FEMA ELEVATION AND ZONING HEIGHT REQUIREMENTS STUDY (DRAFT)

Incorporated Village of Southampton, Suffolk County, New York

NP&V No. 14236

Prepared for:

The Incorporated Village of Southampton
23 Main Street
Southampton, NY 11968
Telephone (631) 283-0247
Facsimile (613) 283-4990

Prepared by:

Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, New York 11747
Contact: Charles J. Voorhis, CEP, AICP

Hawkins Webb Jaeger
560 Walt Whitman Road
Melville, NY 11747
Contact: Michael Russo

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1.0 Introduction

The Village of Southampton Board of Trustees retained Nelson, Pope & Voorhis, LLC (NP&V) and affiliated company Hawkins Webb Jaeger (HWJ) to prepare a study of the existing zoning and Building Department application of Flood Emergency Management Act (FEMA), Flood Insurance Rate Map (FIRM) elevation requirements with respect to building height, mass and setbacks with specific attention to visual and aesthetic considerations and community character. The consultant team worked closely with the Village of Southampton Planning Commission in conducting and presenting the findings of this work effort and offer acknowledgment and gratitude to the Commission members. The Village Building Inspector, Village Attorney as well as the Board of Trustees also provided valuable input during the completion of this project and this insight is appreciated. This document outlines the inventory, analysis, public input and recommendations of the study.

1.1 Purpose

Residential development and redevelopment in the coastal zone of the Incorporated Village of Southampton must be performed in an orderly manner that ensures harmony between land uses and perpetuates the desired community character, unique sense-of-place, unparalleled aesthetic qualities, and renowned quality of life that is "The Village of Southampton." At the same time, it is imperative that land be developed consistent with FEMA floodplain development standards so as to maximize the protection of property, prevent injury and loss of life, and perpetuate federal flood insurance coverage in the Village. The protection of property development rights is another important factor that must be taken into consideration. Landowners must be permitted to pursue reasonable land development options that are consistent with zoning without unnecessary or excessively burdensome restrictions. The balancing of the above goals and objectives is a challenging undertaking, but nevertheless is achievable with judicious planning and the development of viable standards and procedures that can be incorporated into the Village's regulatory and policy frameworks.

Of particular concern, and the impetus behind this study, are the heights and massing of single-family residences located within the Federal Emergency Management Agency's (FEMA's) "AE" and "VE" "100-year flood zones" or "Special Flood Hazard Areas" (SFHA))[1], which are becoming increasingly at odds with the above described values and conditions. **Figure 1**[2] depicts the study area boundaries and FEMA flood zones in the Village. Recently modified FEMA base flood elevations (BFEs) in SFHAs, coupled with a now outdated code definition of "natural grade," loose or obsolete development standards, no longer sufficient application submission requirements and processing procedures, and other factors have contributed to residential structures that are beginning to appear out of scale and uncharacteristic of their surroundings,

[1] SFHAs are defined as the land area inundated by the floodwaters of the "base flood" as depicted on National Flood Insurance Rate (FIRM) maps. These areas are projected to be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.

[2] All figures are provided in a separate section at the end of this document (Appendix A).

depending on lot area, property dimensions, volume of fill used, location and orientation of structures, building design and form, neighborhood context, and other factors.

Due to the above described issues and concerns, and the need to balance these matters with private property development rights, the Village Trustees determined that a study was warranted to:

- inventory historic development patterns and natural and man-made environmental conditions, and identify land development trends in the Village's FEMA flood zones;
- identify applicable FEMA requirements (including recent updates) for development in FEMA flood zones and how they affect development;
- assess the Village's existing land development standards, policies, practices, and procedures as they relate to the regulation of residential building heights, massing, bulk, yard setbacks, and filling, grading, and drainage within FEMA flood zones;
- review the land development standards and requirements of FEMA,[3] the State Building Code, and other comparable "East End" communities struggling with similar issues, in order to fully understand the existing regulatory framework for floodplain development, and to determine whether other communities have implemented standards that may be affective in addressing the Village's current problems;
- conduct outreach to applicable Village boards, public officials and the general public to further define issues and concerns and solicit input for addressing identified concerns; and
- develop recommendations to refine the zoning code and application submission and review processes in order to address the previously described issues.

1.2 FEMA Flood Zones and Flood Insurance Rate Maps (FIRMs)

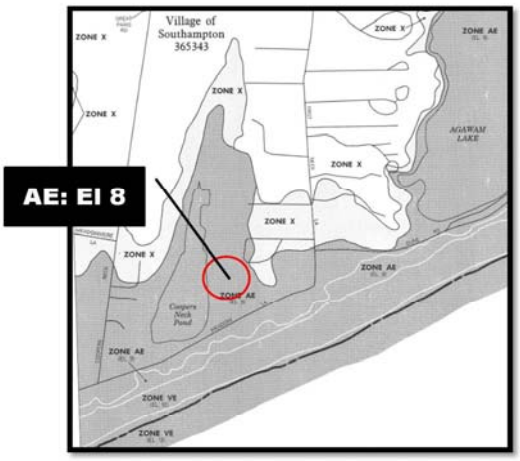
The coastal zone of the Village of Southampton is renowned for its scenic and historic ambiance, large mansions and magnificent architectural designs. Moreover, in recent years there has been a trend toward the removal and replacement of older more "modest-sized" homes, with more spacious structures, that have also contributed to a change in development scale. The large size of homes in the area, along with the most salient contributor to the building height and massing issue (the recent raising of minimum BFE requirements by FEMA), has resulted in a sense of visual intrusiveness that many now identify as problematic. The magnitude of this problem is compounded when homes are sited on smaller lots that have less room for adequate building siting and spacing, or when fill is brought in to raise properties high above what was once natural grade.

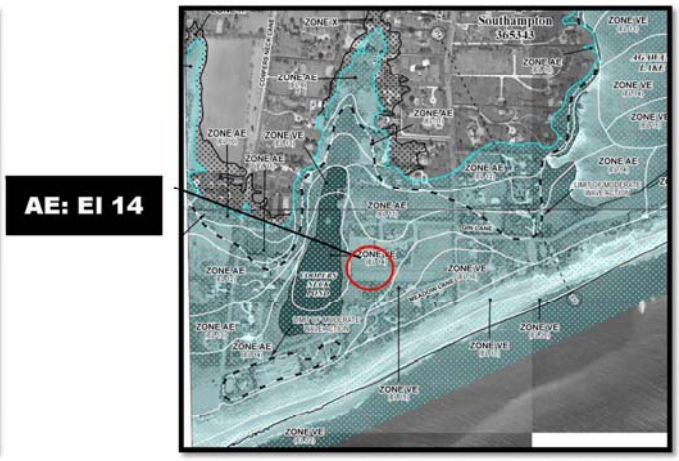
In 2009, FEMA updated its 1983 FIRMs based on historical records, more sophisticated data collection and analysis techniques, modern risk assessment capabilities, and an overall improved understanding of contemporary coastal conditions and processes and the interaction of these factors with the built environment. The pursuit of a more accurate reflection of flooding potential, rising sea levels and a recognized need for new standards for the protection of life and property led to significant refinements to FEMA's BFEs, including BFEs that are sometimes

[3] FEMA ASCE 24-25, "Flood Resistant Design and Construction," and FEMA 55 "Coastal Construction Manual"

significantly higher, and flood zones that extend farther into upland areas. The end results are homes that are constructed at elevation that in some instances are significantly above previous requirements.

The following illustrations provide one example of a change in BFE that occurred along the Southampton shoreline within the study area when FEMA updated its FIRMs in 2009. This illustration indicates that at this particular arbitrarily selected location, the BFE in this VE zone was raised a total of 6 feet from the previous BFE of 8 feet to BFE 14 feet. As a result, new construction must now be designed to meet or exceed the new BFE, as well as comply with all applicable minimum coastal construction standards, if the Village and its residents are to remain eligible for federal coastal flood insurance. The above described changes have led to a clear and unequivocal need for innovative solutions that will allow compliance with FEMA's baseline standards, while preserving community character and the property rights of individual landowners and their neighbors.





1998 FIRM showing el. 8-feet BFE in AE zone **2009 FIRM showing el. 14-feet at same location in AE zone**

1.3 Study Area and Setting

The study area for the FEMA Elevation and Zoning Height Requirements Study includes all land within the municipal jurisdiction of the Village of Southampton that is within the boundaries of FEMA's "AE"[4] and "VE"[5] flood zones as depicted on its 2009 FIRMs and transposed on to the project Study Area map attached to this report (**Figure 1)**. Based on the current FIRMS and

[4] AE zones are areas inundated by the 1-percent chance annual flood with wave effects between 1.5 feet to less than 3.0 feet in height. These areas are subdivided into elevation zones with BFEs assigned. The AE zone will generally extend inland to the limit of the 1-percent-annual-chance Stillwater Flood Level (SWEL).

[5] VE zones are coastal high hazard areas where wave action and/or high-velocity water can cause structural damage during the base flood. They are subdivided into elevation zones with BFEs assigned. VE flood zones are expected to have eave effects that are equal to or greater than 3.0 in height.

Suffolk County tax map data, the study area contains approximately 528 separate tax parcels, including 469 that are privately owned, 50 that are publically owned, and 9 that are privately owned by either the Peconic Land Trust or The Nature Conservancy. The total number of lots comprises about 15% of all lots in the Village, but also includes a number of underwater lots. Land use within the study area consists primarily of seasonally occupied moderate density single-family residential homes and neighborhoods.

AE and VE flood zones within the Village/study area naturally exist within topographically low-lying areas and drainage ways that are present near the ocean shoreline; Shinnecock Bay and its associated tidal wetlands and creeks (Heady Creek and Taylor Creek); as well as in, around and between several coastal ponds, including Lake Agawam and Halsey Neck, Coopers Neck, Old Town, Wickapogue, and Phillips ponds. The study area contains a total of 14 mapped FEMA flood zones including AE elevation (el.) 8 through el. 15 and VE (el. 15 through el. 20).[6]

VE ("velocity") zones exist along the ocean beach and within the open waters of the bay, coastal lake and several ponds, where higher wave-topped flooding is more likely to occur. AE zones tend to be farther inland and more removed from the larger wind swept open waters of the ocean or bay that can generate significant wave heights; therefore, the size of wave-topped flood waters tends to be less in AE zones and the floods themselves shallower. Finally, BFEs of flood zones generally decrease the farther inland and further away from open water they are and are generally inversely proportional to the ground elevation in an area.

1.4 Coastal Floodplain Environment

There are three primary coastal floodplain environments that exist within the study area. Each environment is unique in terms of potential flood impacts and each poses different challenges for floodplain development and the need for and extent of flood risk reduction.

1.4.1 Ocean Beach and Coastal Dune Area

The ocean shoreline area contains the Village's ocean beaches and coastal dunes south of Meadow Lane and Gin Lane. These areas are subject to direct impact from the cumulative effects of tides, waves, storm surges, and ocean breezes and are highly vulnerable to coastal erosion during severe storms. **Figure 2** shows the State designated Coastal Erosion Hazard Area or "CEHA" in the study area which parallels the ocean shoreline. Homes tend to be elevated slightly higher than properties located along the bay

[6] The "el" designation (short for "elevation") represents the projected Base Flood Elevation (BFE) of the 100-year storm/flood event which is defined as having a one percent chance of being equaled or exceeded in any given year. For example, if the elevation of the land surface is 10 feet above mean sea level ("10 el") at a particular location and the 100-year BFE is 8 feet above msl ("8 el") at the same location, than the land surface at that location would be expected to be 2 feet under water during the reference 100-year storm event. The BFE is the national standard used by the National Flood Insurance Program (NFIP) and all Federal agencies for the purposes of requiring the purchase of flood insurance and regulating new development.

shoreline as the ocean front properties are often larger lots and typically contain accumulated beach sand and have the benefit of some level of protection behind the existing coastal dune system. Soils on properties containing beaches and dunes are typically composed of excessively well drained sand and gravel, while depths to groundwater are usually relatively shallow.

1.4.2 Back-Barrier Flat or Bay Shore Area

The back-barrier flat is located on the north side of Meadow Lane along the Shinnecock Bay shoreline. This area is very flat, tends to be slightly lower in elevation than ocean beach properties, contains significant tidal wetlands which constrain the locations that buildings can be sited, and has a very shallow depth to groundwater. Soils in the back barrier/bay shore area largely consist of sand to the south along Meadow Lane where most homes are built and sand with alternating layers of organic material from past and present tidal marshes to the north. Alternating layers of fine textured silts or clay are also sometimes found in these types of environments as well, which can restrict water percolation rates. Depth to groundwater in these areas is often quite shallow and can pose challenges to sanitary system siting and operation as well as the storage of infiltrated stormwater from large precipitation events. Like ocean front properties, these sites are susceptible to coastal flooding including waves, tides, and storm surges. They do not enjoy the protections of coastal sand dunes and are often more adversely affected by the scouring of receding waters than the initial onshore flooding but also tend not to receive the brunt of ocean waves. Many of the back-barrier bay side properties are publically owned and are likely preserved for the purposes of wetlands/wildlife protection and possibly flood storage. **Figure 2** depicts NYSDEC tidal wetlands along the bay shoreline and other areas.

1.4.3 Coastal Pond and Lake Areas

Coastal pond shore areas and land between the ponds, Lake Agawam and the tidal creeks are the third type of coastal floodplain environment in the Village. These areas are located farthest inland, tend to be at slightly higher elevations than the ocean front and bay shore environments, and are less susceptible to large scale wave action. The ponds and lake appear to be closed systems (with the exception of possible man-made drainage inputs) and are therefore not directly connected to the ocean. As such, most of the water they receive is from point or non-point stormwater runoff and groundwater inputs. Despite the closed nature of the ponds and lake, they are still vulnerable to potentially significant flooding should shoreline breeching occur during a major flood event or coastal storm.

1.5 Zoning

The study area is zoned entirely for single-family residential development (R-120, R-80, R-40 and R-20 with minimum lot area requirements of 120,000 SF, 80,000 SF, 40,000 SF and 20,000 SF, respectively). Land located west of Taylor Creek on both the north and south sides of Meadow Lane and around Phillips Pond is zoned R-80; a small area located on the northwest side of Halsey Neck Pond and east of Halsey Neck Lane is zoned R-40; a very small area at the northeast end of Lake Agawam is zoned R-20; and the remainder of the Study Area is zoned R-120 (**Figure 3)**.

Heights of principal residential structures are limited to a maximum of 35 feet in all of the zoning districts within the study area and building height is currently defined by the Zoning Code as: "[t]he vertical distance measured from the average elevation of the finished grade along the side of the structure fronting on the nearest street to the highest point of the highest roof or, in the case of a structure, to the highest point."

Starting grade or base ground elevation from which building height is currently measured is defined as: "the natural grade of a property, which shall not be changed on any part of the parcel more than two feet vertically, except as permitted under the terms and conditions of a building permit."

The maximum number of stories permitted in each of the districts within the study area is $2^1/_2$ with "half story" defined by § 116-2B as: "A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story and having a ceiling height of at least 7 ½ feet over not more than ½ the total floor area." Minimum lot widths are 200 feet for both the R-120 and R-80 districts, 150 feet for the R-40 zone, and 120 feet in the R-20 zone and yard setback requirements are on a "floating scale" based on the actual size of the lot, rather than by pre-established across-the-board zoning district standards.[7]

The Village's existing skyplane or "pyramid law" currently does not apply to the R-120, R-80, and R-40 zoning districts, but does, however, apply to R-20 zoned land (as well as the R-7.5 and R-12.5 zones). The amount of land zoned R-20 within the study area is quite minimal and is limited to small portions of 7 residential lots and most of one lot at the north end of Lake Agawam. These (R-20) lots, therefore, are subject to skyplane restrictions which address maximum building height relative to front, side and rear yard setbacks through the establishment of an imaginary plane beginning at the front and rear lot lines at the average elevation of the existing natural grade, or, at the side lot lines five feet above the average elevation of the existing natural grade, and extend to the building or structure at an angle of 45°.[8] Skyplane standards are especially effective on small (narrow or shallow) lots as they restrict height near property lines and direct it toward the centers of lots where it has less impact on adjoining properties.

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[7] Section 116-11, "Lot area, coverage, width and yards"

[8] In the case of flagpole lots, the skyplane shall begin at the front, rear and side lot lines at the average elevation of the existing natural grade and shall extend to the building or structure at an angle of 45°.

1.6 Village Historic District

Also within the study area is part of one of the Village's designated Historic Districts which is also listed on the National Register of Historic Places. This district encompasses a large portion of the study area including land located between Old Town Pond and Coopers Neck Lane; a portion of the "barrier" located immediately south of Heady Creek, mostly south of Meadow Lane; and a very small area within the AE zone located east of Heady Creek, north of Down East Lane and south of Pennies Landing (**Figure 4**). The existence of this "listed" historic district within the study area is of particular relevance as it identifies and exemplifies a desired community character for the area, especially from the perspective of building style, scale, architectural detailing and form, and triggers the requirement for architectural review by the Village Board of Architectural Review and Historic Preservation (BARHP).

Chapter 65, "Historic Landmark Preservation," of the Village Code discusses historic landmarks and districts within the Village and the BARHP's duties and responsibilities in protecting the historical integrity of this district. In short, BARHP is responsible for maintaining the positive character of the Village by reviewing plans for the construction, reconstruction and alteration of buildings and providing input to ensure that harmony between new and modified structures and their historic surroundings are not adversely affected. Specific duties of BARHP include:

- Protecting and enhancing landmarks and historic districts;
- Ensuring harmonious, orderly and efficient growth and development;
- Fostering civic pride in the accomplishments of the past; and
- Protecting and enhancing the Village's attractiveness to residents and visitors.

One way in which BARHP is to fulfill its responsibilities is through a certificate of appropriateness review process for projects involving demolition, new construction, exterior building alteration, and material changes in property appearance within an historic district and in public view that would adversely affect the appearance and cohesiveness of the district. BARHP is authorized to consider project design, scale, character, and visual compatibility with surrounding properties and approve or deny certificates of appropriateness as warranted.

1.7 Moratorium

On October 9, 2014, the Board of Trustees of the Incorporated Village of Southampton adopted Local Law #4 of 2013 "A Local Law Establishing a Moratorium with Respect to Issuance of Building Permits and Other Approvals for One-Family Dwellings Which Exceed Certain Height Limitations." The purpose of the Moratorium was to temporarily suspend the review and processing of permits for single-family residential development and redevelopment in FEMA SFHAs within the project study area so that a strategy could be developed to address previously described concerns over residential building height, massing, and neighborhood character. The moratorium provides the time necessary for review of conditions, a strategy to be developed, consensus to be achieved, and the required tools to be implemented in order to avert any potential adverse effects. The Moratorium was to remain in effect for a period of 6 months from its

effective date (i.e., the date the Local Law was filed with the Secretary of State of the State of New York). The adoption and filing of the Moratorium temporarily suspended the authority of Village boards and officials to conduct the following specific procedural activities:

- The authority of the Building Inspector to issue building permits under Chapter 116 of the Village Code for construction projects involving a proposed one-family dwelling which exceeds the maximum height limitation;
- The authority of the Board of Architectural Review and Historic Preservation (hereinafter referred to as the BARHP) to grant architectural review approvals under Chapter 116 of the Village Code and certificates of appropriateness under Chapter 65 of the Village Code for construction projects involving a proposed one-family dwelling which exceeds the maximum height limitation;
- The authority of the BARHP to schedule or hold hearings under Chapter 116 and Chapter 65 of the Village for such construction projects; and
- Any provisions of law inconsistent [the Moratorium], including any inconsistent provisions of §§ 65-6C, [Historic and Landmark Preservation: Certificate of appropriateness], and 116-32E ["Architectural Review: Procedure for application; public hearings"] of the Village Code.

A copy of the adopted Local Law, including its purpose, applicable standards and procedures, and exemptions is provided in **Appendix B**.

1.8 Information Gathering

The planning process for this study involved a multi-faceted approach beginning with a comprehensive strategy of information gathering and issue identification. Specific tasks performed during the information gathering phase of the project are as follows:

1.8.1 Study Area Delineation and Mapping

Study area delineation and mapping provided the foundation of the study. Current aerial photographs were analyzed and maps generated including FEMA flood zones (study area boundaries), topography at 1-foot contour intervals, NYSDEC tidal wetlands, the state CEHA line, Suffolk County tax map data, and Village zoning and historic districts. This phase of the project provided the basis for review and analysis of current conditions; helped to identify the affected properties and existing zoning and development patterns, assisted in the determination of individual lot sizes and an understanding of property configurations; showed the limits of the large historic district within the study area which is listed on the National Register; provided the context and spatial relationship of the study area to the greater community; and illustrated the physical relationships of the built environment and key environmental features and flood zones (e.g., buildings, roads, surface waterbodies, wetlands, flood zones, BFEs, dunes, etc.).

1.8.2 Field Investigation and Inventory of Conditions

The project team conducted a field reconnaissance on October 16, 2014. The field investigation involved visual observations by NP&V and HWJ staff of current study area conditions. Conditions and characteristics that were noted during the field investigations included but were not limited to: development density, land use patterns, and neighborhood character; lot size; building heights, massing, numbers of stories, and building form; visual perspectives from the street and public parking areas; architectural styles; recent and ongoing construction activities; past filling and grading activities; landscaping and lot screening; topography and landforms (e.g., dunes, tidal flats, etc.); the existence of tidal wetlands; and other factors. Photographs were taken for subsequent review and evaluation as needed.

Shortly after the preliminary field reconnaissance, members of the Village Planning Commission conducted their own field investigation to identify homes that were considered most symbolic of the problem and those that seemed to fit neatly into the fabric and character of the community. This information was furnished to the consulting team so that it could further investigate through review and analysis of site plans, architectural drawings, site topography, grading plans, and other materials why some homes were viewed as incompatible with the character of the area, while others were seamlessly integrated into the neighborhood.

1.8.3 Data Collection

The project methodology for the study involved extensive data collection. Materials reviewed for the study included but was not limited to:

- Available maps and aerial photographs that provided graphic data and spatial representations, including past and present FEMA FIRMs;
- Village Building Department files including building permit applications, site plans, and approved plans;
- State Building Code;
- FEMA maps, studies, standards and specifications;
- National Reference Standards;
- Village Zoning Code;
- Zoning codes of other similarly situated and affected “East End” communities (Villages of East Hampton, Westhampton Beach, Westhampton Dunes, and Sagaponack and Towns of Southampton, East Hampton, and Brookhaven);
- Draft Meadow Lane Bayfront Overlay District standards; and
- Correspondence

1.8.4 Meetings, Interviews and Outreach

A comprehensive outreach program was undertaken to attain information from those who live and work in the Village, perform development application reviews, and guide or administer the Village's land development policies. Interviews and meetings were conducted with the following:

- Mayor Epley
- The Senior Building Inspector
- Representatives of the Village Planning Commission (PC), Board of Architectural Review and Historic Preservation (BARHP), and Zoning Board of Appeals (ZBA)
- Village ZBA and BARHP Attorneys
- Representatives of the Southampton Association (SA)

Senior Building Inspector
The initial meeting with the Senior Building Inspector was for the purpose of discussing the project, the Department's administrative procedures and protocols, its regulations and application submission requirements, problematic sites, past and pending projects, and other issues and concerns associated with building heights and site elevations in the Village's FEMA AE and VE flood zones. Plans and permits were reviewed and copies of applicable materials were requested. Once preliminary recommendations were developed, the Team met with the Senior Building Inspector to discuss the recommendations of the consulting team and to request input as to their viability and anticipated effectiveness.

Planning Commission and Southampton Association
The Planning Commission was also significantly involved in the planning process. The team met with one or more members of the Planning Commission on several occasions, including meetings with the Planning Commission Chair who was very active in the process and acted as a liaison between the community and the consulting team. The purpose of these meetings was again to identify salient issues and concerns and the possible means of addressing problems, but with specific focus on community or neighborhood concerns and recommendations. Members of The Southampton Association also attended one of the project's informal meetings (as well as subsequent public meetings) and provided valuable input.

Board of Architectural Review and Historic Preservation, Zoning Board of Appeals, and Village Attorneys
The project team also met with representatives of the BARHP and ZBA, including the Board's legal representatives. These meetings proved informative as they reflected on the unique goals and perspectives of these boards, the issues that have been routinely raised to them or that they have encountered during application processing, and their elaborations on the application review process and suggestions for regulatory and process improvements. As with the Building Inspector, the BARHP and ZBA would ultimately be responsible for implementing the recommendations of the study making their input into the

study especially important. The Village's BARHP and ZBA attorneys were also present to address procedural issues and provide input into some of the problems they have seen and recommendations for resolving them.

Mayor Epley
The team met with Mayor Epley to present the preliminary recommendations of the study prior to the first public Planning Commission meeting and to solicit his input.

Written Correspondences
A few written correspondences were received either simultaneously or subsequent to meeting with the individuals and groups listed above. The review of these submissions provided further elaboration on topics raised at the meetings and offered clarification of common themes, as well as unique perspectives and recommendations for improvement.

1.8.5 Public Meeting

The project consulting team also presented preliminary draft recommendations to the Village Planning Commission at a public meeting held at Village Hall on January 7, 2015. The presentation was filmed and recorded for later airing on a local television channel and the slide show for the presentation was posted on the Village's website for on-demand access and review by the public. A question and answer period followed the presentation at which time members of the audience provided input, expressed any concerns that they had or requested clarifications of presented material. A 27-day written comment period (ending January 30, 2015 and on the date of a scheduled Planning Commission meeting) was provided to allow persons or local organizations who had attended the presentation to have an opportunity to provide additional input, as well as to allow anyone who was unable to attend the meeting to have a voice in the process. Several correspondences were received, reviewed and analyzed. The Planning Commission and public considered the preliminary recommendations of the project further at a subsequent Commission meeting and subsequent meetings with the Planning Commission Chair were conducted to discuss emerging themes coming from the public at this meeting.

1.9 Issue Identification

Issues were determined based on information collected during project focus group meetings, interviews, and the preliminary public information and outreach meeting held by the Planning Commission; subsequent receipt of letters from the public; examination of correspondences received; conclusions reached during the review of previous site plans and building applications; analysis of the standards and policies of the Village Code, as well as those of other similarly affected local communities, the State Building Code, and FEMA publications; and first hand observations compiled by the project team's field reconnaissance. Common themes identified from the information gathering process included:

- Actual or perceived building heights in flood zones that have caused some structures to appear out of scale with their surroundings, especially large homes on small lots that appear to loom over adjacent homes or seem overly conspicuous or dominant in the neighborhood landscape;
- The maximum number of stories permitted in a structure and how the term "story" is defined;
- Actual and perceived bulk and massing of homes, especially on shallow and/or narrow lots;
- Differences between ocean, bay, pond and inland environments that are conducive to individual, innovative, and/or flexible problem solving approaches;
- Architectural style of homes and how style affects the perception of height and massing;
- Loss of privacy from the upper stories and terraces of homes that loom over neighboring properties and homes;
- Flooding and drainage issues that are exacerbated by narrow or relaxed yard setbacks on small lots, fill and grading practices, and excessive impervious ground cover;
- Inadequate screening and landscaping;
- The need to refine the application process and procedures to be more thorough, reliable, predictable, efficient and effective;
- Loopholes, gray areas, or a lack of clarity in the Village Code;
- On-site parking issues;
- The need to address historic character and resources in and out of designated historic districts;
- Questions about how pre-existing homes that are proposed for redevelopment in accordance with current FEMA regulations should be treated; and
- Protection of private property rights.

Based on the information compiled during the initial phases of the project, a series of analyses were performed.

2.0 Analysis

The information and materials identified above were carefully and comprehensively analyzed and preliminary planning strategies for resolving the residential building height and massing issues within FEMA flood zones were formulated. Planning concepts and land development techniques were tested and evaluated for their suitability for resolving the specific issues and concerns identified by the study. Also considered during this process was whether the preliminary recommendations could in fact be properly implemented to achieve project goals, while providing a suitable balance between competing issues and interests. Ensuring consistency with State and Federal guidelines was also essential to the review and strategy assessments, as was the application of good planning and architectural practices.

2.1 Data Analysis

2.1.1 Field Notes and Public Outreach

Field notes, aerial photographs, and map data were analyzed. Existing topography, coastal dune morphology, CEHAs, tidal wetlands and the ways in which these features interact with building siting, construction, height and massing were considered. Existing land uses, land development and zoning patterns, the presence and influence of historic districts, building form, the siting of structures, current architectural styles and community character, and other significant conditions noted during the field investigation and information collection stages of review were also considered.

Notes from previous interviews and meetings, as well as written correspondence from the public and Village staff were evaluated to provide the context for fully understanding the issues at hand and provided the bases for troubleshooting possible strategies and solutions. Based on these analyses, the team was able to hone in on issues and possible approaches. The pros and cons of preliminary recommendations were weighed and the recommendations' overall consistency with project goals assessed.

2.1.2 Application Content, Submission Requirements, and Procedural Analyses

An assessment of application content, submission requirements and processing procedures was performed for the purpose of determining if the information and materials necessary to conduct thorough project reviews are currently being requested by the Village and if review procedures are sufficient to ensure efficient and effective reviews and desirable outcomes.

2.1.3 Zoning Code Analyses

A review of the Village's Zoning Code (Chapter 116) was conducted. This review was critical in assessing the regulatory standards that control building height and massing in the Village and helped to identify possible limitations in the Code. Based on this review, and other applicable analyses, the team highlighted sections of the Code that are in most need of revision to address the problems caused by the new FEMA BFE requirements.

The project team also conducted a review of the land development and zoning codes of other East End and South Fork communities. The purpose of this review was to identify and assess other similarly situated municipalities' approaches to controlling residential building height, bulk, massing and community character in SFHAs, while ensuring conformance to FEMA' flood protection standards. Other municipal codes that were reviewed during this stage of analysis included the Villages of East Hampton, Sagaponack, Westhampton Beach, and Westhampton Dunes and the Towns of Southampton, East Hampton and Brookhaven. These coastal communities were considered similar to the Village in many respects, and therefore, more characteristic of Village conditions and concerns than "outside" communities. As such, the codes of these local communities held

the most promise for providing novel solutions and model development standards and practices that might assist in fulfilling Village goals. Review of these other municipal codes, however, revealed that other communities were largely, if not entirely, relying on conventional dimensional zoning controls to manage residential building heights, massing, and community character concerns, as opposed to more contemporary yet tried-and-true "form-based" design solutions that tend to address building form in a more thoughtful and creative fashion.

2.1.4 Federal and State Guidelines Review

Assessments of the consistency of preliminary recommendations to FEMA construction standards and State building codes was performed to evaluate the consistency of preliminary study recommendations with mandated Federal and State guidelines. A comparison of previous FEMA maps to the current (2009) version of the FIRMs was also performed and an assessment of the treatment of building height in upland areas was considered relative to treatment within designated flood zones.

2.1.5 Review of Approved Site Plans

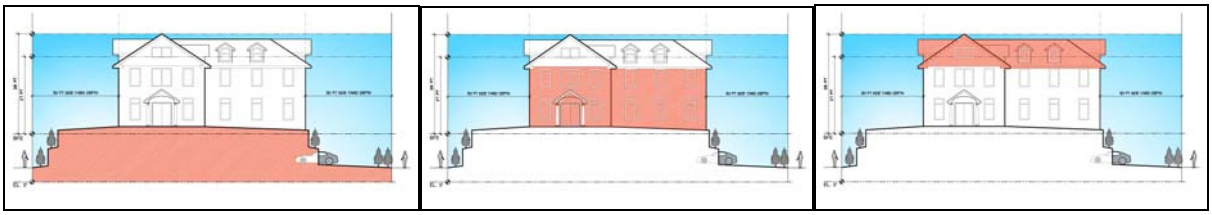
Approved site plans and building permits were reviewed to determine what had been previously approved; problems that may have arisen from previous permits and approvals; and if there were any reoccurring substantive issues that may not have been addressed during review. The examination of these plans also provided the context and an insight into grading, fill, landscaping, drainage, and other site development practices that factor into the equation.

2.2 Analysis of Building Form, Height and Massing

Building form was evaluated by identifying, analyzing and addressing the fundamental components that lead to the perception of excess building height and massing. The project consulting team identified three primary building "elements" or "components" through which the height and massing or perception of height and massing of buildings within flood zones could best be managed. These key building components included:

1. Ground level areas (i.e., existing ground elevations, BFEs, filling, grading, foundations, etc.)
2. Façade/exterior walls
3. Roofs

The following illustrations show the 3 height and massing components.



1) Ground Level Areas Component; 2) Facade/Exterior Walls Component; 3) Roof Component

The above components of building height and massing were evaluated relative to standard zoning, form-based zoning, and architectural standards and practices. Evaluations of height and massing were based on the perspective of neighbors and passersby along the street and how best to integrate new home construction into the backdrop of the community without significant adverse impacts. The size (height, width, bulk, massing) of buildings as well as articulation of building façade planes were considered in the assessment of building form and how these aspects of design affect the perception of building height, bulk, and massing. Building design and roof pitches were considered as well, to determine how modifications to roof steepness affect the appearance of building height and massing and how roof pitch works with different skyplane angles. The Village's current methods of measuring building height and other critical dimensional factors were evaluated to determine the best approaches to meeting the goals and objectives of the Village, and based on these considerations new standards and code definitions for providing suitable guidelines were drafted. Various sketches and renderings, including skyplane diagrams, were created and modified as necessary to evaluate the effectiveness of recommendations and those sketches which proved most useful were fine-tuned and saved for future use in facilitating an understanding of the purpose, benefits, and application of certain recommendations. Architectural analyses assessing compliance or consistency with FEMA and State codes were also performed.

2.3 Evaluation of Other Site Factors

Finally, landscaping, screening, parking, drainage and other site factors that may influence or be influenced by building height, massing and land development within flood zones were considered. Landscaping and screening were topics raised during focus group meetings since many of the potential adverse effects of development within flood zones are associated with community character, aesthetics, and the need to protect residential privacy and quality of life. Issues such as the proportion of impervious surfaces, site stormwater generation, and assurances of suitable natural or pervious areas for stormwater infiltration and flood water recession after storms were noted as equally important. General recommendations were nevertheless developed for other site factors to provide the first step in their ultimate resolution.

2.4 Conclusions and Opportunities

There is no single solution for the residential building height and massing concerns raised during the FEMA Elevation and Zoning Height Requirements Study and seemingly easy fixes that apply across the board in every development situation are often wrought with unintended consequences or are simply insufficient for addressing the particular problems at hand. For example, merely requiring a lower maximum building height on all lots in every flood zone and physical environment, only restricts design flexibility and affects architectural quality and hence community character, thereby causing other community character concerns. For this reason, a comprehensive approach to issue resolution (i.e., the reduction of actual and perceived building height and massing from residential buildings in FEMA flood zones is proposed. This includes the development of recommendations that take the size of a lot and its physical and environmental surroundings into consideration (e.g., skyplane requirements for narrow versus oversized lots in back barrier/bay side versus beach front environments, etc.).

Based on the various analyses that were conducted, including the assessment of the 3 building height and massing components described above, it was determined that the preferred strategy must involve the management of building form, it must address the best methodologies for uniform height measurement and other critical dimensional factors, and the proper siting of structures using a mix of standard dimensional zoning requirements and form-based zoning concepts. This includes addressing building architecture through façade articulation and the use of architectural elements and higher minimum roof pitches, creation of 3 dimensional building envelopes defined by typical zoning standards such as minimum lot size, yard setbacks, maximum building coverage, building height and stories, and lot width requirements, in conjunction with an appropriate skyplane law with suitable slope and measurement standards. New standards for measuring height and locating the tallest parts of buildings toward centers of properties would be helpful as well; particularly on small lots which seem to be the major focus of concern within the community. Controls on filling, grading, and the use of retaining walls; protection of on-site sanitary systems; and ensuring suitable drainage and unobstructed floodways in side yard setbacks to prevent or mitigate flooding are also essential. Proper screening is important as well, as it provides a means for hiding or “breaking up” building mass, softening building appearances, and beautifying sites, while enhancing residential privacy. Modifications to development applications and their submission requirements as well as processing standards would also be helpful as would various amendments to the Village Code.

3.0 Recommendations

The recommendations of the FEMA Elevation and Zoning Height Requirements Study are as follows:

3.1 New and Revised Code Definitions

New
MEAN GROUND LEVEL (MGL)
The average elevation of natural ground level prior to any excavation or fill being placed, as measured along the perimeter of the foundation of an existing structure. For new buildings, natural ground measurements shall be taken at points 10 feet offset from the face of foundation. Grades shall be taken at each building corner and change of horizontal plane, as well as 3 equal intermediate points along planes longer than 30 feet. All grades shall be prepared and certified by a licensed NYS Land Surveyor.

Revised
HEIGHT OF A BUILDING
The vertical distance from the Grade Plane Level (GPL) to the highest point of a roofed structure. On "standard," "shallow" and "oversized" lots, building height shall be limited to 35 feet from the GPL. On "narrow" lots, overall building height is limited to 30 feet (see **Exhibits 1, 2, 4, 5, 6**)[9] (see also definitions of "**standard**," "**shallow**" and "**oversized,**" and "**narrow**" below).

New
GRADE PLANE LEVEL
For residences in FEMA Special Flood Hazard Areas (SFHA), as identified by the latest FEMA Flood Insurance Rate Maps (FIRM maps), height shall be measured from the Flood Zone's base flood elevation (BFE). FEMA BFE, as per NAVD 88, shall be mapped and certified by a NYS Licensed Surveyor on a conforming survey (see **Exhibits 1, 2, 4, 5, 6**).

New
PORCH
An open roofed structure projecting from the outside wall of a building without window sash, glazing panels, or any other form of enclosure.

New
TERRACE
An open porch without a permanent roof regardless of material used for construction (wood deck included)

[9] Exhibits are provided at the end of this report in Appendix C.

New
FRONT YARD AREA
The area defined by the front property line, to each side property line, to a line parallel with the front property line, offset the distance to the primary building (see **Exhibit 3**).

New
SIDE YARD AREA
The area defined by the side property line, and offset the distance to the building, parallel to the side property line, along the side width of the house, plus 10 feet in each direction (see **Exhibit 3**).

Revised
LOT COVERAGE
The proportion of the gross horizontal area (i.e., the area within the exterior surface of the exterior walls of the ground floor) of all principal buildings, accessory buildings and structures on the lot, compared to the total lot area — expressed as a percentage.

Lot coverage shall include:

- Primary and accessory structure footprints
- Covered porches
- All terraces, regardless of material greater than 18 inches above average grade
- All covered or partially covered second floor decks and balconies

New
FRONT YARD COVERAGE
Maximum paving (including all impervious materials) shall cover no more than 20% of the front yard but may be increased to 25% for tennis courts (where such are permitted by zoning) only (not to exceed 7,200 square feet for the tennis court area and 300 square feet for a walkway to and from) subject to acceptable drainage and grading (see **Exhibit 3**). Impervious surfaces shall include the following when constructed of impervious materials:

- Driveways
- Parking areas
- Walkways
- Patios
- Tennis courts

New
SIDE YARD COVERAGE
Maximum paving (including all impervious surfaces and materials) shall not be greater than 50% of the primary side yard (i.e., for parking, driveways, etc.). The secondary side yard shall be limited to 10% impervious surfaces (see **Exhibit 3**) including the following when constructed of impervious materials:

- Parking areas
- Walkways

- Patios
- Pools
- Tennis courts

3.1.1 Definitions of Standard, Narrow, Shallow and Oversized Lots

For the purpose of assessing conformance to skyplane requirements, lots within FEMA Special Flood Hazard Areas shall be defined as follows:

New
NARROW LOT – OCEAN SIDE / BAY SIDE/ POND SIDE
A lot within a FEMA Special Flood Hazard Area that is less than 175 feet wide (see **Exhibits 4** and **5**).

New
SHALLOW LOT – BAY SIDE
A lot within a FEMA Special Flood Hazard Area that has less than 125 feet (buildable depth) perpendicular to the front property line. Reduce Front Yard setback to 60 feet (see **Exhibit 5**).

New
OVERSIZED (WIDTH) LOT
A lot within a FEMA Special Flood Hazard Area that is greater than (>) 400 feet wide.

New
STANDARD LOT
A lot within a FEMA Special Flood Hazard Area that is between 175 feet and 400 feet wide (see **Exhibits 4, 5** and **6**).

3.2 Land Surveying Standards and Required Data

The following standards and data are recommended:

- NAVD 1988 datum
- Flood zone and flood zone designation lines based upon latest adopted FEMA FIRM maps
- CEHA (per 1988 State CEHA Map or subsequently updated and adopted map
- 1 foot topographic contours
- Wetlands boundaries and setbacks (all agencies)
- Crown of road (high and low points) along centerline
- Spot grades along front property line (property corners and equal distances no greater than every 25 feet)
- Spot grades alongside property lines (landward property corners and equal distances no greater than every 25 feet)
- Toe of dune (landward)

- Crest of dune
- Toe of dune (waterside)
- Existing MGL (see above definition)

It is recommended that the standards and data be mapped and certified by a NYS Licensed Surveyor on a conforming survey.

3.3 Land Planning Standards

3.3.1 Sanitary Systems Standards

Sanitary systems to be covered with non-structural fill at no greater than 5% slope within 20 feet of all sanitary structures. In no case can a sanitary system be within 20 feet of a retaining wall that is not designed to resist scour and wave action.

Conformance with front and side yard coverage recommendations

3.3.2 Maximum Area of Site That Can Be Raised/ Maximum Slope of Berm

- 25% of lot width equally distributed in each side yard cannot be raised more than 2 feet from natural grade (to allow flood waters to flow). No retaining walls shall be allowed in same areas (see **Exhibits 3** and **6**).
- Front yard shall have a minimum of 20 feet of setback that is 1 foot lower than the street, to allow for flood water to drain from the roadway, excluding the driveway area. The balance of the front yard cannot slope from this setback area more than 8%.
- Side yard slope from offset grade established by the 12.5% (half of 25%) flood area, shall not exceed 10% slope - slopes greater than 3% must be vegetated in accordance with local standards (see **Exhibits 3** and **6**).
- The engineer/architect shall analyze scour and erosion of non-structural fill on all drainage, retaining walls, and driveways, to insure scour will not expose and/or destabilize sanitary systems, retaining wall footings, or create a public health, safety, welfare concern.
- See retaining walls

3.3.3 Retaining Wall Standards

- No retaining walls within first 20 feet or greater as illustrated elsewhere within these recommendations of any property line.
- No retaining walls higher than 3 feet of exposed plane.
- No retaining walls shall be less than 20 feet offset from one another.
- Retaining walls for any use must conform to proper engineering standards of the industry.
- If retaining walls are used to provide adequate area and coverage for drywells and sanitary system, the design professional shall illustrate the full system profile and identify the soil scour effect on the system, where applicable.

3.4 Minimum Roof Pitch Standard

- A minimum roof pitch of 8 (horizontal)/12 (vertical)

3.5 Permitted Encroachments into Skyplane

- Cornices and eaves up to 24 inches on first floor roof only
- Cornices and eaves up to 12 inches on second floor roof, and half story roof only
- Roof feature – Dormers (gable, hip, shed, barrel style) limited to no greater than 8 feet wide each, no taller than 6 feet of vertical encroachment, and shall not be within the same vertical plane as the exterior wall below by at least a 2 foot offset. (breaking of plane requires offset, not interruptions). Ridge of dormers shall be at least 12 inches lower vertically than the primary roof structure it is a feature upon.

3.6 Facade Articulation Standards

- No front façade plane shall extend more than 50 feet in width of the building's front elevation width without a change or break in said plane of at least four (4) foot of offset from the front façade plane. Projecting chimneys or other permitted encroachments shall not be considered a plane break or change.
- No side facing façade plane shall extend for more than 30 feet in width without a change or break in said plane of at least four (4) feet of offset from the side facing façade plane. Projecting chimneys or permitted encroachments shall not be considered a plane break or change (See **Exhibit 7**).
- No more than 75% of a two-story side primary façade shall be made of one vertical plane which is separate from the secondary vertical plane by at least four feet and not more than 24 feet vertically (see **Exhibit 8**).
- Front, side or rear facades with exposed solid foundation walls greater than three (3) feet shall be either the same as the main façade material or stone/ masonry to 12 inches from finished grade. Exposed concrete foundation walls are not permitted to be greater than (1) one foot in height, unless it is fully blocked with foundation planting, as approved by ARB. Façade siding material shall extend to minimum of 12 inches above finished grade, unless the foundation is built with breakaway partitions and not concrete.

3.7 Historic Preservation Standards

Due to the concern for preserving designated historic, historic eligible (pre-1940), or homes that exemplify "sense of local character" that Southampton has been known for decades, properties within the flood zones can gain a benefit to retain the original home with the following recommendations:

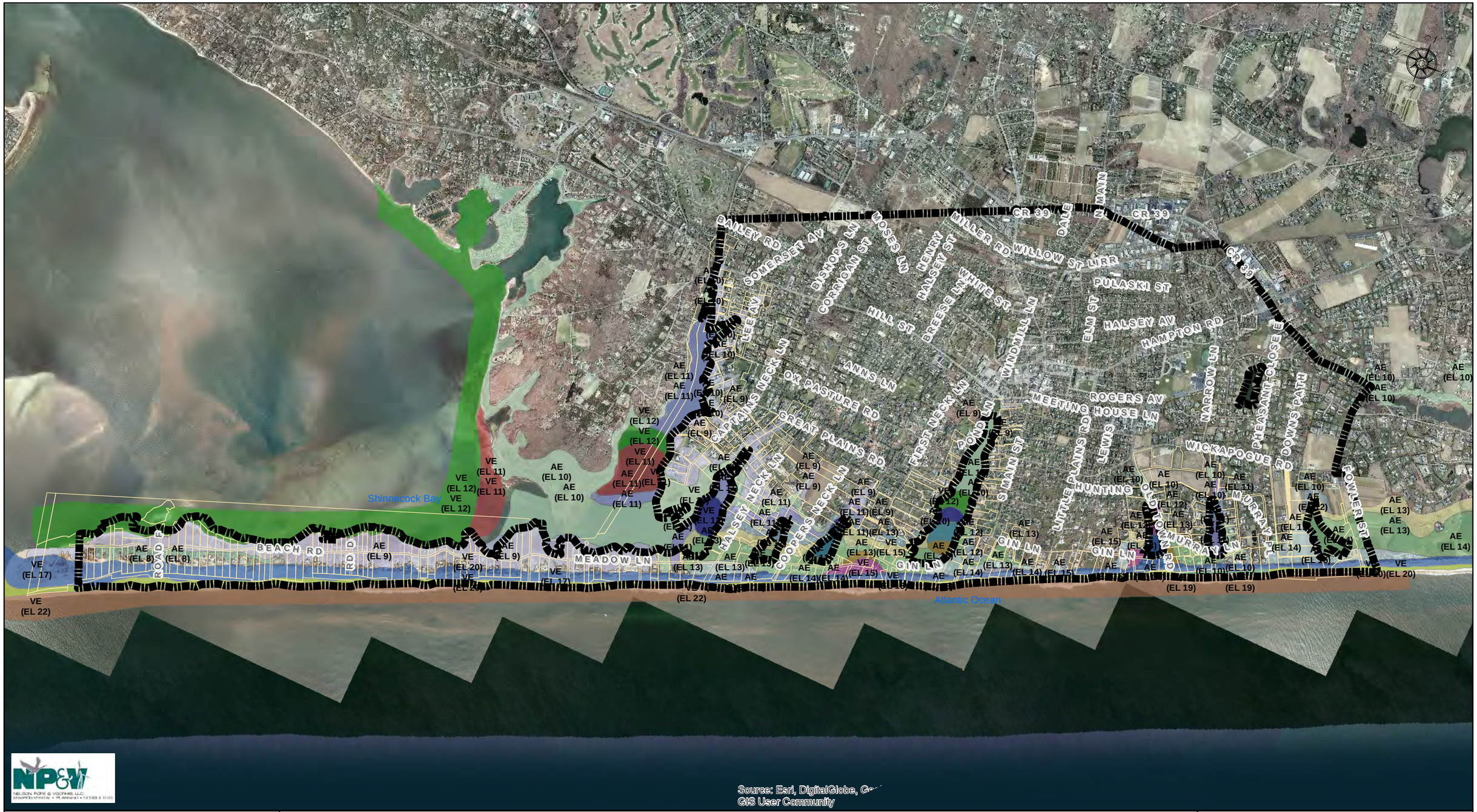
- Any home that was built pre-1940 should be researched with NYS SHPO archives for significance and potential designation.
- Any home that exemplifies local character, such as having been designed by a significant architect prior to 1970, should be designated by the ARB or Trustees.

- These homes could be preserved by a recommended process for special permit thru the ZBA to raise the house to flood zone FEMA compliance elevation and methods, where the ZBA can encourage the applicant to relocate the home on the site, reorient the home etc. in order to remain in partial non-compliance with the other recommendations within this report.

APPENDICES

APPENDIX A

FIGURES



Source: Esri, DigitalGlobe, G...
GIS User Community

FIGURE 1
STUDY AREA/
FEMA FLOOD ZONES

Source: NYSGIS Orthoimagery Program, 2013; SC Real Property, 2014, FEMA
Scale: 1 inch = 2,500 feet

Legend

- Village Boundary
- Flood Zone Condos
- Flood Zone Parcels

Flood Zone, Base Flood Elevation

AE, 10	AE, 13	AE, 8	VE, 13	VE, 17
AE, 11	AE, 14	AE, 9	VE, 14	VE, 19
AE, 12	AE, 15	VE, 11	VE, 15	VE, 20
	AE, 16	VE, 12	VE, 16	VE, 22

Village of Southampton

FEMA Elevation and Zoning Height Requirements Study

FIGURE 2
CEHA/TIDAL WETLANDS MAP

Source: NYSGIS Orthoimagery Program, 2013; SC Real Property, 2014
Scale: 1 inch = 2,500 feet

Legend

- Flood Zone Parcels
- Coastal Erosion Hazard Area Limit

NYSDEC Tidal Wetlands

- AA - Adjacent Area
- DS - Dredged Spoil
- FC - Formerly Connected
- FM - Fresh Marsh
- HM - High Marsh
- IM - Intertidal Marsh
- LZ - Littoral Zone
- SM - Shoals, Bars, Mudflats
- Village Boundary

Village of Southampton

FEMA Elevation and Zoning Height Requirements Study

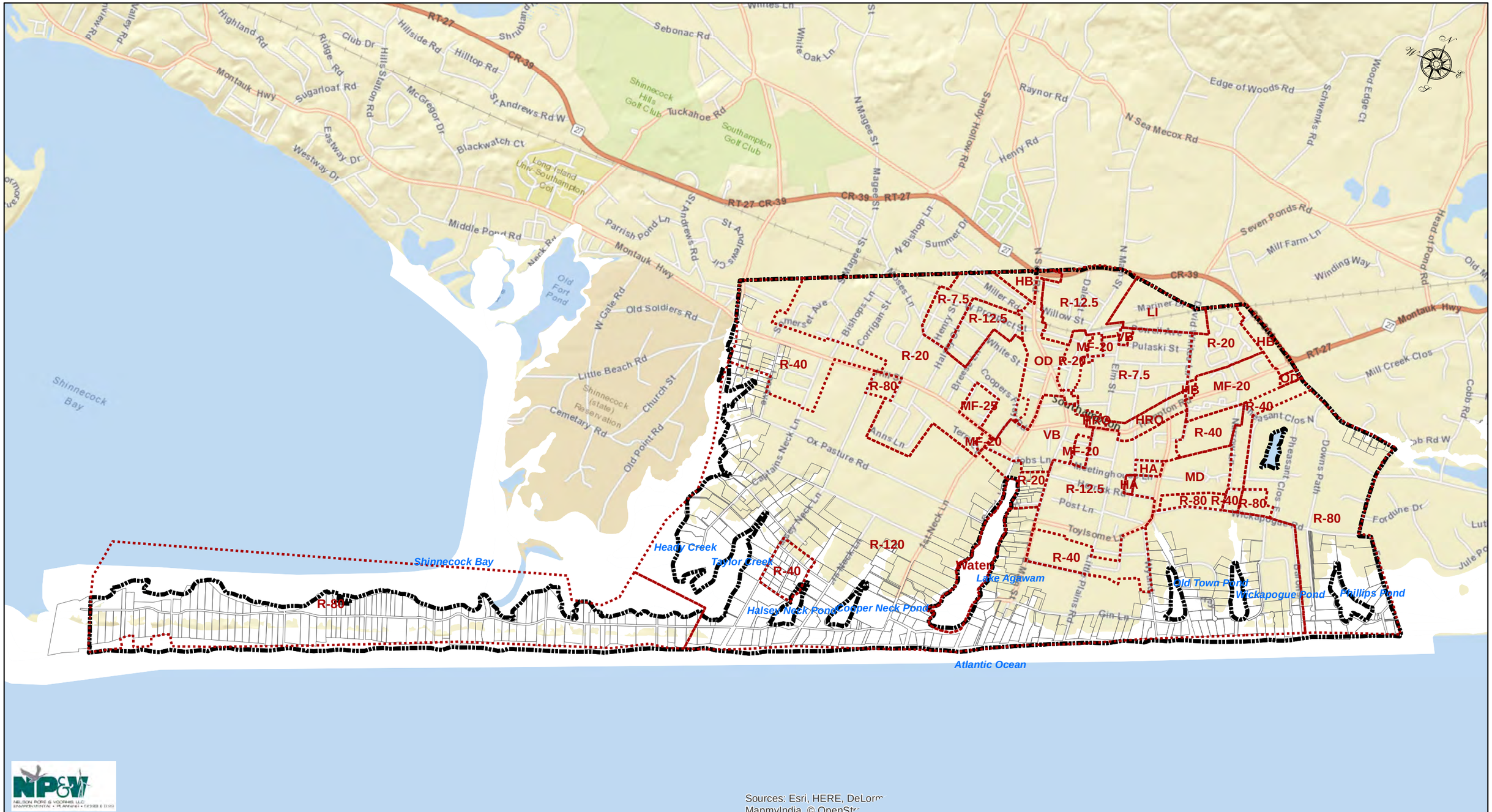


FIGURE 3
VILLAGE ZONING

Source: NYSGIS Orthoimagery Program, 2013; SC Real Property, 2014; Village of Southampton
Scale: 1 inch = 2,500 feet

Legend

- Zoning (unofficial)
- Village Boundary
- Flood Zone Parcels

Flood Zones (in White)

Village of Southampton

FEMA Elevation and Zoning Height Requirements Study

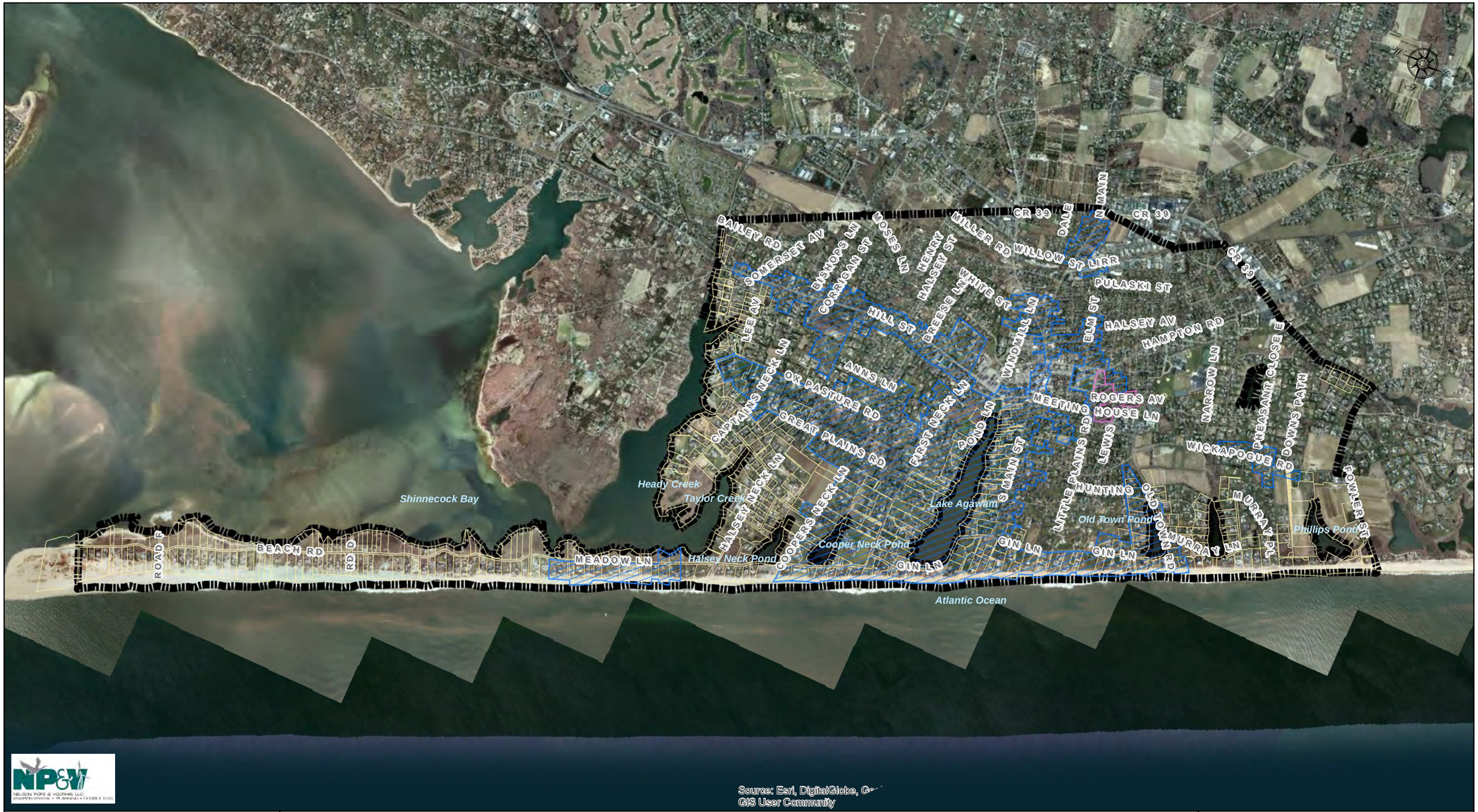


FIGURE 4
HISTORIC DISTRICTS

Source: NYSGIS Orthoimagery Program, 2013; SC Real Property, 2014; Village of Southampton
Scale: 1 inch = 2,500 feet

Legend

Historic Districts

- Local Only
- National Register
- Flood Zone Parcels
- Village Boundary

Village of Southampton

FEMA Elevation and Zoning Height Requirements Study

APPENDIX B

LOCAL LAW NO. 4
MORATORIUM

Local Law No. 4 of 2014

A Local Law Establishing A Moratorium With Respect To Issuance Of Building Permits And Other Approvals For One-Family Dwellings Which Exceed Certain Height Limitations

Section 1. Purpose.

(a) The Board of Trustees hereby finds that the existing maximum height regulations contained in the Village Zoning Code (Chapter 116 of the Village Code) do not adequately control the height of one-family dwellings, particularly under circumstances where a one-family dwelling must be elevated in order to comply with flood damage prevention regulations contained in Chapter 62 of the Village Code (such regulations being commonly referred to as Federal Emergency Management Agency requirements). The Board of Trustees hereby finds that amendments to such maximum height regulations are necessary in order to adequately control the height of one-family dwellings and adequately balance the rights and interests of property owners, the neighborhood and the community under such circumstances. The Village Planning Commission (hereinafter referred to as the Planning Commission) is in the process of performing planning work with respect to studying the foregoing and then recommending changes to such existing maximum height regulations. The purpose of this local law is to establish a moratorium with respect to issuance of building permits and other approvals for one-family dwellings which exceed certain height limitations pending an opportunity for the Planning Commission to complete said planning work and for the Board of Trustees to consider said planning work.

(b) It is the purpose of this local law to temporarily suspend the authority of the Building Inspector to issue building permits under Chapter 116 of the Village Code for construction projects involving a proposed one-family dwelling which exceeds the maximum height limitation hereinafter set forth. It is the purpose of this local law to temporarily suspend the authority of the Board of Architectural Review and Historic Preservation (hereinafter referred to as the BARHP) to grant architectural review approvals under Chapter 116 of the Village Code and certificates of appropriateness under Chapter 65 of the Village Code for construction projects involving a proposed one-family dwelling which exceeds the maximum height limitation hereinafter set forth. It is the purpose of this local law to temporarily suspend the authority of the BARHP to schedule or hold public hearings under Chapter 116 and Chapter 65 of the Village Code for such construction projects. It is the purpose of this local law to temporarily supersede any provision of law inconsistent herewith, including any inconsistent provisions of §§65-6C and 116-32E of the Village Code.

Section 2. The period of this moratorium shall commence on the effective date of this local law, shall continue for a period of six months from and after the effective date of

this local law, and shall expire on the date six months after the effective date of this local law.

Section 3. During the period of this moratorium, no building permit shall be issued for construction, reconstruction, alteration or enlargement of a one-family dwelling if the proposed one-family dwelling exceeds (does not conform with) the maximum height limitation set forth in Section 7 of this local law.

Section 4. During the period of this moratorium, no architectural review approval shall be granted by the BARHP for construction, reconstruction, alteration or enlargement of a one-family dwelling if the proposed one-family dwelling exceeds (does not conform with) the maximum height limitation set forth in Section 7 of this local law.

Section 5. During the period of this moratorium, no certificate of appropriateness shall be granted by the BARHP for construction, reconstruction, alteration or enlargement of a one-family dwelling if the proposed one-family dwelling exceeds (does not conform with) the maximum height limitation set forth in Section 7 of this local law.

Section 6. During the period of this moratorium, the BARHP shall not schedule or hold a public hearing on an application for architectural review approval and/or a certificate of appropriateness with respect to construction, reconstruction, alteration or enlargement of a one-family dwelling if the proposed one-family dwelling exceeds (does not conform with) the maximum height limitation set forth in Section 7 of this local law.

Section 7. Maximum Height Limitation.

(a) For the purpose of this moratorium, except as otherwise provided in subsection (b) below, the height of a one-family dwelling shall not exceed 35 feet measured from the average elevation of the natural grade along the front of the dwelling.

(b) For the purpose of this moratorium, the height of a one-family dwelling with a roof pitch flatter than 7/12 (i.e., seven inches of rise for every twelve inches of run) shall not exceed 27 feet measured from the average elevation of the natural grade along the front of the dwelling.

Section 8. Exemptions.

The Board of Trustees may grant an exemption from this moratorium in accordance with the following provisions.

(a) Procedural requirements. The following procedural requirements shall be prerequisite to the grant of an exemption by the Board of Trustees:

(i) The owner of the lot shall have filed with the Board of Trustees ten copies of a written application specifically requesting an exemption from

this moratorium, together with ten copies of a survey and plans for the proposed project; and

(ii) The Board of Trustees shall have held a public hearing on the application upon at least ten days prior public notice published in the official newspaper.

(iii) The owner of the lot shall have mailed, at least ten days prior to the public hearing, written notice of the date, time and place of the public hearing, by certified mail, return receipt requested, to all the property owners within 200 feet of all boundaries of the lot as shown on the latest Village assessment roll.

(b) Substantive requirements. No exemption shall be granted unless the Board of Trustees shall specifically find and determine, and shall set forth in its resolution granting such exemption, that:

(i) Failure to grant an exemption will cause the applicant undue hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the grant of the exemption; and

(ii) Grant of the exemption will clearly have no adverse effect upon any of the Village's goals or objectives in adopting this moratorium; and

(iii) The proposed project for which the applicant seeks an exemption is in harmony with the existing character of the Village as a whole and the area of the Village in which the lot is located, and is consistent with any interim data, recommendations or conclusions which may be drawn from the planning work then in progress or under review.

(c) Discretionary provisions. The Board of Trustees may request and obtain written comments from the BARHP and/or the Planning Commission to assist the Board of Trustees in considering and determining whether the substantive requirements for an exemption are met.

Section 9. Pursuant to 6 NYCRR §617.5(c)(30), adoption of this moratorium is exempt from environmental review under SEQRA.

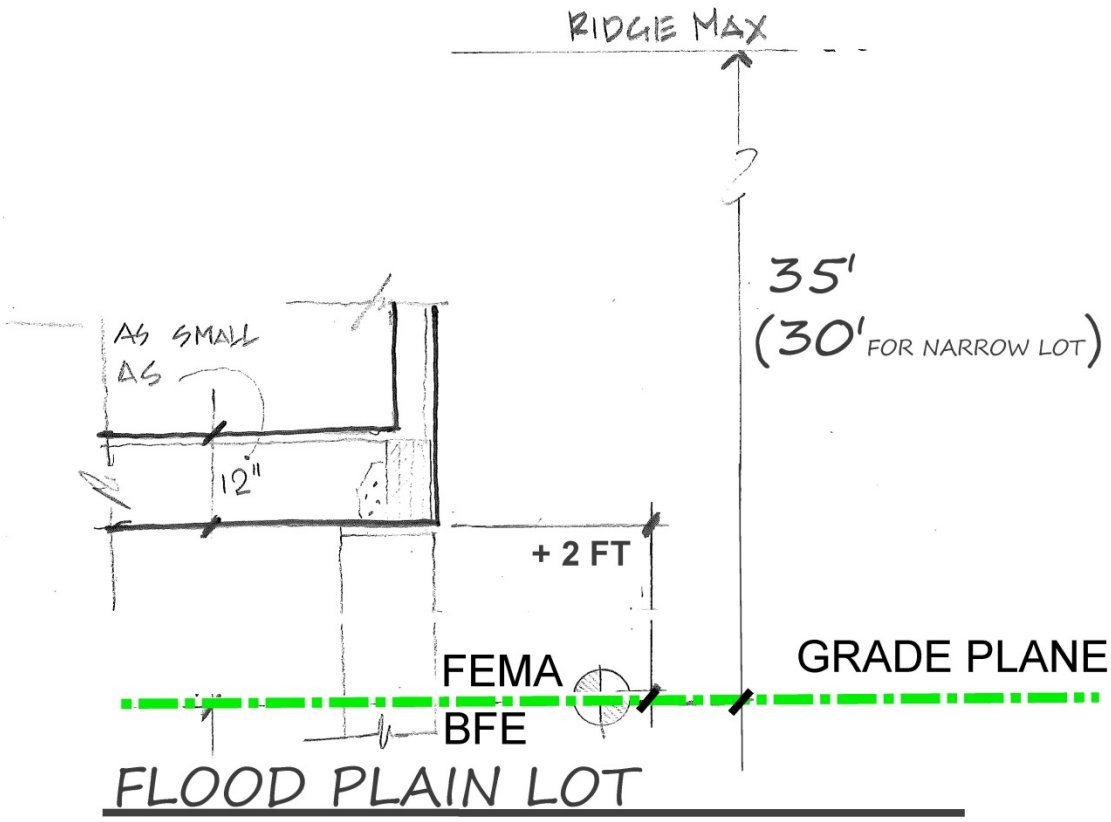
Section 10. Should any part or provision of this local law be determined by a court to be unconstitutional or invalid, such determination shall not affect the validity of this local law as a whole nor any part or provision of this local law other than the part or provision so determined to be unconstitutional or invalid.

Section 11. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

APPENDIX C

EXHIBITS

EXHIBIT 1


RIDGE MAX
35'
(30' FOR NARROW LOT)
AS SMALL
AS
12"
+ 2 FT
FEMA
BFE
GRADE PLANE
FLOOD PLAIN LOT

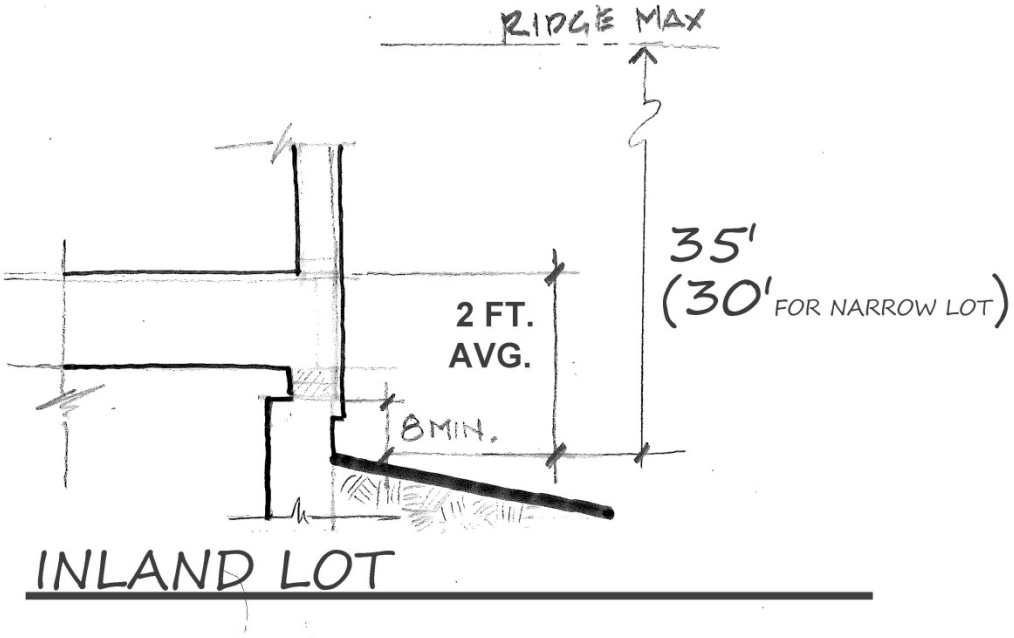

RIDGE MAX
35'
(30' FOR NARROW LOT)
2 FT.
AVG.
8 MIN.
INLAND LOT

EXHIBIT 2

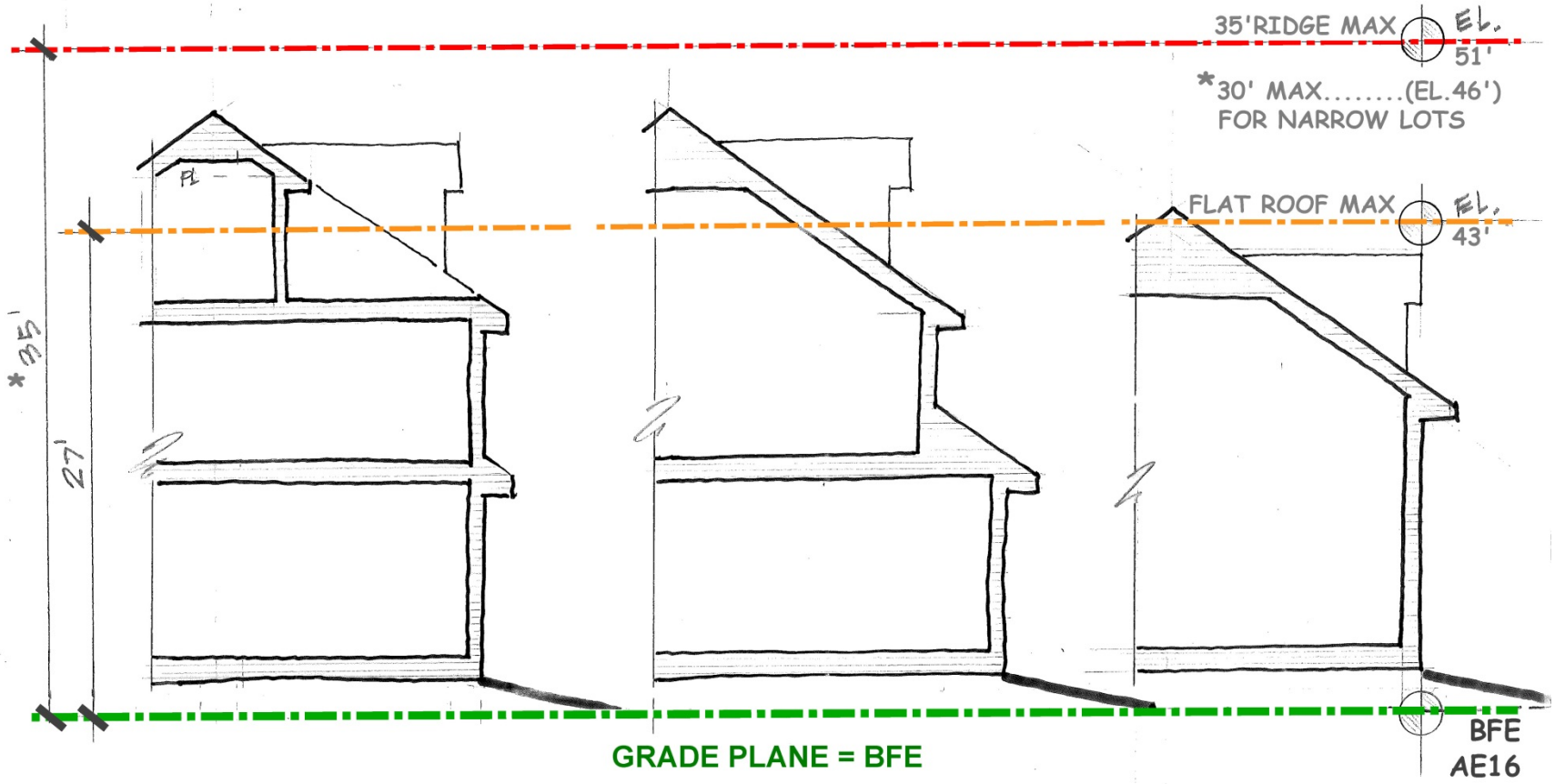

35'RIDGE MAX
EL. 51'
*30' MAX.....(EL.46')
FOR NARROW LOTS
FLAT ROOF MAX
EL. 43'
*35'
27'
GRADE PLANE = BFE
BFE
AE16

EXHIBIT 3

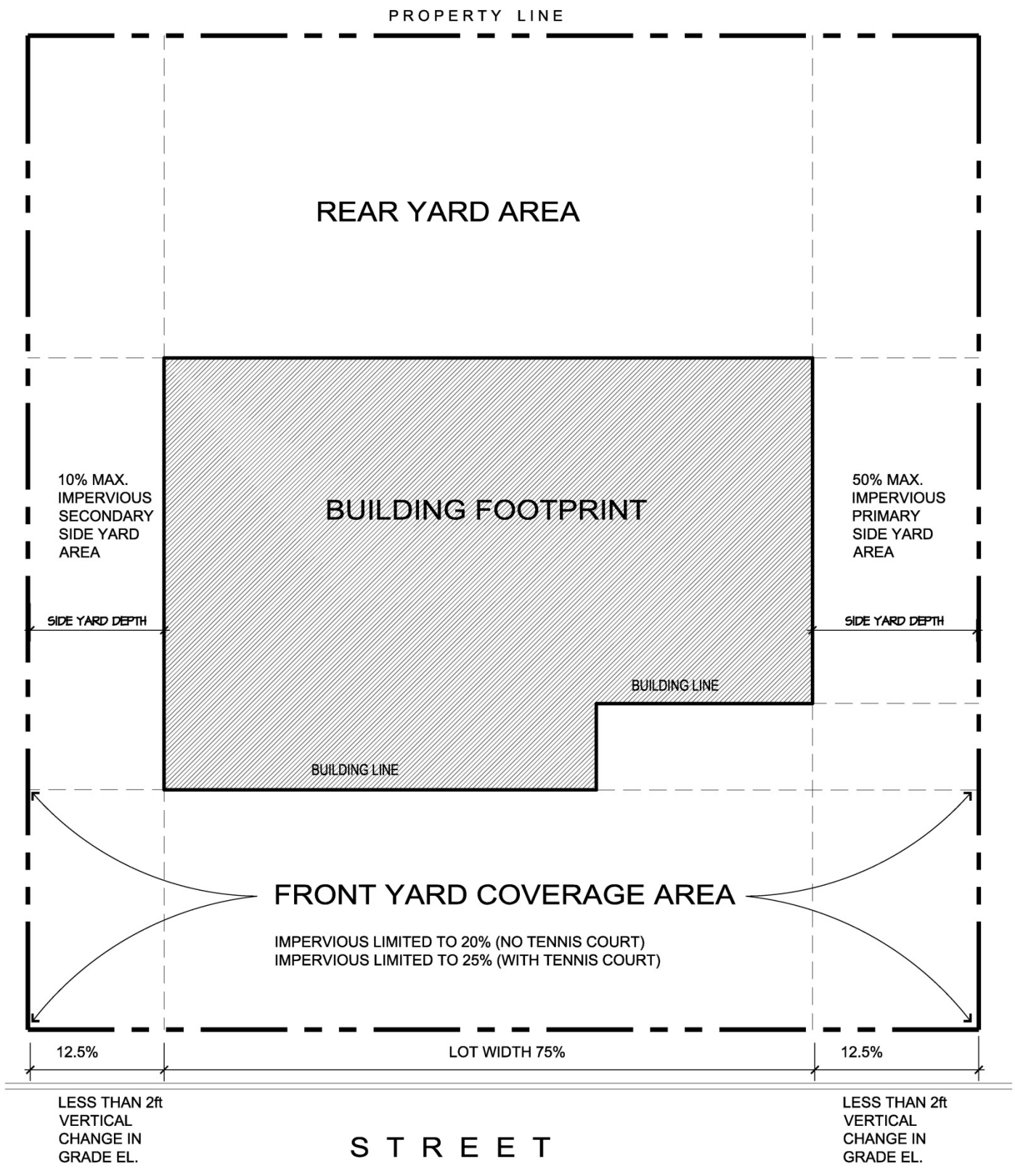
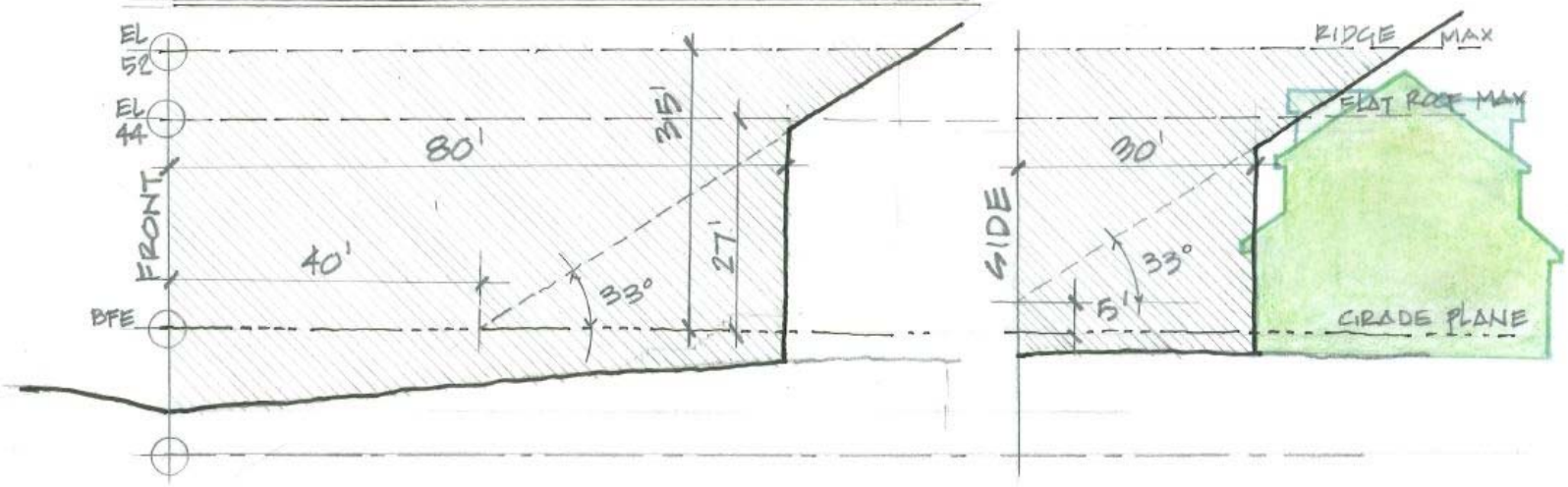

PROPERTY LINE
REAR YARD AREA
10% MAX. IMPERVIOUS SECONDARY SIDE YARD AREA
BUILDING FOOTPRINT
50% MAX. IMPERVIOUS PRIMARY SIDE YARD AREA
SIDE YARD DEPTH
SIDE YARD DEPTH
BUILDING LINE
BUILDING LINE
FRONT YARD COVERAGE AREA
IMPERVIOUS LIMITED TO 20% (NO TENNIS COURT)
IMPERVIOUS LIMITED TO 25% (WITH TENNIS COURT)
12.5%
LOT WIDTH 75%
12.5%
LESS THAN 2ft VERTICAL CHANGE IN GRADE EL.
STREET
LESS THAN 2ft VERTICAL CHANGE IN GRADE EL.

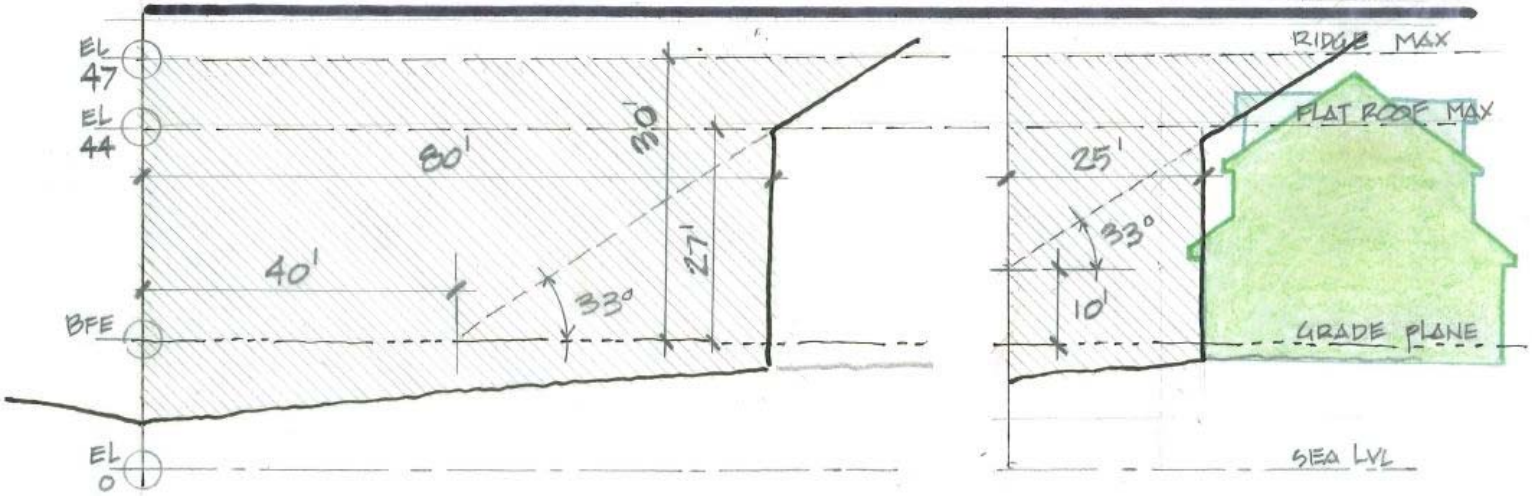
EXHIBIT 4

EXHIBIT 4

MEADOW LANE ~ 60,000 – 160,000sf



SOUTH (OCEAN) SIDE

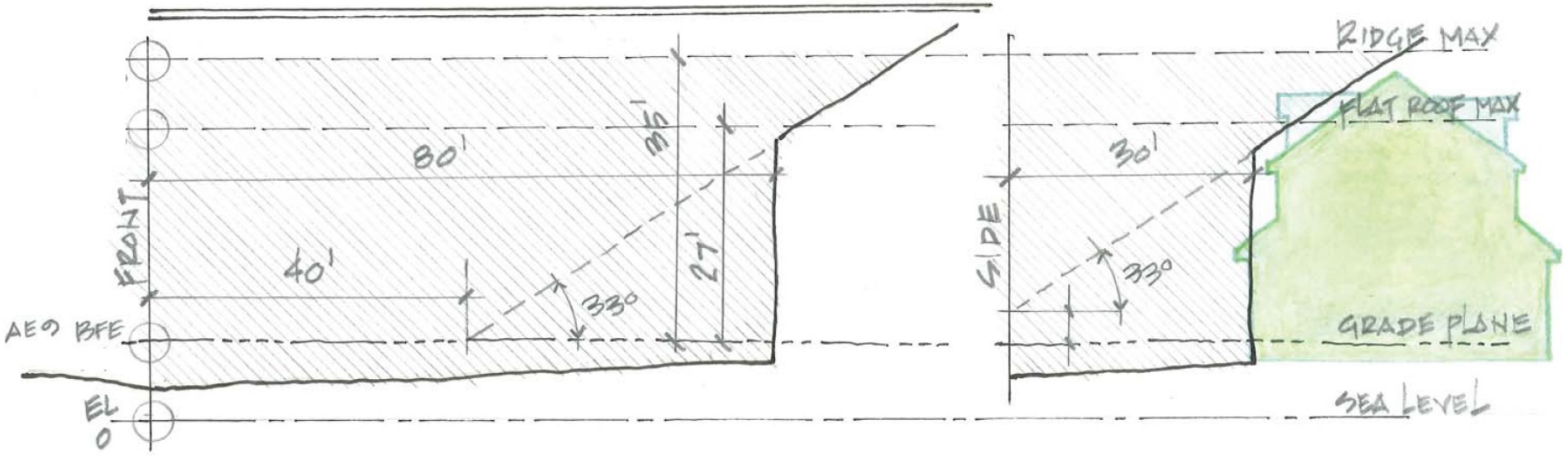


SOUTH (OCEAN) SIDE – NARROW LOT < 175ft

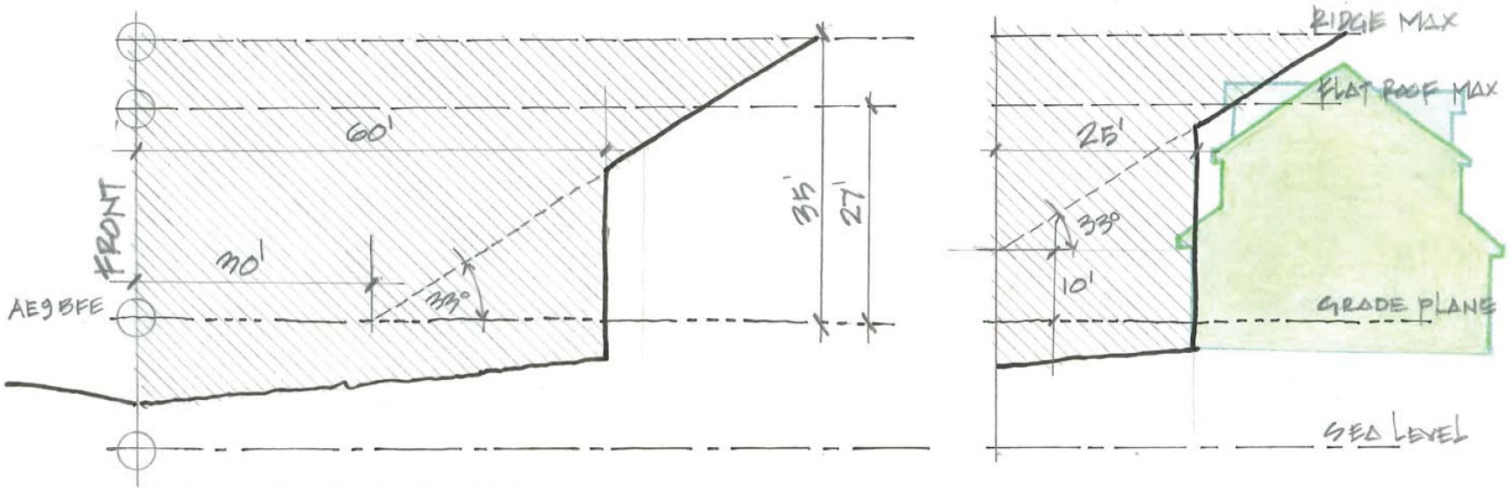
EXHIBIT 5

EXHIBIT 5

MEADOW LANE ~ 60,000 – 160,000sf



NORTH (BAY) SIDE



NORTH (BAY) SIDE – SHALLOW LOT – NARROW LOT

EXHIBIT 6

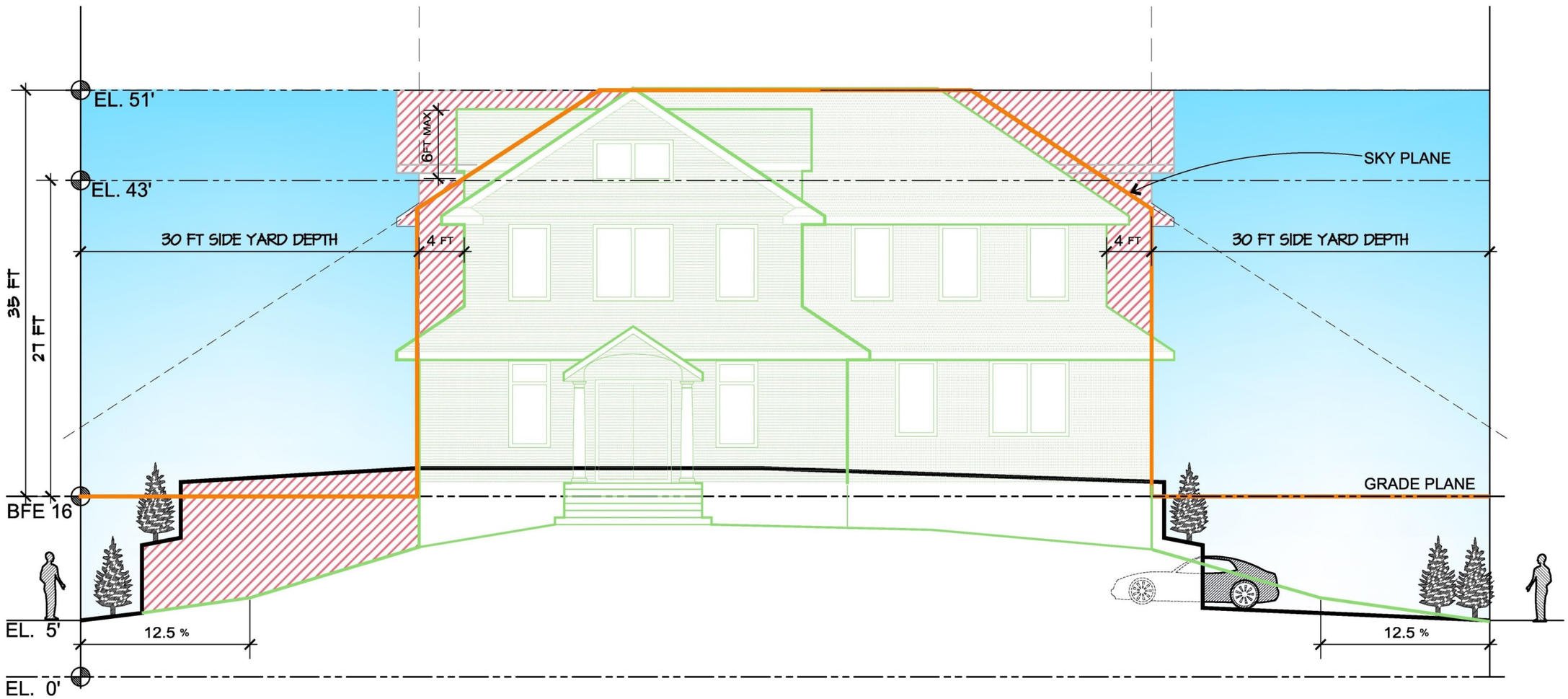


EXHIBIT 6

EXHIBIT 7

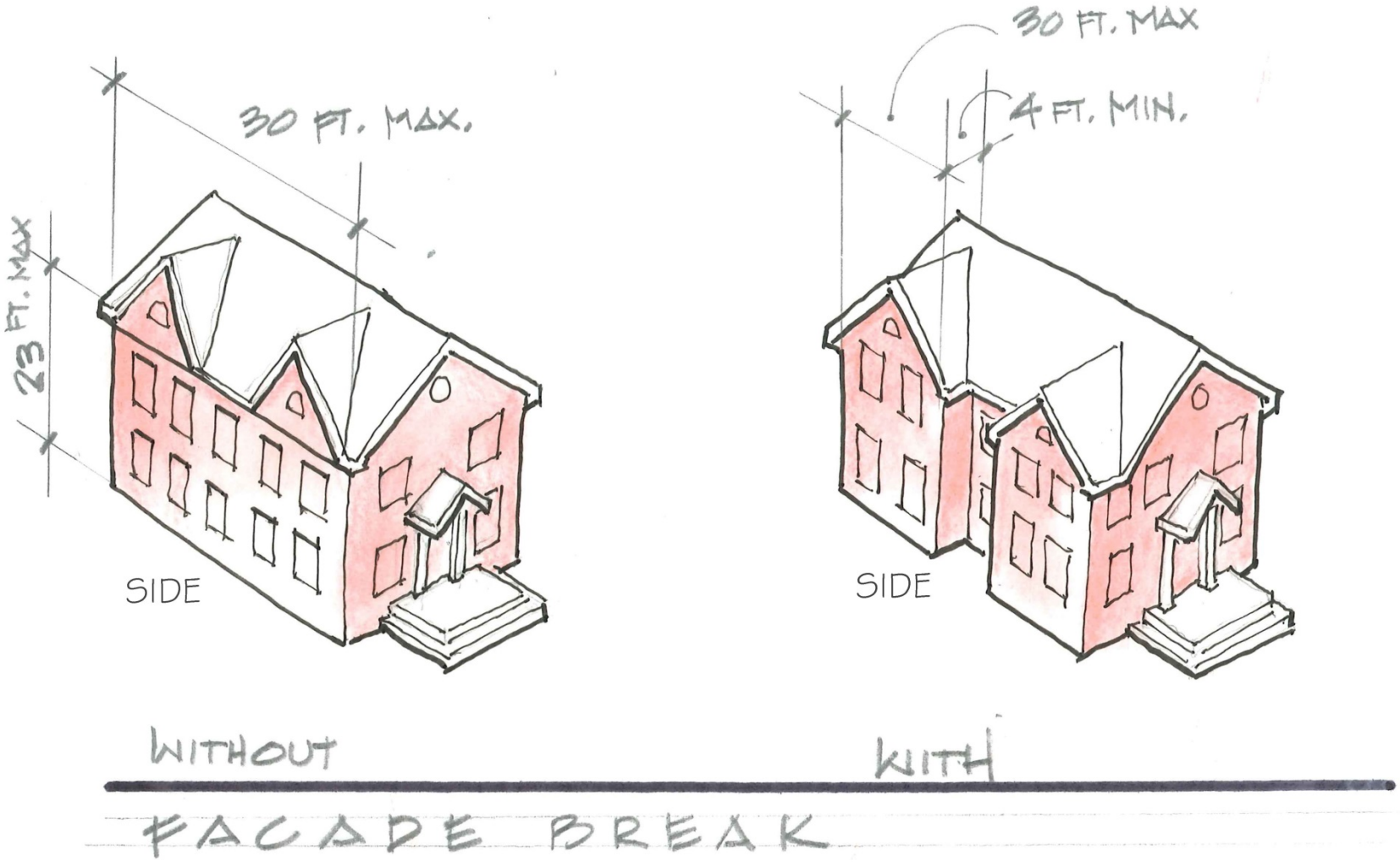


EXHIBIT 7

EXHIBIT 8

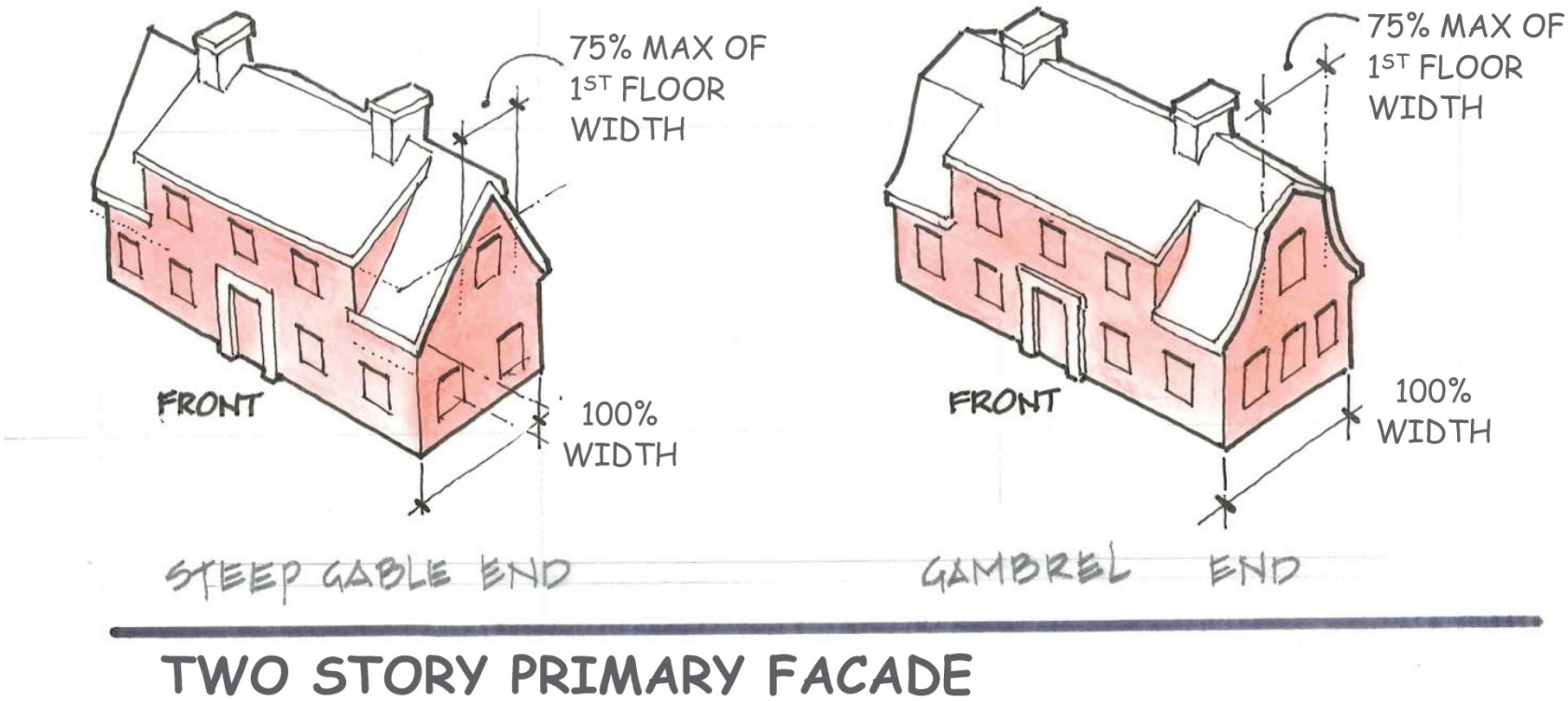


EXHIBIT 8