



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

Carole Brennan
Town Clerk

www.ehamptonny.gov

ADOPTED

Meeting: 01/05/17 06:30 PM

DOC ID: 17911 B

RESOLUTION 2017-125

**Adopt Local Law - Amend Chapter 255 Gross Floor Area
Maximum in Single Family Residences**

WHEREAS, The Town Board of the Town of East Hampton held a public hearing on January 5, 2017, to consider a local law amending Chapter 255 ("ZONING") of the East Hampton Town Code in order to amend the maximum gross floor area per lot area of a single family residence within the Town of East Hampton, as more fully set forth in the text of the Local Law; and

WHEREAS, after considering the matter, the comments of the public at the time of the hearing and during work sessions of the Town Board, the Town Board believes that the establishment of the subject regulations are in the best interests of the Town; and

WHEREAS, the adoption of this local law is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has prepared and considered an Environmental Assessment Form which evaluates the potential environmental impacts of the proposed amendment; and

WHEREAS, the Board has determined that the adoption of this Local Law will not have a significant negative impact upon the environment; now therefore be it

RESOLVED, that a negative declaration is hereby made pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

RESOLVED, said Local Law is hereby adopted to read as follows:

LOCAL LAW NO. 3 OF 2017

INTRODUCTORY NO. 64 OF 2016

A LOCAL LAW amending Chapter 255 ("ZONING") of the East Hampton Town Code in order to amend the maximum gross floor area per lot area of a single family residence within the Town of East Hampton, as more fully set forth in the text of the Local Law.

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

SECTION 1. Purpose.

This legislation is intended to reduce the maximum gross floor area per lot area of a single family residence in order to preserve the Town's rural and historic character. In 2008, the Town adopted legislation that based the maximum gross floor area of single family residences upon lot size, more specifically, lot area, as defined in the Town Code. At the time, the Town established the maximum gross floor area in single residences as 12% of lot area plus 1,600 sq. ft. or 20,000

sq. ft., whichever is less. The Town Board based its decision to create a maximum gross floor area for single family residences on the Town 2005 Comprehensive Plan. The *Town of East Hampton Comprehensive Plan, May, 2005* specifically recommends the implementation of house size restrictions to meet the goals of the Plan. It explains that:

The construction of very large “monster” homes has begun to threaten the character of the community. Regulating the residential gross floor area according to lot size would help to assure that new construction is more compatible with the scale and character of existing development. (pg 89)

This Board finds that while maximum gross floor area should continue to be based on lot size, the formula needs to be adjusted, as the Board feels that large homes have continued to threaten the character of the community. Therefore, by reducing the percentage of the lot area to 10% plus 1,600, sq. ft., the Board finds the new construction will be more compatible with the scale and character of the Town of East Hampton.

SECTION 2. Amendment.

§ 255-11-10. Use Table and Dimensional Table for all districts.

[Tables, III Residence Districts- Table of Residential Regulations, Parts I and II are to be amended as attached with regard to maximum gross floor area]

§ 255-11-67 Additional regulations.

A. No Change.

(1) through (9) No Change.

(10) The gross floor area of a single-family residence may not exceed ~~42%~~ **10%** of the lot area plus 1,600 square feet. See § 255-11-10, III Residence Districts- Table of Residential Regulations, Parts I and II. Lots created pursuant to Chapter **193** Space Preservation are not subject to the foregoing provisions upon submission of sufficient proof verifying that the lot was created pursuant to Chapter **193** but must meet the requirements of § 255-11-10, Table III, (Building Coverage). Notwithstanding any prior provision to the contrary, no single-family residence may exceed 20,000 square feet.

Temporary exemptions for new Local Law:

Notwithstanding any other provision of this Local Law, parcels of land that have met one of the following requirements by **December 15, 2016** shall be exempt from meeting the provisions of

this local law:

- 1) An application submitted to the Building Department for a Building Permit requiring no other Town Approvals.
- 2) A valid building permit.
- 3) An application involving a single family residence submitted to the Zoning Board of Appeals, Planning Board or Architectural Review Board.
- 4) An approval from the Zoning Board of Appeals, Planning Board or Architectural Review Board

SECTION 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §261.

SECTION 4. 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 provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sylvia Overby, Councilwoman
SECONDER:	Fred Overton, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell