

### 3.6.4. SOUTHAMPTON, NY

<b>Population Density</b>	190/ sq. mi.
<b>Form of Government</b>	Town
<b>Category</b>	Ocean and Bayfront Resort
<b>CRS Rating</b>	8

Median Household Income	Median Per Capita Income	% Owner Occ	Population	2000-2010 Pop Growth Rate	% White	% Hispanic	% Minority	% Seasonal Housing
71193	37338	36.8	56790	0.37	84.2	20%	27.5%	41.7

Adaptations	Status	Incorp orates CC	Type	Impact	Standard Costs	Funding Source
Coastal Erosion Districts	Implemented	No	Protection	Permissive	Unique	NA
Coastal Erosion Hazard Law	Implemented	No	Prevention/Retreat	Mandatory	Above Required	NA
Community Preservation Fund (2% Real Estate Transfer Tax) for land conservation	Implemented	No	Prevention	Recommendation	Unique	NA
Comprehensive Plan - Goal to adopt policy of strategic retreat	Completed	Yes	Procedural	Recommendation	Unique	NA
Transfer of Development Rights Program	Implemented	No	Prevention	Permissive	Unique	NA
Vegetation Preservation Ordinance	Implemented	Yes	Prevention	Mandatory	Unique	NA

### CONTACTS

Lizabeth Plouff  
 Sustainability Coordinator - Office of Energy and Sustainability

[lpouff@southamptontownny.gov](mailto:lpouff@southamptontownny.gov)

631-702-1753

Kyle Collins

Town Planning and Development Administrator

[kcollins@southamptonny.gov](mailto:kcollins@southamptonny.gov)

631-702-1800

Southampton Town Hall

116 Hampton Rd., Southampton, NY 11968

### POPULATION AND GEOGRAPHY

The Town of Southampton is located just west of East Hampton on Long Island's South Fork. The town is surrounded by the Gardiner's Bay on the north, the town of Brookhaven on the west, and the Atlantic Ocean on its south. Renowned for its miles of white sand beaches and as the tony resort area for wealthy New Yorkers, it is not surprising that a large percentage of its housing stock is seasonal (41%).

The town is known as the summer playground of the rich and famous, many of whom own second homes in the town. The summer population is nearly three times the year-round population, with the second-home population comprising the largest component of Southampton's summer tourism. (Southampton, N.Y., 1999, Comprehensive Plan). Its year-round population of 22,000 people have a modest median per-capita income of about \$37,338. The town also has a number of neighborhoods dominated by Latino immigrants, with 20% of its year-round population identifying as Hispanic.

As the community Preservation Plan describes,

Southampton is endowed with many natural blessings; a countrified area with abundant forests, wetlands, farmlands and historic hamlets bordered by beautiful sandy beaches, a magnificent ocean and sparkling bays. The Town also enjoys clean air, clean water, plentiful fisheries and a wealth of open space. These, in addition to its rich maritime, native American and colonial heritage, as well as its warm and entrepreneurial people, place Southampton as one of the top places to live and visit in the world. (Southampton, N.Y., 2010, Community Preservation Project Plan Report, p.44)

With nearly 658 miles of coastal shoreline, the town's identity and economy is dominated by the waters that surround it. Although Southampton developed historically as an agricultural community, that has largely been supplanted by residential uses. Today, agricultural land embodies only 8 percent of the total acreage in town and represents less than 2 percent of individually owned properties within the town. Maritime-based industries, including commercial and sport fishing, have declined in economic importance, but still contribute enormously to the sense of place and has multiplier effects in the tourist economy.

Long Island's South Fork retains much of the landscape character the glaciers left behind when they retreated. More than in the rest of the south shore of Long Island, which is largely dominated by outwash plain, the forks are dominated by the character of the moraine ridges. This creates some significant variation in elevation and a diversity of biotic zones. One of the most significant natural features of the town is the domination of the pine barrens on its western half. The area has been the subject of years of preservation policies and is the site of the first and most successful Transfer of Development Rights program in New York State.

A large majority of the town's immediate ocean coastline is dominated by a natural dune line. About half of the town's shoreline is in public ownership. (Southampton, N.Y., 2001, DGEIS) The Westhampton shore of the town is the most heavily developed and has experienced the most significant alteration of the coastal environment. This necessitated installation of a groin field and beach nourishment projects. In the majority of the town, however, structures rarely crowd the primary dune and the town's setback laws ensure no new development occurs close to the dune. As of a 2001 report, its 14 miles of oceanfront had about 270 private parcels, the majority in residential use, along the Atlantic shoreline. Although the town sees this fragmentation as a liability, it is minor compared to most of its East Coast peers.

### COASTAL ISSUES

Southampton is exposed to numerous coastal hazards, which motivated an extensive regulatory scheme along its 658 miles of coastline and 14 miles of Atlantic Ocean shorefront comprising barrier islands, headlands, sandspits, and inlets. As is the case on the rest of the northeast coast, tropical storms and extratropical nor'easters, which occur about every two or three years, can have a major impact on the town. Particular locations in town, including the Bridgehampton area and parts of Hampton Bays, have recently been subject to appreciable impacts from erosion.

As the comprehensive plan explains: "In the early 1990s, severe storm activity combined with natural coastal geologic processes to cause extensive flooding and erosion of Southampton's south coast. This caused significant damage to oceanfront property, municipal infrastructure, commercial fishing docks, and recreational beaches" (Comprehensive Plan, p.31) The preamble to the town's Tidal Floodplain Overlay district also explains the hazard mitigation rationale behind that law: "[T]he recorded history of Atlantic coastal storms and hurricanes establishes the fact that flooding of the ocean beach and uplands along the bays can be anticipated with consequent danger to life and health as well as property damage and other related hazards ..." (Southampton, N.Y., Town Code § 330-42)

In many of its laws, plans, and reports the town repeatedly emphasizes its multifaceted goals to protect its shoreline. Southampton's concern is not only about erosion and flooding hazards, but also about protection of natural and scenic resources. These concerns jointly have motivated the town to pass and enforce a comprehensive regulatory program to ensure its resiliency, environmental quality, and aesthetic beauty.

## ADAPTATIONS

### **Coastal Erosion Hazard Law (Town Code, §138-2) and Coastal Erosion Hazard Adjacent Areas (§330-42)**

Under New York State law, towns may adopt an ordinance to implement the state's Coastal Erosion Hazard Area program. The law vests power in the State DEC, and therefore ensures uniformity of statewide law, but also allows for flexibility if a local government, such as Southampton, is a willing partner. The law sets a minimum standard but also allows for local implementation.

Southampton used its authority under the law to adopt regulations banning shoreline armoring measures. *The New York Times* called it a “nearly total prohibition on shoreline armoring, a landmark step that would formally change longstanding policies of coastal management and property rights...” (Clavin 2003) *The Times* billed the ordinance as “part of a larger scheme for a measured and orderly retreat from the coast...” Steve Kenny, the councilman who introduced the law, was quoted as saying: “[W]e are going to get homes as far back from the dunes and oceanfront as possible.”

Art. 1, Sec. 138-2 of the town code is known as the “Town of Southampton Coastal Erosion Hazard Area Law” (Southampton, N.Y. Town Code) The enumerated purposes of the law include establishing standards for minimizing and preventing damage to structures from coastal flooding and erosion, to protect native vegetation; to “regulate land use and development activities so as to minimize or prevent damage or destruction to man-made property; to preserve access and use of the beaches,” protect human life, regulate new construction to ensure buildings are safe from the impact of coastal storms; to ensure natural resources and natural processes are maintained; to restrict public investment in “facilities or activities which are likely to encourage new permanent development in erosion hazard areas;” (Town Code, §138-3(D)) and to eliminate the construction and the replacement of existing erosion protection structures.” (Town Code, §138-3(E)). Existing armoring is allowed to remain as a non-conforming use but, if destroyed in a storm or other event, cannot be rebuilt.

The town's enforcement of these laws has led to disputes, but ultimately homeowners who have been denied the right to construct shoreline armoring have taken other measures. For instance, one area of town that has experienced significant erosion saw a large number of permit applications for bulkheads or similar shoreline protection structures. The town consistently required evaluation of alternatives and denied structure permits. As a result, some homeowners moved their homes back and elevated them out of the flood zone. (Southampton, N.Y., DGEIS 2001 p. S-3)

The Town Board recently passed amendments to Chapter 330 of the town code, called the Coastal Erosion Hazard Adjacent Areas. The resolution passed by the Town Board includes the following language: “Indeed, the Town Board remains committed to establishing, regulating, and implementing standards and procedures for minimizing and preventing damage to man-made property and structures from coastal flooding and, of equal importance, preserving public access and the use of the beaches, as well as protecting natural protective features and other natural resources.”

The Adjacent Areas legislation is intended to establish standards for minimizing and preventing damage from coastal flooding and erosion as well as to protect natural features and native vegetation. In addition, it is intended to “restrict public investment in services, facilities or activities which are likely to encourage new permanent development” in such zones, as well as to “eliminate the construction of new and the replacement of existing erosion protection structures in coastal adjacent areas...” (Town Code § 330-42 (E))



**Figure 3.6.4:1 - Beachfront in Southampton evidencing coastal setbacks and natural dune preservation**

The section generally applies to lands immediately adjacent to the ocean coastline up to one street inland from the ocean, which expands the definition of the coastal erosion hazard area that is provided under state law. “Coastal erosion hazard adjacent” permits are required for any construction within the area, and permits shall only issue upon a determination by the Administrator that the action is reasonable and necessary, considering alternatives and the extent to which the activity (A) requires a shoreline location, (B) does not cause an increase in erosion, and (C) “prevents or minimizes adverse effects on natural protective features and their functions and protective values...natural resources...[and] significant fish and wildlife habitats” (Town Code, §330-46(A)).

Within the “adjacent area,” buildings are required to be set back as far from the ocean as possible, and no less than 125 feet inland from the crest of ocean dunes. The justification for this is explicated in the law, and reads “Siting a building farther landward than required by the minimum setbacks, and designing a building so it can be easily relocated, minimizes the risk of storm damage, as it allows for the natural episodic cycle of dune building and storm erosion to occur without jeopardizing the building itself. Siting a building as far landward as possible also provides for greater protection for natural protective features, including beaches, bluffs, and dunes” (Town Code, §330-46.2(B)(1)).

The code provides for a reduction in the required front yard setback up to 30 feet to allow structures to be placed further from the primary dune. The code also provides for a type of Transfer of Development Rights often referred to as a “zoning lot merger.” It allows for a doubling of maximum coverage on an existing non-conforming single family residence when the owner of an oceanfront lot purchases and permanently prohibits, through conservation easement or transfer to the town, all development on an adjacent vacant lot. (Town Code, §330-46.2(D)) Construction of new erosion protection structures and reconstruction of pre-existing structures is allowed in the adjacent area. (Town Code, §330-46.4)

**Coastal Erosion Districts**

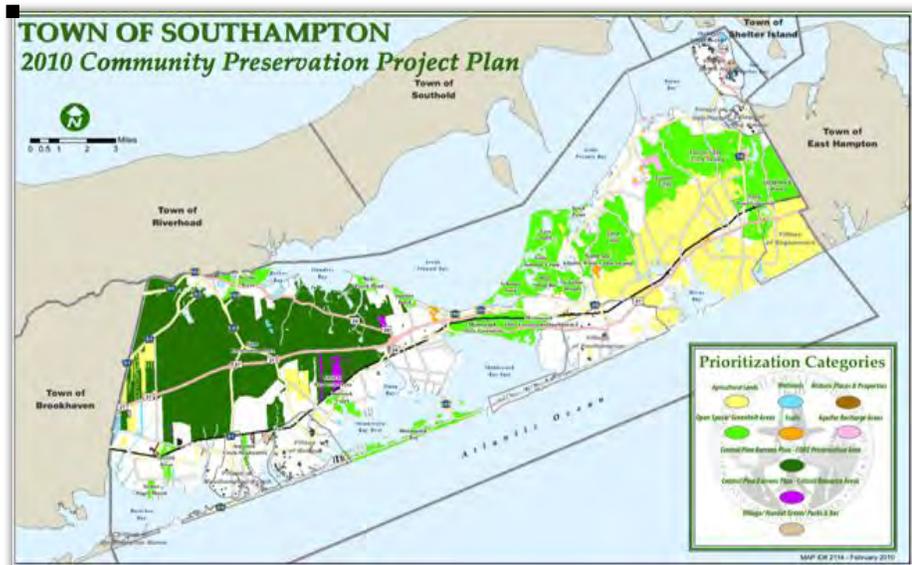
The Town of Southampton has taken the unique initiative to establish beach erosion control districts—separate taxing authorities established to fund beach and dune restoration in specific neighborhoods. Two years ago it established one such district in Sagaponack, called the Sagaponack Beach Erosion Control District. (Toy 2012). Since then, the Town Board and a consultant have prepared baseline surveys, evaluated shoreline erosion along the beach, developed alternate plans for beach restoration, and commenced the permitting process for a beach restoration project that will add more than 1 million cubic yards of sand.

The project includes the development of a comprehensive dune preservation and restoration plan as well as \$11 million in projected capital improvements. The project is billed to improve recreation by widening the beach as well as to preserve the community by preserving the existing dune line and reduce flooding risk. The project will cost over \$12 million and will be financed by town-issued bonds. The annual tax for properties that fall within 120 feet of the waterfront will be \$1,536. While not low-cost to the taxpayers, costs to the town itself are minimal. The town also maintains a second Erosion Control District in Bridgehampton, and the Tiana Beach Erosion Control District in Hampton Bays. (Scro 2010)

**Community Preservation Fund (2% transfer tax)**

In 1998, New York State passed the the Peconic Bay Region Community Preservation Act, which authorized the five towns on the east end to establish a fund to preserve sensitive lands financed by a special 2% real estate transfer tax on sales of certain property within each town. The tax is charged on developed properties costing over \$250,000 and vacant land over \$100,000. The first \$250,000 and \$150,000 respectively are exempt from the transfer tax.

Since the inception of the program, it has generated over \$384 million and has protected over 3,000 acres of land. The second project update, adopted in 2005, consisted of eight target areas for acquisition. The Pine Barrens represent the largest acreage targeted for acquisition, as well as agricultural land and land for aquifer recharge. Coastal and freshwater wetlands were also targeted in significant amount for acquisition. Many areas targeted for acquisition are related to coastal resilience, such as the high-priority Bullhead Bay—an area of tidal marshes, oak-hickory



**Figure 3.6.4:2 - Community Preservation Project Plan map depicting prioritization categories for land acquisition**

forests, and spring-fed maple and tupelo swamps. The town's strict wetlands law also complements the land acquisition strategy, which includes more than 1,000 wetland parcels that meet consideration for acquisition.

### **Comprehensive Plan - Policy of Strategic Retreat**

The town's 1999 comprehensive plan recommends the town adopt a policy of “strategic retreat in the ocean-fronting areas,” defined by the plan as a mechanism for the elevation and relocation of a structure further from the Coastal Erosion Hazard line, or public acquisition of subject properties.

### **Transfer of Development Rights**

Southampton's Transfer of Development Rights program is one of the oldest in the nation, and dates from the early 1980s. The TDR program is codified in Chapter 330, Section 330-7 of the town code. The TDR program has multiple objectives that improve the overall planning and environmental quality of the town, including farmland preservation and affordable housing goals. It is designed to support the regulatory programs of the town and especially the protection of the Pine Barrens. However, the code provides that land from which development rights are transferred must have one of a number of specific objectives, including the following:

Wetlands, as defined in the Town Code, and their immediate upland environments...be retained for their ecological benefits and held in permanent open space use, and lands found in an area designated by the Comprehensive Plan for a greenbelt park system or for an individual park, beach or public recreation area, which will be retained for such open space use. (Town Code, § 330-7 (A))

Furthermore, the code prohibits the transfer of credits into any of the environmentally sensitive zones, including the Tidal Wetlands and Ocean Beach Overlay District, unless specifically authorized by the town board under special circumstances. (Town Code, § 330-7 (D)4)). These provisions support the transfer of development rights out of flood-prone, ecologically sensitive coastal locations and only toward upland parts of town where infrastructure and existing development support growth.

### **Vegetation Preservation Ordinance**

Native vegetation in the immediate coastal zone is protected within the Coastal Erosion Hazard Area and adjacent areas. The section describes the purpose for the law as follows:

“Native vegetation is unique and extremely important to preservation of the coastline. Beach grass and other native plants protect and stabilize beaches and dunes. These maritime dune communities are sheltered on the back side by a mosaic of maritime shrubland and wetland communities, which together provide essential shelter, nesting habitat, and a rich food resource for resident and migratory wildlife, including rare, threatened or endangered species. Maintenance and enhancement of the continued ecological integrity of the beach, dune, shrubland, heathland and wetland vegetation is essential to the preservation of the essential character and natural and scenic values of the coastline” (Town Code, § 330-46.3).

The law restricts disturbance of native vegetation or natural grades by the size of the lot as well. For lots up to 15,000 sq. ft., 50% may be cleared; for lots of 15,001 to 30,000 sq. ft., 40% of the lot may be cleared; for lots of 30,001 sq. ft. to 60,000 sq. ft., 35% may be cleared; 60,001 to 90,000, 25% may be cleared; 90,001 to 140,000, 20% may be cleared; 140,001 to 200,000, 15% may be cleared, and for lots of over 200,000 sq. ft., only 10% may be cleared. (Town Code, § 330-46.3(A))

Section (E) limits site clearance to 50% for nonresidential lots. (Town Code, § 330-46.3(E)) Applications for building permits in the coastal erosion hazard or adjacent area must include revegetation and restoration measures as set forth in (G). (Town Code, § 330-46.3(G)). The code requires that applicants prepare a revegetation and restoration plan to restore native vegetation to areas temporarily cleared beyond the limits during construction.