22
 Amagansett – 0
 Montauk – 6
 Sag Harbor – 2
 Springs – 4

34 Miscellaneous EMS Events *
 East Hampton – 7
 Amagansett – 21
 Montauk - 8
 Sag Harbor – 7
 Springs - 10

** 911 Calls Received
 ** 7-Digit Telephone Calls Received / Placed
 147 Walk-In Complaints / Information

**Miscellaneous Events: Units in and out of service;
 General Fire/EMS Info; Alarms cancelled before
 dispatched; Test Calls*

*** Unable to provided totals at this time.*

PERSONNEL:

Overtime:

Shift Coverage (Codes 653-672):

35.3 Eight-Hour Shift/s

Training Hours (Code 615-616):

0 Eight-Hour Shift/s

Time Off:

Holidays, Personal, Union Days, Vacation, Sick Time, Compensatory Time (Codes 624-651):

110 Eight-Hour Shift/s

Respectfully submitted,
MICHAEL J. TRACEY
 Chief of Police

VILLAGE OF EAST HAMPTON
DEPARTMENT OF PUBLIC WORKS

RECEIVED
8-16-21 9am

MONTHLY REPORT AUGUST 2021 MEETING

SUMMER DAILY ROUTINE:

- Trash collection and policing of public areas and road shoulders
- Sidewalks blown Thursdays weather permitting
- Street sweeping
- Privy
- Saturday & Sunday trashing

SHADE TREES:

- Tree bag watering
- Tree removal / pruning

BUSINESS DISTRICT:

- Tree enclosures in progress part time Masons (Newtown completed)
- Sidewalk planters / hanging planters watering and care
- Weeding
- Herrick Park pruning

ROAD SURFACE:

- Pot Hole Patrol
- Temporary curb repair 143 Main St
- Permanent pavement patch's various locations completed (contractor)

MISCELLANEOUS:

- Streetlight repairs (contractor)
- Mowing road shoulders
- Beach sand for lifeguards Thursday mornings
- Town pond out flow rock wall rebuilt by DPW masons
- The circle pipe basin bricks rebuilt by DPW masons
- Ball field maintenance

Road Opening Permits issued prior month: 17 203 YTD
Denied prior month: 0


Solid waste collected in prior month:

* Town Sanitation report for May incomplete YTD totals

not accurate.

Trash	32.28 tons (Wednesday's are based on average daily totals)	YTD	362.68 Tons *
Brush / Wood	10.88 tons (does not include disposal at private facilities)	YTD	383.74 Tons*
Other Debris	2.76 tons	YTD	34.06 Tons*

Fuel Used in July: DPW Gas 873.39 Diesel 670.64



David Collins Superintendent

AUGUST 20, 2021

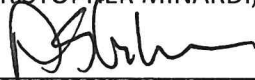
Meeting was adjourned at 12:55 p.m.

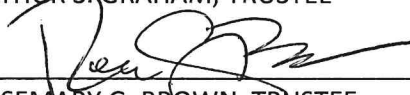
(APPROVED BY BOARD OF TRUSTEES ON DECEMBER 17, 2021)

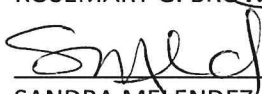

PAMELA J. BENNETT, VILLAGE CLERK


GERARD LARSEN, MAYOR


CHRISTOPHER MINARDI, DEPUTY MAYOR


ARTHUR S. GRAHAM, TRUSTEE


ROSEMARY G. BROWN, TRUSTEE


SANDRA MELENDEZ, TRUSTEE