

Town of East Hampton LWRP Monitoring Report

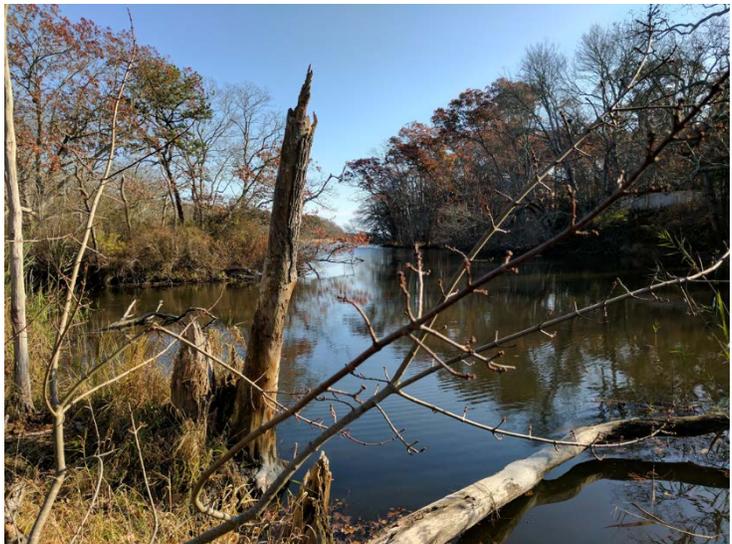
June 2017

Community Background:



The Town of East Hampton is Long Island's easternmost town on the south shore of Suffolk County, New York. It covers a total area of 70 square miles with a population of 21,457 (U.S. Census, 2010). The Town is 25 miles long with more than 70 miles of shoreline. East Hampton is located on a peninsula that varies in width from six miles to one mile wide and is bordered to the west by the Town of Southampton, to the south by the Atlantic Ocean, to the east by Block Island Sound, and to the north by the Peconic Estuary. Within the Town, there are two villages, East Hampton and a portion of Sag Harbor, and five hamlets; Montauk, Amagansett, Wainscott, East Hampton and Springs. The Town's jurisdiction extends to Gardner's Island, which has been owned by the Gardiner family and their descendants for nearly 400 years, and it is the only American real estate still intact as part of an original royal grant from the English Crown. The Town contains several large water bodies including Lake Montauk; Three Mile, Accabonac and Napeague Harbors; and Hog Creek, Georgica, Fort, Big Reed, and Oyster Ponds.

The Town has served as a summer retreat for the wealthy throughout its history and has developed into the resort community it is today with high end hotels and large second homes. About half the residential properties are owned by second homeowners; however, much of the Town's economy is based on various service, retail, and construction businesses related to the second homeownership. The Town is served by the Long Island Railroad, which provides an end of the line station stop at Montauk. Vehicular access is provided mainly by Route 27 also known as Montauk Highway. Suffolk County does provide bus service to and within the Town;



several for-profit bus companies, provide motor coach service from New York City to Montauk. A small privately owned local airport is also available, mostly for individuals with their own air transportation.

Public and recreational access within the Town's waterfront includes public oceanfront beaches (Atlantic Avenue, Indian Wells, Ditch Plains, Kirk Park, and Nick's Beach), Montauk Point County Park, and several State parks – Hither Hills, Montauk Point, Camp Hero, Shadmoor, and Napeague. There are also numerous, smaller Town owned beaches scattered along the northern shoreline of the Town (Sammy's Beach, Gerard and Louse Point, Fresh Pond, Albert's Landing, Gin Beach, Navy Road, etc).



Collaborations with Department of State:

The Town of East Hampton completed their initial LWRP in 1999. Since that time the Department of State (DOS) has provided \$891,297 in Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) monies for the implementation of six projects to advance the LWRP.

In 2004, the Town completed a Scenic Area of Statewide Significance (SASS) designation for the following areas: Montauk Point, Lake Montauk, Hither Hills, Napeague Harbor, Accabonac Harbor, Gardiners Island, Three Mile Harbor, the Northwest, and East Hampton. The SASS designations were approved by the DOS in 2010.



In 2013, the Town completed a Watershed Management Plan for Lake Montauk and its tributaries. Mapping and analysis of environmental conditions as well as point and nonpoint source inputs informed the Plan which included recommendations in the following categories: the waterbody itself, stormwater runoff, municipal facilities, groundwater and wastewater, stewardship and education, natural resources and invasive species, and regulatory actions.

In another DOS funded project, the Town undertook the restoration of Hard Clams and American Oysters in the State-designated Significant Coastal Fish and Wildlife Habitats of Three Mile Harbor and Napeague Harbor. 1,417,038 oysters and 3,608,179 clams were seeded into Three Mile, Napeague, and Accabonac Harbors over the course of 2011; and 2,358,817 oysters and 10,449,473 clams were seeded to Three Mile, Napeague, and Accabonac Harbors in 2012.

In 2012, the Town began planning for stormwater abatement projects within the Accabonac Harbor, a Clean Water Action Section 303(d) listed impaired waterbody. In 2016, a permeable reactive barrier was placed along



a tributary to the harbor to intercept nitrogen pollution from nearby septic systems. A combination of bioretention swales and rain gardens were installed and planted with native vegetation to stabilize the soil and slow down stormwater runoff to encourage seepage into groundwater and limit erosion.

In 2013, the Town began the design and construction of improvements to two public docks on Lake Montauk that support the local commercial fishing fleet and promotes tourism. The project was completed in 2016.

Currently, the Town is in the process of conducting a Coastal Assessment and Resiliency Plan that examines erosion risks, storm vulnerability, and expected degree of natural recovery. A beach nourishment and dune restoration project at Ditch Plains Public Beach was also a part of this project and has been completed.

LWRP Monitoring Process:

The goal of the monitoring process is for the DOS Office of Planning and Development (OPD) to assess a community's consistency with its LWRP and to understand implementation activities and decision-making procedures related to the LWRP. Additionally, this process provides a forum for the community to highlight successes and request technical and financial assistance for program implementation.

The DOS began the LWRP monitoring process for the Town of East Hampton by sending a letter, which described the process and a list of survey questions. A meeting to discuss the survey questions and a reconnaissance visit was held November 4, 2016 with Chief Environmental Analyst Brian Frank as well as an independent investigation. The DOS planning and consistency review staff were provided with a first-hand opportunity to see the stormwater retrofit and permeable reactive barrier installed at Pussy's Pond as well as the dune restoration project.

Office of Planning and Development Findings:

Overview

Town officials are aware of the existence of the LWRP and many of its recommendations and policies. Many residents are familiar with the recommendations of the LWRP and its use in project review and permit conditions. Private consultants occasionally adopt opinions contrary to the Planning Department. There is a Waterfront Advisory Committee (WAC) that meets at least annually to review the Town Supervisor's annual progress report and advise the Town Board on LWRP implementation, policy, project and budget priorities, and

amendments. The WAC is available to perform other functions in regards to the coastal area as the Supervisor or Town Board may assign. The LWRP contributed to the passage of a Town Code (Section 255-4-15) which articulates the importance and benefits of wetlands, dunes, beaches, and bluffs and increases the permitting thresholds regarding erosion control emergency activities that may be undertaken to minimize damage from flooding and erosion (Town Code section 255-4-29). The LWRP has also had a positive influence in leveraging parameters of the Montauk Inlet Feasibility Study but a final plan has not yet been developed. The Town has not effectively used its consistency review requirements (incorporated into the Town Code as Chapter 150) and has made it an LWRP improvement priority.



The Town's Comprehensive Management Plan update was completed in 2005 and precipitated rezoning in a number of districts including areas within the waterfront boundary, see Tables 25-29 at: <http://ny-easthamptontown.civicplus.com/381/Town-of-East-Hampton-Comprehensive-Plan>, or the current zoning map at: <http://hamptonny.gov/427/Zoning-Maps>. Additionally, in 2011 the Town adopted revised setback regulations [Town Code § 255-4-40(C)] for a stretch of oceanfront shoreline on the south side of Old Montauk Highway between the eastern boundary of Hither Hills State Park (SCTM No. 0300-086.00-02.00-005.000) and the western boundary of the reservation property of the Montauk Beach Property Owners' Association, Inc. (SCTM No. 0300-067.00-04.00-034.000). The Town has fairly strong protections of its scenic and natural resources incorporated in the Zoning Code and the Scenic Areas of Statewide Significance (SASS) Report.



Conflicts periodically arise in the development or re-development of waterfront properties when the scale of the development is perceived as exceeding the environmental sensitivity of the property as identified by the Town Planning Department. Conflicts have also arisen when new coastal erosion structures have been proposed on properties where hard structures are prohibited and when the structure has failed to meet the permitting standards as identified by the local permitting agencies (Zoning Board of Appeals and/or Town Trustees). Conflicts also arise between

waterfront uses such as fishing, swimming, industrial uses, boating, and jet skis. Conflicts have arisen between waterfront property owners and the use of the beach by off road/four wheel drive vehicles.

There is increased demand for public access and recreational opportunities throughout the waterfront area.

LWRP Implementation:

The implementation of East Hampton LWRP was inconsistent for a number of years due to an administration that did not make it a priority. The current administration is very much in favor of moving the implementation along and has requested obtaining a better understanding of the range of services and expertise that DOS can currently offer to a coastal resort community. The Town realizes that the LWRP could use some updating to reflect the changes to zoning in the waterfront area, address the use conflicts that are occurring, as well as to incorporate the SASS into the LWRP. Integration of better maps and graphics, not digitally available when the LWRP was drafted, would help improve the readability and implementation.

East Hampton has advanced a number of additional projects identified in the LWRP under various funding sources other than DOS. These projects include:

- Acquiring 177 properties comprising 792 acres of open space within the LWRP boundary since the adoption of the Community Preservation Fund in 1998;
- Green Infrastructure demonstration projects at Three Mile Harbor;
- Analysis of the Town's shoreline, erosion control structures, sediment budgets, and shoreline change that will be used for coastal resiliency planning;
- Capping and reclamation of the Montauk Landfill;
- Establishment of Camp Hero State Park;
- Eelgrass restoration in various embayments;
- Acquisition and restoration of properties within the flood prone areas of Bayview and Mulford Avenues in Amagansett;
- Twenty year conservation and management plan/agreement for the protection of 3,300 acres of natural and historic resources on Gardiner's Island;
- Implemented a modified mowing program for management of the indigenous wildflower populations located along local roads;
- Capping and reclamation of the Montauk Landfill;
- Invasive species control in Georgica, Hook, and Fort Ponds, Accabonac Harbor, and Ditch Plains;
- Alewife restoration project in Lake Montauk; and,
- Establishment of four Historic Districts in: Springs (47 properties), Montauk (22 properties), and Amagansett (117 properties); and designation of seven Historic Landmarks within the Town.



LWRP Document Accessibility:

The Town of East Hampton LWRP is accessible on the Town’s website: <http://ehamptonny.gov/380/local-waterfront-revitalization-plans> as well as on the DOS website at: <http://docs.dos.ny.gov/opd-lwrp/LWRP/East%20Hampton T/Original/LWRP/CompleteLWRP.pd>. Hard copies of the LWRP were distributed to Town Departments and other agencies including the New York State Department of Environmental Conservation, Suffolk County Department of Health Services, and local libraries.

Local Consistency Review:

The Town Board adopted the local LWRP Consistency Review Law on 7/14/2005. In 2008, the Planning Department and Town Attorney’s office worked closely with DOS towards the development of a new Coastal Assessment Form (CAF) tailored to the Town’s needs and the development of a consistency process. DOS staff had a visit planned for late 2008 to discuss the LWRP and the consistency process with Town officials, but was cancelled for budgetary reasons. The adoption of a CAF and the implementation of a consistency process was suspended from 2009 to 2013. Adoption of the CAF and implementation of the consistency process was recently resurrected. The Town is now in the process of formalizing a uniform consistency process among all departments. The DOS provided training for the Town on consistency rules, processes, and issues in November of 2016. It was decided that DOS planning and consistency review staff will return and present the information directly to the entire Town Board in the first half of 2017.

Grants Awarded			
Title 11 Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP)			
Town of East Hampton			
Year	Amount of Grant	Project Description	Status
2014	\$250,000	<u>Town of East Hampton Coastal Erosion Assessment and Resiliency Plan</u> : The Town is completing a Coastal Assessment and Resiliency Plan that examines erosion risks, storm vulnerability, and expected	Open

Grants Awarded			
Title 11 Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP)			
Town of East Hampton			
Year	Amount of Grant	Project Description	Status
		degree of natural recovery. The project will also implement a beach nourishment and dune restoration project at the 'Ditch Plains' public beach.	
2013	\$253,641	<u>Town of East Hampton Commercial Fishing Docks Infrastructure Project</u> : The Town designed and constructed improvements to two existing docks - Star Island Road Dock and West Lake Drive Dock located on Lake Montauk. This project supports the Montauk Commercial Fishing Fleet and promotes tourism.	Closed
2012	\$150,000	<u>Accabonac Harbor Storm Water Remediation</u> : The Town will acquire materials to implement stormwater abatement projects in Accabonac Harbor, a waterbody on the New York State 303(d) impaired waterbodies list.	Open
2009	\$132,656	<u>Hard Clam/American Oyster Enhancement/Restoration in Three Mile, Napeague and Accabonac Harbors</u> : The Town undertook restoration of Hard Clams and American Oysters in the State-designated Significant Coastal Fish and Wildlife Habitats of Three Mile Harbor and Napeague Harbor. The Town's aquaculture personnel seeded and deployed 1,000,000 oysters and 750,000 clams to each harbor over the course of two years. Seed plantings are expected to result in increased harvestable product for town residents while adding to dwindling clam and oyster stocks, enhancing reproductive potential and immediately augmenting bio-filtration capacity in these harbors.	Closed
2006	\$75,000	<u>Watershed Management Planning for Lake Montauk</u> : The Town developed a watershed management plan for the approximately 1,000-acre Lake Montauk and its tributaries. The plan with management recommendations was based on field work designed for identification, mapping and analysis of environmental conditions, and point and nonpoint source inputs.	Closed
2004	\$30,000	<u>Public Outreach and Final Report for East Hampton SASS</u> : The Town completed the designation process for a Scenic Area of Statewide Significance (SASS) within the Town, including organizing and	Closed

Grants Awarded			
Title 11 Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP)			
Town of East Hampton			
Year	Amount of Grant	Project Description	Status
		conducting a public hearing, revising proposed boundaries, and preparing a final report.	
1998	\$50,000	<u>GIS Development</u> : The Town created an integrated GIS system for the Town Planning and Natural Resource Departments to implement and augment its LWRP.	Closed
1998	\$40,000	<u>Scenic Resource Inventory and Analysis</u> : The Town conducted a scenic inventory and analysis based on the standards and criteria developed by the New York Department of State's Scenic Areas of Statewide Significance program. In addition to inventorying and evaluating East Hampton's scenic resources, the project included development of implementation procedures, including siting and design guidelines, land use regulations, policies and procedures for the preservation of scenic resources and for the initiation of the State SASS.	Closed
1998	\$47,000	<u>Coastal Public Education Program</u> : The Town developed several elements of LWRP -related public education programs covering water quality: the upland harbor Protection Overlay District to prevent non-point pollutants from entering surface for the 1999 boating season. In addition, a symposium was held at the local public access television studios on flooding & erosion Issues and future sea level rise.	Closed
1997	\$20,000	<u>East Hampton Town Marine & Environmental Science Center</u> : The Town received funding for first year program development of the East Hampton Marine and Environmental Science Education Center. The Center is owned and administered by the Town and used for public education to implement the East Hampton LWRP and provide classroom laboratory and environmental field work integrated with the science curriculum at local schools.	Closed
1996	\$40,000	<u>Ditch Plains Erosion Remediation</u> : The Town hired a consultant to study the causes of erosion and localized coastal processes, devise a remediation strategy, and design and implement a remediation project – covering the entire Ditch Plains area. The remediation	Closed

Grants Awarded Title 11 Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) Town of East Hampton			
Year	Amount of Grant	Project Description	Status
		project primarily focused on the immediate area of the public lands at Ditch Plains Beach, with the area between Montauk Point and the Montauk Business District as a secondary focus in so far as it relates to the Ditch Plains problem.	
1996	\$20,000	<u>Public Outreach and Education</u> : This project advanced the LWRP toward adoption and implementation by developing a public education and outreach program to develop community consensus on the Draft LWRP. The public education project garnered essential support and understanding for the LWRP, its policy initiatives, local laws and specific improvement projects.	Closed
1995	\$25,000	<u>Street End Access and Stormwater Mitigation</u> : This project reduced flooding and erosion and non-point pollution from run-off at beach road ends, improved public access and, in general, made these access points more aesthetic and more functional.	Closed
1994	\$60,000	<u>LWRP/LEMP</u> : Completed the final draft of the topic sections of the Town of East Hampton Local Waterfront Revitalization Program (LWRP).	Closed