

Open Space Preservation Component

The *Town of East Hampton Community Preservation Project Plan*, prepared by the East Hampton Planning Department in 2003 as amended and the Small Lot Acquisition Program, together serve as the Open Space Preservation Component of this Comprehensive Plan.

The Open Space Preservation Component is supplemented and reinforced by Town-wide recommendations 1 and 2 in this *Town of East Hampton Comprehensive Plan*.

The following is an executive summary of the *Town of East Hampton Community Preservation Project Plan* prepared by the East Hampton Planning Department in 2003 as amended (pertaining only to the unincorporated portion of the Town of East Hampton). The full report is incorporated by reference into this *Town of East Hampton Comprehensive Plan*.

Executive Summary

Introduction

Approximately 5,600 acres of vacant unprotected land remains within the Town of East Hampton at this time. This plan identifies those parcels whose protection is most critical to preserve our rural character, protect our native flora and fauna, safeguard our vulnerable groundwater supply, protect our surface waters and preserve our remaining farmland. There is a greater emphasis on acquisition in this plan than in the previous plan. As properties have been acquired over the years and as more and more of the remaining unconstrained vacant land has become developed, the percentage of remaining vacant land with environmental constraints has increased. Our recommendations are based on these observations and on an increasing urgency for protection of our remaining open space. Thus, protection through acquisition is always the first choice for the private properties listed in the plan. That said; this update is not simply a list of properties to be acquired. Wherever possible, alternatives are offered for those instances where outright acquisition is not feasible.

The recommendations are listed in Suffolk County tax map number order by school district, with the incorporated villages listed separately. The following principles were used to evaluate each parcel and formulate a recommendation:

- **Protection of all remaining unprotected farmland.**
- **Protection of as much land as possible over the Town's deep groundwater recharge areas.**
- **Protection of meaningful blocks of open space** – A pattern of land use which consists of villages, hamlets or clusters of homes surrounded by open space is rural. The suburban pattern consists of uniform blocks of homesites covering a landscape without any vacant land. To protect the Town's rural atmosphere, and help to minimize suburban sprawl, new development should be located next to existing development and open space should be protected next to existing open space.

Open space blocks should also be as large as possible. This principle not only helps to minimize suburban sprawl but is also essential for the protection of the Town's existing natural biodiversity. Biodiversity is the genetic based variation of living organisms at all levels. It includes the variations found in individuals of the same species as well as the variety of ecosystems found in a specified area. It is an important factor in the health of any ecosystem. Ecologists have demonstrated that species diversity is related to habitat area: the larger the area, the greater the diversity of species. This does not mean that small areas are of no importance. Consider first that the size of a habitat is relative to each species. A large habitat for a worm is not the same as a large habitat for a deer. The location of small habitat areas in connection to large areas and to other small areas also affects the diversity of species found in small habitats. Small habitats should be located as near to other habitats as possible to increase species diversity.

- **Protection of Sensitive Areas** – Some open space areas should be protected regardless of their place in an overall pattern. These include sensitive natural and cultural areas such as harbors, wetlands, scenic views, endangered species habitats, etc.

The Town also contains many small lots scattered in heavily developed areas that have no environmental constraints but which, if developed, will have the cumulative potential to adversely impact community character and the health of our bays and harbors. Future updates of this document, after the completion of detailed plans for these areas, will include such properties.

- **Protection of Historic and Cultural Resources** – A sense of history is very much a part of East Hampton Town. This is caused in part, by the presence of numerous historic structures, many with their original settings intact. Less obvious factors include the continued existence of historic landscapes and views, the presence of important archaeological sites, the use of historic place names, the presence and use of historic roads and development which has been built upon historic settlement patterns. Recommendations include protection of some of the factors responsible for this sense of history. Future updates of this plan will include additional sites identified after the completion of the pending updates to the Town's historic inventory and the completion of a Townwide Stage IA archaeological study.
- **Recreation** – The use of open space for recreation is a major part of this plan. Recreational uses include hiking, cross country skiing, horseback riding, mountain biking, running, birdwatching, painting, drawing, fishing, boating, swimming etc. A few recommendations are included for types of active recreation that require on-site clearing and/or construction such as golf, tennis, soccer, baseball, etc. However, these needs will be more thoroughly addressed in a future update to be issued after the completion of a Townwide active recreation plan.
- **Development Status** – This revision places an emphasis on the acquisition and protection of our remaining vacant land. However, recommendations are made to

protect the setting of historic structures, to protect open space on large properties with small areas of development and in a few cases to acquire developed properties that adjoin large open space areas. Future revisions of the plan will include additional recommendations for developed properties as all of our remaining vacant land is committed to one land use or another.

This plan, although critical to the preservation of some of East Hampton's last remaining unprotected pristine natural areas, is not the final chapter in our long, successful history of open space preservation. Future revisions will build upon the good work that we are now completing to enlarge and refine the protection of our core open space blocks, further protect and restore the quality of our native ecosystems, surface and groundwaters, to protect and enhance our historic character and to enhance the usefulness of our protected farmland soils.

Priorities for preservation

According to the Peconic Bay Region Community Preservation Act, the community preservation fund can be used to acquire town property or to preserve land which contains the following characteristics:

- a. Parks, nature preserves, or recreation areas
- b. Open space, including agricultural lands
- c. Lands of exceptional scenic value
- d. Fresh and saltwater marshes
- e. Aquifer recharge areas
- f. Undeveloped beachlands or shoreline
- g. Wildlife refuges with significant biological diversity, especially state or federal trust species or their habitat
- h. Pine Barrens
- i. Unique or threatened ecological areas
- j. Rivers, river areas in natural, free flowing condition
- k. Forested lands
- l. Public access to lands for public use including streams and waterways
- m. Historic places and properties listed in the NY State Register of historic places and/or protected under a municipal preservation ordinance or law
- n. Any of the aforementioned in furtherance of the establishment of a greenbelt

Within the Town of East Hampton and the incorporated Villages within the Town boundary the following categories and subcategories of open space exist:

- a. Parks, nature preserves or recreation areas
 - 1. Village greens/Village corridor conservation areas
 - 2. Trails, recreationways
 - 3. South Fork Bikeway route
- b. Open Space, including agricultural lands
- c. Lands of exceptional scenic value

- d. Fresh and saltwater marshes or other wetlands including harbors, bays, embayments, dreens and creeks
 - 1. harbor protection overlay areas
 - 2. watershed lands
 - 3. Nationally designated Peconic Estuary area

- e. Aquifer recharge area
 - 1. NYS designated Special Groundwater Protection Areas (SGPA)
 - 2. Town groundwater recharge overlay district (WRO)

- f. Undeveloped beaches or shoreline
 - 1. dunelands
 - 2. bluffs
 - 3. flood prone areas

- g. Wildlife refuges with significant biological diversity, especially state or federal trust species or their habitat
 - 1. State significant habitat areas
 - 2. Parcels containing protected species; which refers to plant or animal species recognized on one or more of the following lists:
 - (1) New York State DEC protected Native Plants list
 - (2) New York Natural Heritage Program lists of rare plants, rare animals and significant natural communities
 - (3) New York State DEC list of Endangered, Threatened and Special Concern Species
 - (4) Federal list of Endangered and Threatened Species

- h. Pine Barrens

- i. Unique or threaten ecological areas

- j. Forested lands
 - 1. Wooded land

- l. Public access to lands for public use for waterfront access including ocean and bay beaches, fishing access, etc.

- m. Historic places and properties listed in the NY State Register of historic places and/or protected under a municipal preservation ordinance or law
 - 1. property or district has been deemed eligible for inclusion on the State and/or National Register

These categories of open space have been combined to establish general priorities for preservation. Accordingly, the priorities for preservation are: farmland, aquifer recharge areas, open space and historic resources. These three categories include the following subcategories:

Priority I

Farmland

Priority II

Aquifer Recharge Area

1. NYS designated Special Groundwater Protection Areas (SGPA)
2. Town groundwater recharge overlay district (WRO)

Priority III Open Space

a. Parks, nature preserves or recreation areas

1. Village greens/Village corridor conservation areas
2. Trails, recreationways
3. Southfork Bikeway route

b. Open Space, including agricultural lands

c. Lands of exceptional scenic value

d. Fresh and saltwater marshes or other wetlands including harbors, bays, embayments, dreens and creeks

1. harbor protection overlay areas
2. watershed lands
3. Nationally designated Peconic Estuary area

e. Undeveloped beaches or shoreline

1. dunelands
2. bluffs
3. flood prone areas

f. Wildlife refuges with significant biological diversity, especially state or federal trust species or their habitat

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g. Pine Barrens

h. Unique or threatened ecological areas

i. Forested lands

1. Wooded land

- j. Public access to lands for public use for waterfront access including ocean and bay beaches, fishing access, etc.

Priority III Historic places and properties listed in the NY State Register of historic places and/or protected under a municipal preservation ordinance or law.

Implementation

It is common for an open space plan to develop goals and policies leading to a "wish list" of parcels that should be preserved. Oftentimes, these plans fall short because they provide no more than hopeful statements about what lands might be saved if landowners voluntarily donated their land or if the public coffers had infinite funding. Some of these reports get good news coverage and planning awards but fail to affect the development patterns and preservation goals described so well in the plan. Of course acquisition of the properties contained on this list is almost always the very best alternative. However, to avoid these common pitfalls, the charts in this report provide a plethora of alternate implementation techniques.

East Hampton has utilized a variety of land use tools to preserve open space. This Community Preservation Project Plan provides site-specific recommendations to preserve open space incorporating the following techniques:

1. fee simple acquisition - referred to in the tables as "public acquisition"
2. zoning regulations including rezoning, cluster development which is referred to as open space subdivision in the tables, and reduced density subdivisions
3. easements including: scenic, conservation, trail, facade, large lot and double dunes easements
4. private conservation
5. comprehensive planning including Open Space Plans, Local Waterfront Revitalization Plans, Harbor Management Plans

The following is a brief description of each of these techniques and how they have been used to preserve open space in East Hampton.

1. Fee simple or public acquisition - Fee simple or public acquisition is one of the most obvious methods to protect open space. East Hampton has expended over \$56 million in public funds to make acquisitions of open space since 1998. These acquired lands have been too environmentally sensitive to accommodate any development and/or are essential for the preservation of the rural character of the town. The Town has also been successful in leveraging funds to attract New York State and Suffolk County public acquisition funds.
2. Zoning regulations: rezoning, cluster or open space subdivision, reduced density subdivision

Rezoning: Although zoning alone does not preserve open space, low density zoning coupled with open space subdivisions has helped the Town preserve several thousand acres. Further, there are hundreds of acres of deep groundwater recharge, within the core pine barrens area which are inappropriately zoned for commercial industrial uses.

Other zoning recommendations are to place an agricultural overlay district over existing farmland or to rezone already publicly owned land to Parks and Conservation.

Cluster or Open Space Subdivision: For more than three decades, the Town of East Hampton has encouraged the preservation of environmentally sensitive land even during the subdivision development process. The type of subdivision known as "cluster" or "open space" subdivision enables the Planning Board to reduce the minimum size of lots in a development in exchange for a greater set-aside of natural or recreational land for common ownership and preservation.

East Hampton's Open Space Preservation Law, which empowered the Planning Board to vary the dimensional requirements of the Zoning Ordinance in order to foster protection of open lands, was enacted in 1968. In 1981, a Special Act of the New York State Legislature enabled East Hampton, the first municipality in the State, to require the preparation of open space subdivisions. The Town has acted aggressively in the intervening years to protect its natural and historic resources through open space subdivisions.

Open space subdivisions have proven successful at protecting the Town's character while returning a profit to landowners and developers. They have become the standard method of development for almost all major land divisions. In the process, the Open Space Preservation Law (Chapter 110 of the Town Code) has been refined and strengthened. The open lands set aside in open space subdivisions -- commonly known as "reserved areas" -- have been protected permanently through a variety of carefully-crafted devices. Through these mechanisms the following has been accomplished:

- * None of the land so preserved has been converted to improper uses;
- * These lands have generated durable economic and recreational benefits for the purchasers of lots in open space subdivisions;
- * Public confidence in the permanence and manageability of subdivision open spaces has been fostered; and
- * Open space subdivisions have become a well-accepted part of the Town's plan for preserving its rich environmental and historic character.

There are very few parcels remaining that can still provide significant areas of open space through clustering. However, the creative and well-coordinated use of the Planning Board's open space subdivision powers is a vital part of this open space plan. It is often the only preservation tool available when public acquisition is not feasible. Open space plans will continue to preserve environmentally important areas in the Town of East Hampton, providing both direct and indirect savings to the Town's taxpayers and great aesthetic, ecological and recreational benefits to all Town residents.

4. Scenic, conservation, trail, facade, large lot, wetland or double dunes easement: Easements are restrictive interests in land or other real property which help to protect an identified feature while allowing for development and private ownership. In

exchange for agreeing to permanently restrict the land burdened with the easement, the property owner realizes a reduction in property taxes. Easements have been obtained over wetland areas, dunes (including the double dunes area), bluffs, trails, scenic corridors and highway frontages, steep slopes, areas containing significant vegetation and building facades with historic merit. Both the Town and the Village of East Hampton have accepted thousands of easements and there are numerous recommendations to obtain additional easements.

5. Private conservation: Non-profit land conservation groups have played a major role in East Hampton's open space achievements. Both the Nature Conservancy and the Peconic Land Trust have preserved hundreds of acres of wetlands, environmentally critical areas and farmland in the Town of East Hampton without any public funding. With experts in income and inheritance tax law, financing as well as planning, these organizations work directly with individual land owners to develop conservation plans which protect natural lands and meet the financial objectives of the landowner. These organizations are able to move faster in acquiring land than governments can, although they often have limited funding capacities. Thus, by working with the town, financial and time constraints for acquisitions have been minimized. In addition, these organizations have helped locate non-town funding sources and have helped negotiate public acquisitions.

The parcels targeted for private conservation in this report have characteristics similar to other parcels successfully preserved by non-profit conservation organizations.

6. Comprehensive Planning including Open Space Plans, Local Waterfront Revitalization Plans and Harbor Management Plans: Both the Town of East Hampton and the Village of East Hampton have adopted open space plans into their respective comprehensive plans.

In addition to Open Space Plans, there are several other important comprehensive plan documents that have been adopted by the town and the incorporated villages, which help advance open space and planning goals and objectives. In the Village of Sag Harbor, both a Local Waterfront Revitalization Plan and a Harbor Management Plan have been prepared and adopted. The Town of East Hampton has completed a Local Waterfront Revitalization Plan.

TEXT OR SYMBOL IN TABLE	MEANING
The words “State Significant Habitat” appear in the Characteristics column.	The parcel is located within an area which has been designated as a New York State Significant Coastal Fish and Wildlife Habitat pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42).
The words “Local Significant Habitat” appear in the Characteristics column.	The parcel is located within an area which has been designated as a Local Significant Coastal Fish and Wildlife Habitat by the Flora and Fauna component of the Town Waterfront Management Plan which is a part of the Town Comprehensive Plan.
The words “protected species” appear in the Characteristics column.	The parcel contains plant or animal species recognized on one or more of the following lists: <ul style="list-style-type: none"> •New York State DEC Protected Native Plants list •New York Natural Heritage Program lists of rare plants, rare animals and significant natural communities •New York State DEC list of Endangered, Threatened and Special Concern Species •Federal list of Endangered and Threatened species
The words “historic dwelling” or “historic structure” appear in the Characteristics column.	The parcel was inventoried by Robert Hefner in 1989-1990 and was determined eligible for State and National Register nomination.
The words “historic district” appear in the Characteristics column.	The parcel is contained in a recommended Historic District recognized in the Town Comprehensive Plan amended June 26, 1991.
The words “historic setting” appear in the Characteristics or Recommended Disposition columns.	The parcel is an integral part of the historic landscape associated with a historic structure or district.
The SCTM # 0300- column lists one or more SCTM section numbers but no block and lot numbers.	The recommendations pertain to a Trustee or Town right-of-way which has no full tax map number.
The words “protected open space” appear in the Characteristics column.	Protected open space as used in the Recommendations Tables is defined as publicly owned open space or privately owned conservation land.