



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: 17910 A

RESOLUTION 2017-124

Adopt Local Law - Amend Chapter 255 Definition of Gross Floor Area

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 definition of gross floor area for habitable buildings 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. 2 OF 2017

INTRODUCTORY NO. 67 OF 2016

A LOCAL LAW amending Chapter 255 ("ZONING") of the East Hampton Town Code in order to amend the definition of gross floor area for habitable buildings 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.

The Town Board is amending the definition of gross floor area in the Town Code to better represent the use of interior space within a habitable building, along with controlling the overall massing of residential buildings on a lot.

SECTION 2. Amendment.

§ 255-1-20. Definitions.

FLOOR AREA, GROSS

- A. For a habitable building, the cumulative area, in square feet, of every story of the building, measured ~~to the outside of the exterior walls.~~ **to the exterior face of the frame or masonry wall, but excluding cellars, attics, or spaces with ceilings of less than five feet. Stairwells and interior spaces with a floor-to-ceiling height in excess of 15 feet shall be counted twice.** The gross floor area of open air appendages such as porches and screened patios shall be calculated separately, in the manner set forth in Subsection C hereof, and shall not be included in the gross floor area of the habitable building.
- B. NO CHANGE
- C. NO CHANGE.

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 the Town Board adoption of this Local Law** 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 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