VILLAGE OF SOUTHAMPTON
Review of Built Conditions and Regulations

1 Introduction

The Village of Southampton undertook this study to evaluate whether or not there is basis in citizens' perceptions that the character of the built environment was changing. Can Village regulation and action address issues where these changes seem to erode contextual appeal? But before starting, what is the nature of the community that people cherish? From focus groups the following were some responses:

- Preservation of the historic nature of the Village
- Strong architectural tradition
- A streetscape rich with landscaping and trees
- A non-suburban nature
- Walkable communities linking to the commercial core

When discussing issues of concern, the following were mentioned:

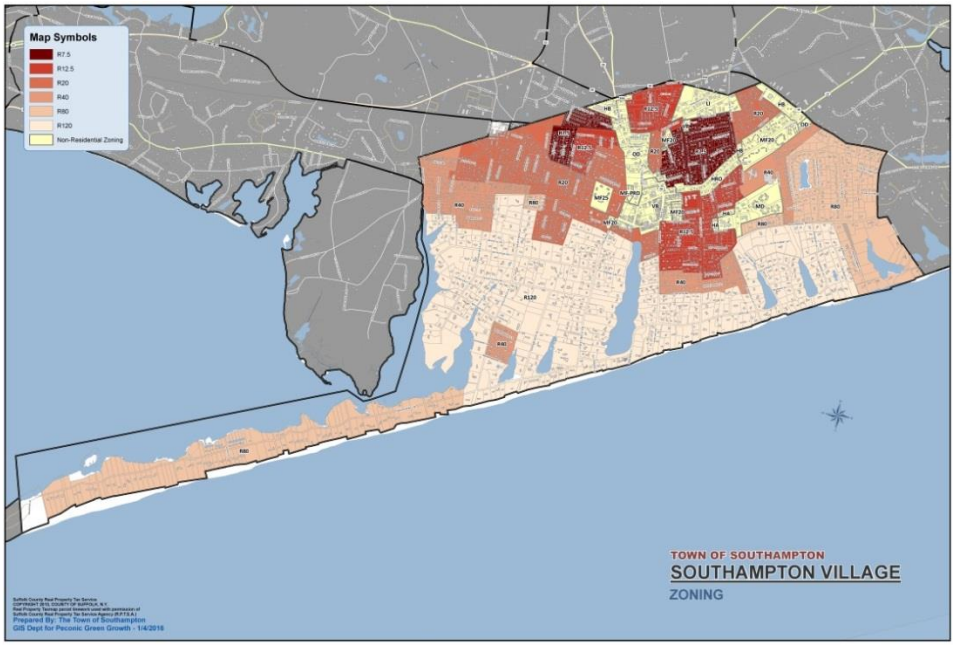
- Size of buildings
- Width of homes
- Height of buildings
- Increased lot coverage
- Development by speculation
- Street character erosion
- Intensity of use
- Less "green" and more hardscape
- Increased accessory uses
- Community context
- Quality of life issues (privacy, noise, street parking)
- Community stability
- Age of infrastructure

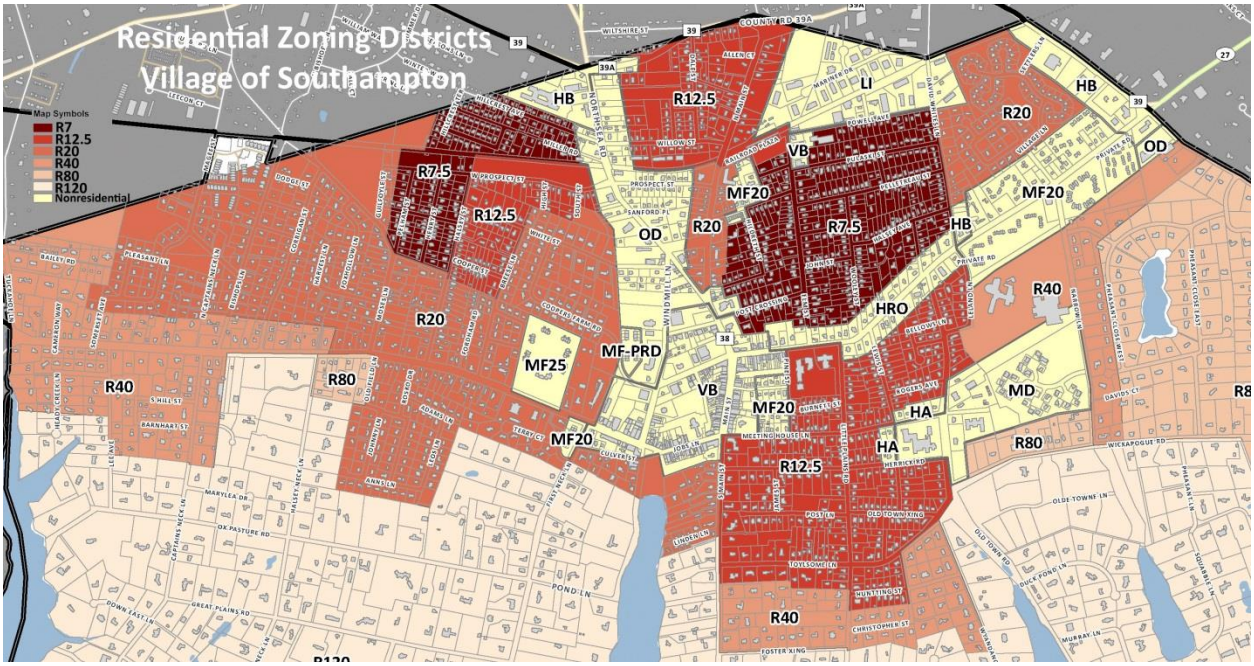
When evaluating solutions to issues, the favored perspective will help determine which actions are palatable to the community. For instance, recommendations with an emphasis on street character and the physical appearance of properties from the public right-of-way may differ from solutions that address quality of life issues, such as privacy. Solutions with an emphasis on environmental degradation may have an impact on the intensity of use allowed. There have been changes in demographics, as the Village loses its permanent community to investors focused on a resort economy. Generational shifts are occurring, which exacerbate real estate transfers and the rate of change. With high real estate values, it is understandable that people try to maximize returns.

2 Analysis of the Built Environment

2.1 Zoning

Only the residential zones are evaluated, with an emphasis on R-7, R12.5, and R20 districts.





Map 1 Residential Districts (with detail)

2.2 Area of Lot

Data collected by the Town of Southampton was used to assess the built conditions of the residential zoning districts in the Village (2007 records). First, the areas of the lots were examined to evaluate the level of compliance with minimal lot areas. The level of compliance falls as the minimal lot size gets bigger. (Figure 2-1) Compliance in the R7.5 district (< 1/5 acre) is high at 88%, while in the R120 (three nominal acres) only 28.6% of the lots are compliant with the 120,000 square-foot minimum. To gain a better understanding of the degree of compliance for each lot, the average percentage of the size of each lot compared to the minimum required for the applicable district was calculated. (Figure 2-2) In the R7.5 district, lots are 75% larger than the minimum specified, while in R120 districts, the average size is 91% of the code minimum. This analysis indicates that lots in R7.5 and R12.5 are considerably larger than the required minimums. In fact the residential lots in the Village of Southampton are generously sized for a village environment.

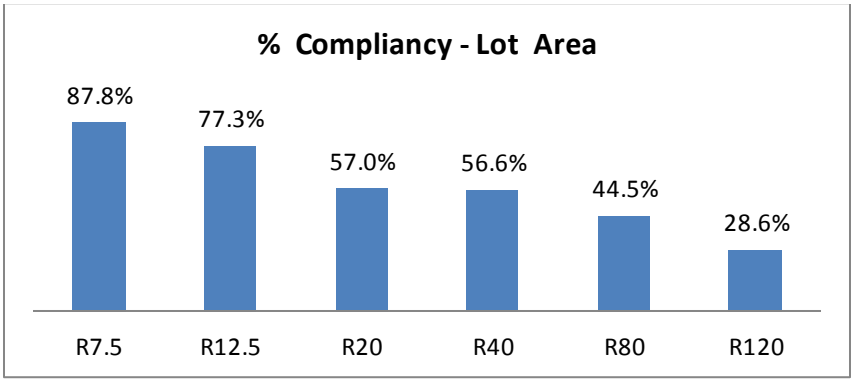


Figure 2-1

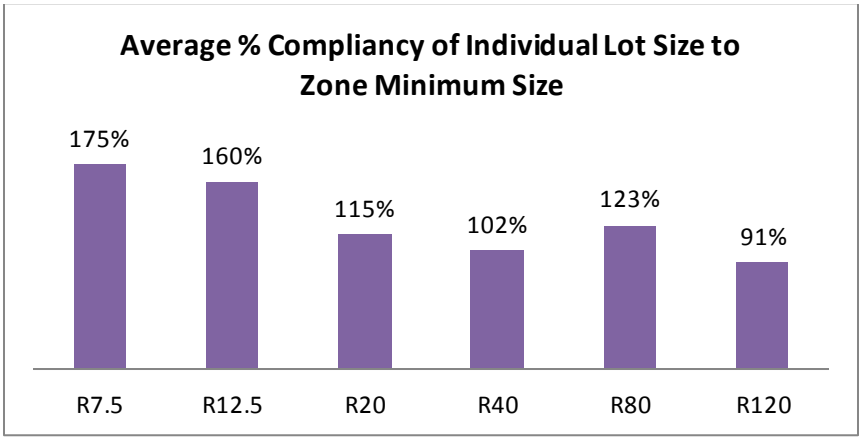


Figure 2-2

Table 2-1 All Residentially Zoned Lots – Area

Zoning	# Lots Measured	% Lots Compliant Area	Average Area	Aver. Of Individual Lot % Compliance
R7.5	498	87.8%	13,155	175%
R12.5	494	77.3%	19,955	160%
R20	710	57.0%	22,924	115%
R40	242	56.6%	40,713	102%
R80	344	44.5%	98,581	123%
R120	556	28.6%	109,554	91%

Since the average lot sizes vary considerably from the minimum for the residential zoning district, the number and percentage of lots based on the area categories specified in the code were analyzed for each residential zoning district. (Figure 2-3) There is a clear lack of coherence in lot size and therefore scale in neighborhood districts. The R20 district has the highest percentage of lots in the size category matching the zoning category, but even this is only 59%. The worst zoning district is R80, where only 23% of the lots have sizes matching target zoning areas. These discrepancies in lot sizes impact neighborhood design, resulting in varied scales, lot widths, setbacks and building masses being juxtaposed. While the codes rightfully regulate according to lot size category instead of the more common practice of using zoning districts, mitigation measures are needed, especially where small lots are present.

In order to assess where impacts are likely to occur, the data was reorganized to trace in which zoning districts lots of a certain size are found. (Figure 2-4) For instance there are more two-acre lots sited in the R120 zoning district (three-acre minimum) than the R80 district (two-acre minimum).

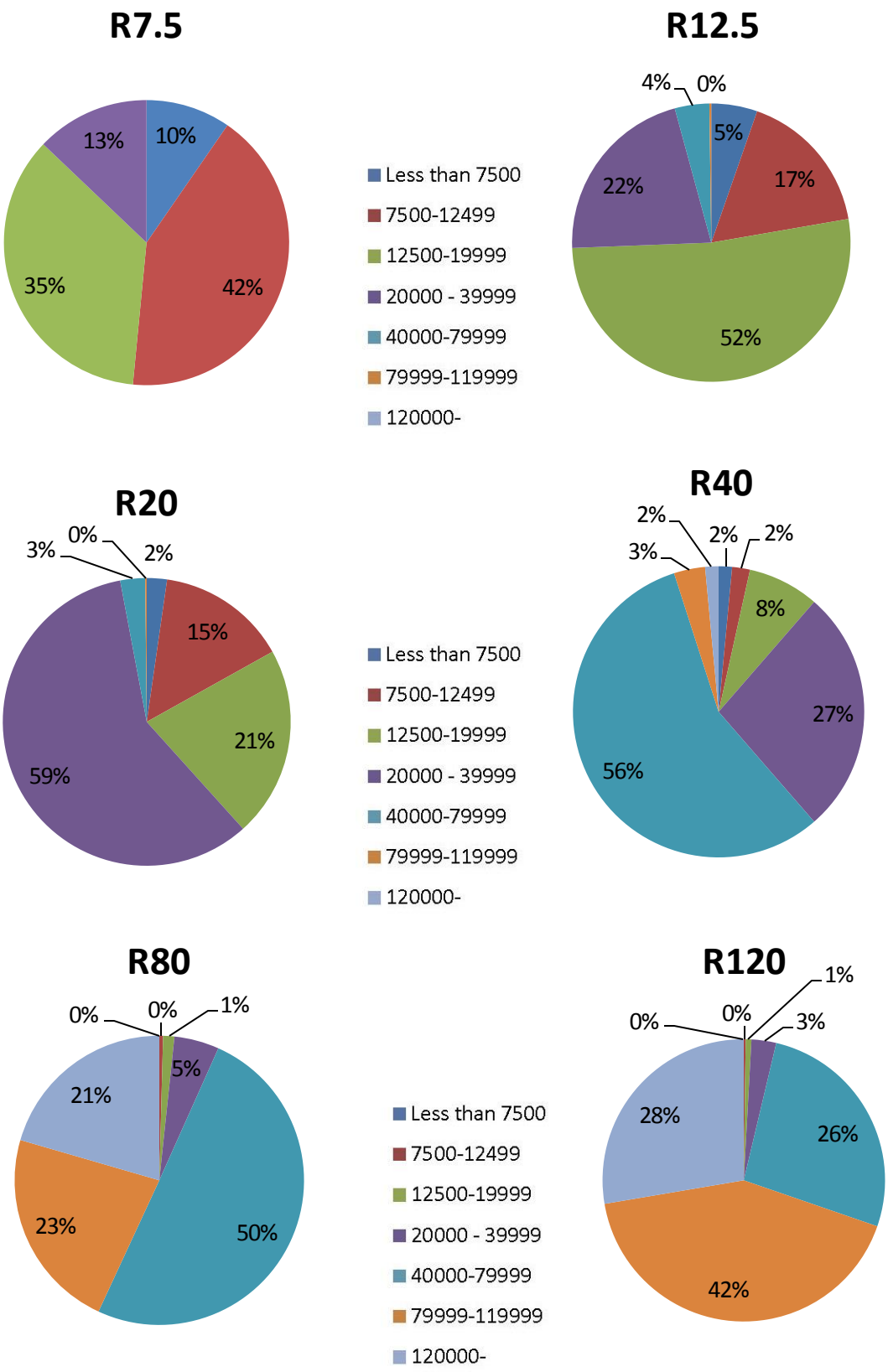
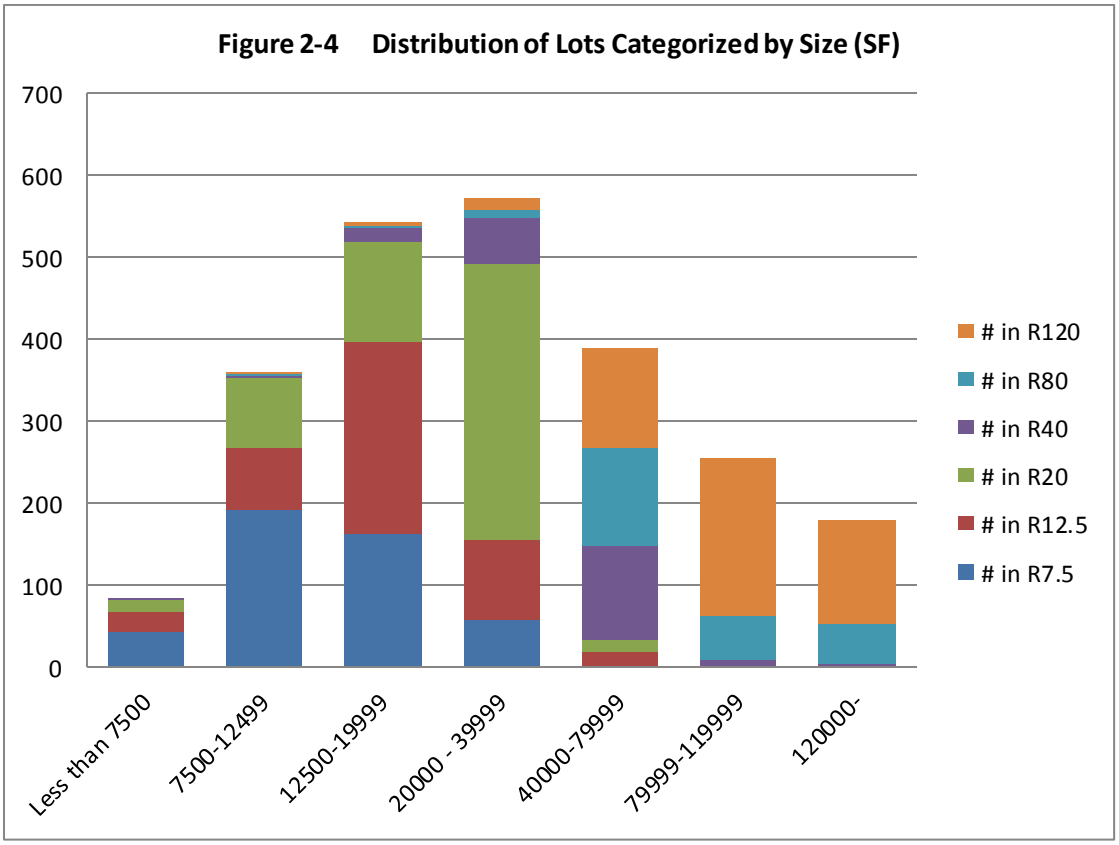


Figure 2-3 Analysis by Zoning District of the Mix of Lots Categorized by Size



2.3 Building Size

To analyze trends in building size, the largest gross floor area for a minimally sized lot in each residential district based on current Village code was calculated (blue columns in charts below). Using town records, the livable area, which is defined as finished, heated and non-basement living areas was averaged overall (using 2007 records, red columns in Figure 2-5). To track trends in size, the average sizes of three time periods were calculated. The three periods are before 1940 (green), between 1940 and 1990 (purple), and 1990 to the present (light blue). The method of defining living area (Town) versus gross floor area (GFA) defined by the Village differs slightly, as the Village calculation includes covered porches. The sizes defined as livable are therefore conservative.

The average home size is significantly lower than the allowable GFA, ranging from 38% (R120) to 79% (R12.5). The post-war homes have the smallest habitable spaces; while those built post 1990 are the largest, being up to 172% the overall average for the R7.5 district. The largest residences were also evaluated to judge extremes. For the R7.5 and R12.5 zones the pre-World War II homes are the largest, while all other zoning districts experienced an increase in the largest homes in recent years. In addition to the data analyzed, recent permit applications were

examined. Most applications are building very close to the maximums allowed by code. Many of these are being developed by speculators. There is definitely a recent trend to build to the maximum allowable, which differs from historic practice.

Figure 2-5 Code vs. Existing Averages by Zone

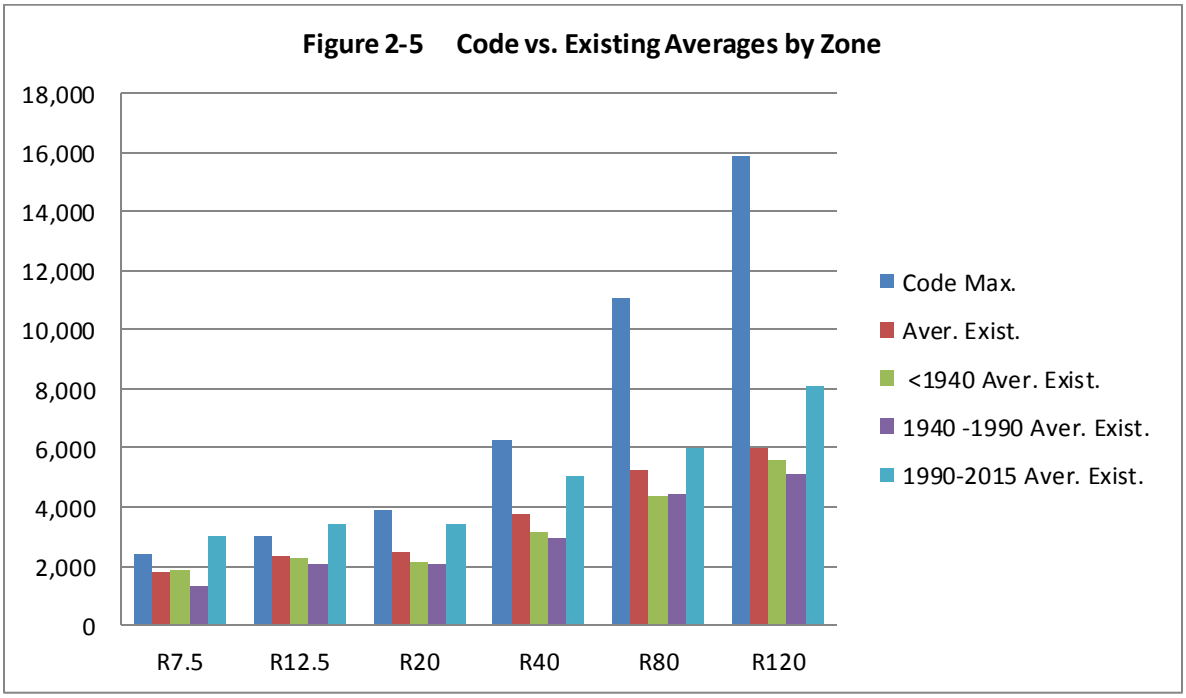


Figure 2-6 Livable Building Sizes by Zoning Category

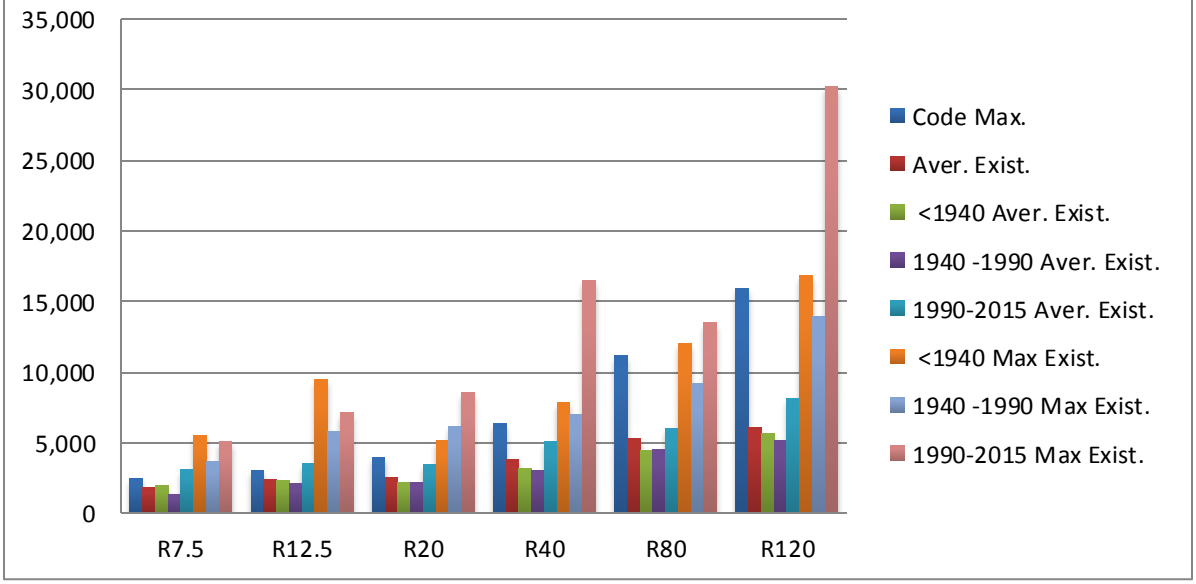


Table 2-2 Existing Livable Building Size by Zoning Category												
Zoning	*Code Max. Main Bldg. SF for Min. Lot Size Compliant with Zone*	*Aver. Livable space (heated, not basement)*	*Relation to Code for Min. Lot.*	*<1940 Aver. Livable space*	*1940 - 1990 Aver. Livable space*	*1990-2015 Aver. Livable space*	*Relation of Recent Average to average*	*<1940 Max Livable Space*	*1940 - 1990 Max Livable Space*	*1990-2015 Max Livable Space*	*Relation Max to Code for Min Lot.*	*Relation Max to Aver.*
R7.5	2,400	**1,772**	74%	1,885	1,306	**3,049**	**172%**	5,472	3,584	**5,012**	209%	**283%**
R12.5	3,000	**2,361**	79%	2,241	2,055	**3,438**	**146%**	9,420	5,760	**7,068**	236%	**299%**
R20	3,900	**2,455**	63%	2,129	2,090	**3,417**	**139%**	5,099	5,099	**8,480**	217%	**345%**
R40	6,300	**3,770**	60%	3,133	2,984	**5,031**	**133%**	7,786	6,920	**16,432**	261%	**436%**
R80	11,100	**5,268**	47%	4,359	4,461	**5,985**	**114%**	11,995	9,119	**13,448**	121%	**255%**
R120	15,900	**6,014**	38%	5,617	5,119	**8,069**	**134%**	16,806	13,914	**30,182**	190%	**502%**

2.4 Accessory Use Limitations

Currently the Village of Southampton limits the size of accessory buildings, but not the number. This is appropriate as the accessory buildings are included in lot coverage calculations and we do not see a rationale for introducing a further limit on aggregated size, such as the Village of East Hampton's limit on accessory structures. In fact, accessory structures create a small-scaled environment, due to height and size restrictions. There was consensus that basements should continue to be allowed for accessory structures. Currently, other than grandfathered conditions, accessory structures are not permitted to contain habitable spaces. There are many pool houses that in fact function illegally as extra bedrooms. If a percentage of livable space were allowed in accessory structures, the massing of the principal building is reduced if this newly defined habitable space is included as a livable space rather than principal building limitation. Of issue is privacy and impact of use on neighbors. This could be controlled by limiting windows within x feet of the boundary line and/or requiring setbacks similar to the side setbacks of the principal house where windows are present.

2.5 Lot Coverage

Lot coverage is a key factor when assessing the impact of the full development of a site. Currently the Village of Southampton limits lot coverage to 14% + 1500 SF, with a maximum of 30%. (116-11.2) The maximum limit usually only applies to lots smaller than 9,375 SF. Recent trends tend to maximize lot coverage with a plethora of structures and pavements that tend to accentuate "outdoor" living and fragmented living spaces. There are two concerns relative to lot coverage, especially when combined with height limitations: 1) the impact of building appearance/mass and 2) the environmental impacts of impermeable cover. Of concern is the balance of the natural and built environments.

There currently is a discrepancy or lack of clarity between the application of the rules and an interpretation of the code as written.

The definition of *lot coverage* is:

> "The portion of the lot area covered by the area of a building or buildings or a structure or structures."

Building, area of is defined as:

> "The area computed at the maximum horizontal cross section of the main and accessory buildings on a lot, including the area of all roofed porches, terraces and similar features."

A *structure* is defined as

> "Anything constructed or erected on or under the ground or upon another structure or building, excluding driveways constructed at natural grade."[1]

[1] Village of Southampton, *Zoning & Building Construction Regulations*, 116-2 B.

In the section on accessory buildings and uses, swimming pools and tennis courts are particularly called out for inclusion in maximum *building* area percentage calculations.[2] Based on recent applications, it appears that most applicants are calculating lot coverage as defined by building area. The building inspectors also intend to include raised decks. Yet, from the definition of structures it seems as though all manmade structures should be included, except driveways as explicitly referenced. This would include uncovered terraces, sunken courts, and walkways, basically everything. The Planning Commission needs to assess the interpretation and clarify language to either match practice or to enlarge the universe of items for inclusion in the calculations.

The issue of impermeability has been a recent concern due to the negative impacts of stormwater on water quality and state requirements for mitigation. Also of concern is the need to recharge aquifers. Plants and soil filter and treat pollutants, improving the quality of water. Stormwater runoff picks up surface contaminants, increases flooding events and accelerates erosion. A prevalence of hard surfaces also creates localized heat island effects unless shaded. A study by the University of Rhode Island estimates that an impervious level above 25% poses extensive risk to watershed communities, and a 65% non-cultivated, vegetated cover is recommended. (Table 2-5)

Some jurisdictions have handled the varied reasons for lot coverage limitations by introducing three levels of calculation: primary building or habitable space gross floor area, site coverage of all buildings, and all imperviousness surfaces. By doing this the evaluations of building mass and impermeable surfaces are separated. Since the development of "outdoor living" spaces is more prevalent than in past decades, combining both massing and impermeable cover within one lot coverage formula is valid if one considers intensity of use a factor and does not increase the existing lot coverage formula.

Strategies for lot coverage vary considerably on the East End relative to what is included in lot coverage. Southold's rules are close to the Village's practice, while Riverhead includes all impervious surfaces in its very restrictive limits. Percentages of lot coverage vary greatly, from 10% to 50%. (Table 2-3) The 30% maximum used by the Village of Southampton is in line with the mean impervious cover estimated for small lots identified in the NYS Stormwater Management Design Manual (Table 2-4) but more than the 25% maximum percentages recommended for watershed health referenced above. Graduated restrictions on lot coverage defined by lot area categories, similar to that used by the Village of East Hampton are another approach. The advantage of a graduated approach is that the lower percentages on larger lots help balance the need for higher density on the smaller parcels.

It can therefore be assumed that the impact of buildings and mass, including swimming pools and tennis courts surrounded by fences, was traditionally of concern to the Village if once

[2] VSHZBCR 116-9 (10) (d) and 116-9 (11) (c)

considers general practice. Yet, if one reads the code closely, all impervious structures except driveways seem to be included in the intent of the regulation, implying an environmental concern. Clarification of which "structures" are included in the calculations can have an impact on coverage estimates. For instance, while typical lot coverage for the Village varies from 15 to 30%, if one includes all impervious surfaces, the lot coverage jumps to a 35 - 50% range and can be even higher on small lots.

BUILDING AND LOT COVERAGE MAXIMUMS

		Village of Southampton			Town of Southampton (Zoning)		Village of East Hampton			Sag Harbor		East Hampton (area)				Riverhead	Shelter Island (Zoning)		Southold (Zoning)
Zone	Area	Max. Princ. Bldg. GFA 12% +1500	Max. Coverage 14% + 1500, max 30%	%	Max. Bldg size GFA:	Max. Coverage main + accessory 20/10	Max. Bldg. Size GFA 20,000 SF or 10% + 1000 7%+ 2200 3% + 5400	Max GFA of all Accessory structures 2% + 200 1% + 600 0.5%+ 1000	Max. Coverage (all) 20% + 500 15% +2500 10% + 6500	Bldg. Coverage (Main + Accessory) 20%	Max. Lot Coverage (include patios, open decks, not walkways/drive ways) 25%	Max. Princ. Bldg. FAR 12% + 1600, max 20k	Max. Bldg. Coverage 20/15/10/8	Or: whichever is less	Max. Coverage all impervious 50/40/35/30 or max in SF	Maximum Impervious Surface 15% incl. driveways	Max. Princ. Bldg. FAR 25% > 6k needs SP	Max. Coverage all impervious 40%	Max. Lot Coverage bldgs. + raised decks, terraces, pools, 25/20/10
7.5	7,500	2,400	2,250	30%	15,000 SF	1,500	1,750	350	2,000	1,500	1,875	2,500	1,500		3,750	1,125	1,875	3,000	1,875
12.5	12,500	3,000	3,250	26%	15,000 SF	2,500	2,250	450	3,000	2,500	3,125	3,100	2,500		6,250	1,875	3,125	5,000	3,125
20	20,000	3,900	4,300	22%	15,000 SF	4,000	3,000	600	4,500	4,000	5,000	4,000	4,000	5,999	10,000	3,000	5,000	8,000	5,000
40	40,000	6,300	7,100	18%	15,000 SF	8,000	5,000	1,000	8,500	8,000	10,000	6,400	6,000	8,399	*16,000*	6,000	*10,000*	16,000	8,000
80	80,000	11,100	12,700	16%	15,000 SF	8,000	7,800	1,400	14,500	16,000	20,000	11,200	8,000	9,999	28,000	12,000	*20,000*	32,000	16,000
120	120,000	15,900	18,300	15%	15,000 SF	12,000	9,000	1,600	18,500	24,000	30,000	16,000	9,600	13,999	36,000	18,000	30,000	48,000	12,000

Table 2-3

Table 2-4 Land Use and Impervious Cover (Source: Cappiella and Brown, 2001)	
Land Use Category	Mean Impervious Cover
Agriculture	2
Open Urban Land*	9
2 Acre Lot Residential	11
1 Acre Lot Residential	14
1/2 Acre Lot Residential	21
1/4Acre Lot Residential	**28**
1/8 Acre Lot Residential	**33**
Townhome Residential	41
Multifamily Residential	44
Institutional**	28-41%
Light Industrial	48-59%
Commercial	68-76%

NYS Stormwater Management Design Manual, 2015, Table 4.2, P. 4-4

RISKS OF IMPERVIOUS COVER	
Low:	Below 10%
Medium	10-15%
High:	15-25%
Extensive Risk:	>25%

Table 2-5

Joubert, Hickey, Kellogg and Gold, 2004 Table 6-1

A few case studies illustrate the recent trends relative to lot coverage. Case Study 1 (Figure 2-7) has extensive patios, separated "rooms," and a sunken court accessing a finished basement with lot coverage of 22% if calculated using current practice, which is 93% of the allowable coverage. If one calculates all impervious surfaces, this coverage increases to 42%. Case studies 2 (Figure 2-8) and 3 (Figure 2-9) are adjacent properties with recent expansions. Case Study 2 has 19.6% coverage, but is only built to 65% of the allowable coverage. Due to the rear garage, if all impervious surfaces were included, the coverage jumps to 47%. Case Study 3 exhibits 26% coverage, being built to 86% of the allowable site coverage, but with all impervious cover calculated, the coverage jumps to 40%. These two case studies also show the impact of conflicting issues. Case 3 puts the garage in the front yard, thereby reducing the impervious cover substantially, but at the same time turning the house away from any connection to the street and neighborhood. The massiveness of the structure also has an impact, as the gross floor area was built to 93% of allowable limits, while Case 2 was built to 40% of the allowable GFA.

Case Studies

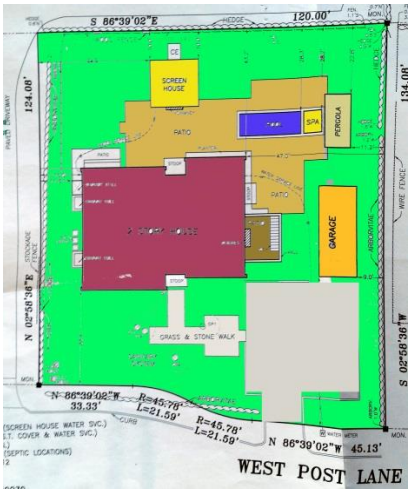


Figure 2-7 Case Study 1
22%/42% coverage

Figure 2-8 Case Study 2
20%/47% coverage

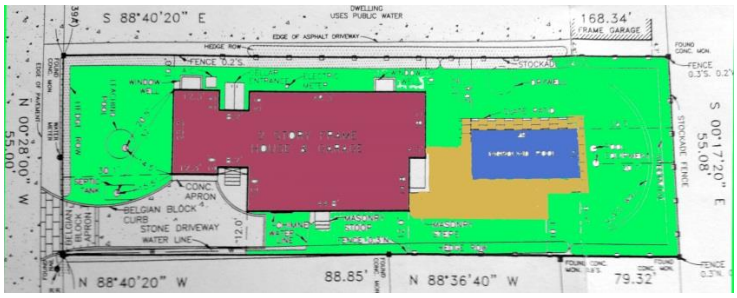


Figure 2-9 Case Study 3
26%/40%

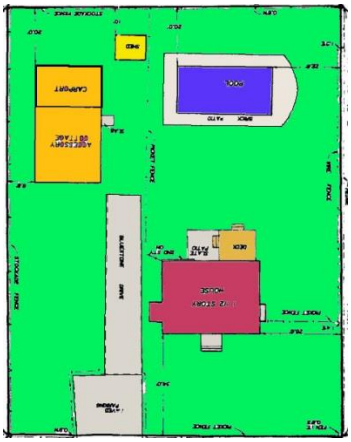


Figure 2-10 Before Case Study 4

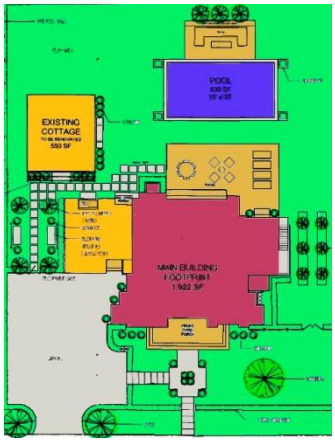


Figure 2-11 After

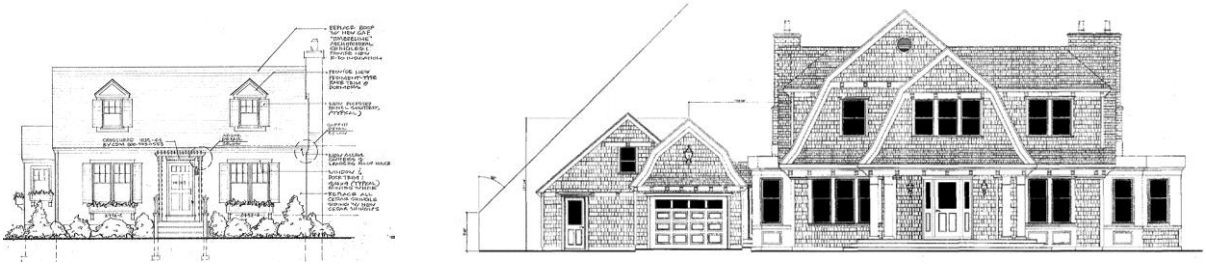


Figure 2-12

Case Study 4 (Figures 2-10 - 2-12) increased lot coverage from 15% to 23%, which was 99% of the allowable limit. Total impermeable cover increased from 25% to roughly 40%. Of significance, was the widening of the façade to the full limits, enlarged terraces, relocation of the garage, and the increase in building mass.

2.6 Associated Issues with Lot Coverage

There are a couple of conflicting issues relative to impermeability. For instance, the Village provides setback leniency to incentivize the placement of garages in the backyard. This placement maximizes the size of the driveway, thus the original exemption for driveways from lot coverage. Another issue is turf, the application of fertilizers, and use of irrigation for maintaining lawns. Due to conflicting issues and a desire to not overcomplicate applications, there are a few considerations.

2.6.1 Permeable surfaces

To avoid penalizing those placing the garage in the rear, consider allowing permeable, at-grade surfaces to be exempt from lot coverage requirements. Guidance on acceptable solutions that resist compaction would help avoid misunderstandings as to suitable surfaces. Permeable at-grade options can be designed to retain run-off on site, providing a double benefit. This option would also give options to a designer who wants an entry porch, which relates well to a village community, while not losing the ability to create exterior, private spaces outside.

Figure 2-13 Permeable driveway in the Village

2.6.2 Stormwater Runoff

While the Village Code has a chapter dedicated to stormwater management, the regulations do not apply to single home, residential parcels. The Building Department staff does encourage applicants to handle stormwater onsite, but a more explicit reference could help ensure that proper retention is integrated into site designs. A general requirement, such as "runoff shall be retained onsite," allows the building inspector to require mitigation where problems exist. The other is to require retention of all stormwater generated from a specified event (1", 1.5", 2" or 2.8") onsite. The latter can be addressed through calculations and design in permit documents.

2.6.3 Fertilizer Use

The larger the lawn area, the more fertilizer applications are likely to become significant sources of excess nutrients, which pollute groundwater and ultimately surface waters.[3] Rather than beginning with regulation, an educational campaign might be appropriate. Irrigation not only uses potable water, but it dissolves fertilizer before uptake by plants. Selecting native and drought tolerant plants, creating zones where maintenance needs are similar, reducing fertilizer use, and limiting irrigation will help protect groundwater from the impacts of overly maintained landscapes. A certification process for "green" landscaping companies could also support best practices for landscaping. Cornell University Cooperative Extension, the Perfect Earth Project, EPA programs, and the Sustainable Sites program all are good sources of information and may be suitable partners in any program.

[3] Berry, Table 14

2.6.4 Garage Location

As mentioned previously, the locations of garages impact impermeable cover, but at the same time their position in the front or side yards can degrade the pedestrian character and historic massing associated with Village densities. Either stricter regulations or design standards that the BARHP can reference might be considered. Of related concern is the width of the curb cuts for the driveways. Figures xx- xx show how designs both mitigate or exacerbate the impacts of garage placements on the streetscape.

From Village records

Figures 2-14 - 2-17 Varied garage configurations

2.7 Setbacks and Proportions

There was a general sense that homes were too large for sites –a feeling borne out by the data. As conversations evolved, height didn't seem to be the issue. In fact there was a request for relief from the pyramid law on small lots. Style did play into the reaction, as mansard roofs with large flat areas maximizing volume were repeatedly referenced as not be ing suited contextually. Of prime concern were the widths of residences that maximized allowable widths and separated the rear from front yards visually as well as functionally. The Planning Commission selected the images of these newly constructed homes on the same street as being illustrative of the impacts of a wide street façade, as they preferred the home with the narrower frontage.

Figure 2-18

Figure 2-19

The generous lot sizes found in the Village of Southampton counter the natural balance of proportion found in villages with narrower lot frontages, where a large house tends to expand toward the rear, leaving harmoniously proportioned street facades compatible with smaller structures. Side setbacks are one method of addressing the issue without limiting overall size. The rule for nonconformance specified in section 116-19 C (4) may offer a concept for limiting building side setbacks.

Text of 116 – 19 C (4):

If such a lot (nonconforming lot separately owned) is nonconforming with respect to lot width, such lot shall be granted relief for side yard dimensions as follows:

(a) The total dimensions of both side yards for a principal building shall be computed on the basis of 4/10 of the lot width; however, no side yard dimension shall be less than 4/10 of the total dimensions of both side yards, computed as aforesaid, and no side yard dimension shall be less than 10 feet.

The rule consistently allocates 60% as the maximum buildable width. The difference between this and the setbacks applied to the minimally sized lots for each area/zoning district reveals that the setbacks for a 7,500 square-foot lot are not stringent enough when compared to other categories, as the house can be 73% of the width on even the minimally sized lots. (Table 2-6) If the lot widths are larger than the minimum required by an area or zoning category, then the percentage of buildable width to lot width becomes significantly higher than the 60% that seems to be the basis of the code (Table 2-7). The apparent source of inappropriately large building mass due to the widths of principal buildings is likely to be found on lots wider than the minimum set for the applicable size category. This discrepancy will exacerbate the impact of developed, larger lots in areas where lots are smaller.

Table 2-6 documents the minimum lot sizes for a zoning category, the minimum widths, and percentage of buildable width to lot width. Table 2-7 illustrates the same calculations, but for lots with widths that are larger than the minimum required for the representative district.

	Smaller	*R 7.5*	*R 12.5*	*R20*	*R40*	*R 60*	*R80*	*R120*
Minimum lot sizes for Zone								
Lot Area Min. (SF)		7,500	12,500	20,000	40,000	60,000	80,000	120,000
Lot Width Min.	40	75	100	120	150	150	200	200
Side Setback (1)	10	10	15	20	20	25	30	30
Side Setback combined, interior lot	20	20	40	45	60	65	80	80
Buildable Width	20	55	60	75	90	85	120	120
% Buildable Width to Total Width	**50.0%**	**73.3%**	**60.0%**	**62.5%**	**60.0%**	**56.7%**	**60.0%**	**60.0%**
Side Setback if nonconforming	10	12	16	19.2	24	24	32	32
Side Setbacks combined if nonconforming	16	30	40	48	60	60	80	80
Buildable Width, nonconforming	24	45	60	72	90	90	120	120
% Buildable Width to Total Lot Width, nonconforming	**60.0%**	**60.0%**	**60.0%**	**60.0%**	**60.0%**	**60.0%**	**60.0%**	**60.0%**

Table 2-6

	Smaller	*R 7.5*	*R 12.5*	*R20*	*R40*	*R 60*	*R80*	*R120*
Lot width Larger than Minimum Required for Zoning District								
Lot Area Min. (SF)		7,500	12,500	20,000	40,000	60,000	80,000	120,000
Lot Width Larger than Min.	40	100	120	150	200	200	300	300
Side Setback (1)	10	10	15	20	20	25	30	30
Side Setback combined, interior lot	20	20	40	45	60	65	80	80
Buildable Width	20	80	80	105	140	135	220	220
% Buildable Width to Total Width	**50.0%**	**80.0%**	**66.7%**	**70.0%**	**70.0%**	**67.5%**	**73.3%**	**73.3%**
Side Setback if nonconforming	10	16	19.2	24	32	32	48	48
Side Setbacks combined if nonconforming	16	40	48	60	80	80	120	120
Buildable Width, nonconforming	24	60	72	90	120	120	180	180
% Buildable Width to Total Lot Width, nonconforming	**60.0%**	**60.0%**	**60.0%**	**60.0%**	**60.0%**	**60.0%**	**60.0%**	**60.0%**

Table 2-7

The compatibility of street facades can also be tackled by requiring additional setbacks or widths for a specified depth from the front building line. Façade area, proportional limits and contextual averaging are also ways of providing a bridge between existing neighborhoods and new building trends on lots in districts R7.5, R 12.5 and R20. New regulations need to avoid impacting unduly wide, shallow lots or creating a new built form, the way the pyramid law did. For instance low, wide structures may be appropriate for a site, just not structures that are both wide and tall. As much design flexibility as possible needs to be retained.

Case Study 5 exemplifies how a rear addition has minimal impact on the street, while still providing the expansion of space desired by today's users. The historic roof line of the existing house did breach the pyramid law limits.

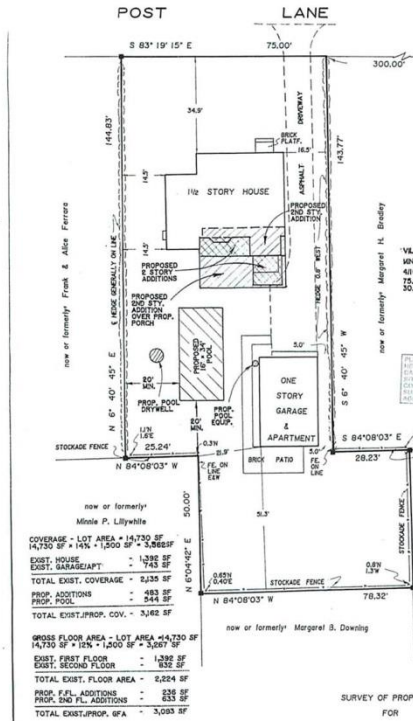


Figure 4-20 Expansion plan

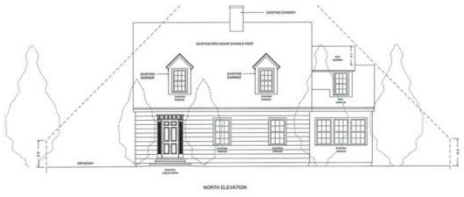


Figure 4-21 Pyramid regulation impact

Figure 4-22 Street Facade

Figure 4-23 Rear view of expansion

Case Study 5

Documents and images are from the Village records.

2.8 Porches and Decks

From the evaluation of favorite streets, a porch seems to be a prevalent feature. It softens the impact of the building volume, introducing a more human-scaled element and providing a layering effect that allows visual penetration and accentuates a sense of depth. A porch is a transitional space that bridges the public and private domains, signifying interaction.

The introduction of second-floor decks on small lots may pose privacy issues with neighbors. By carefully positioning the decks and/or providing screening, issues can be mitigated. These issues might be best dealt with during BARHP reviews.

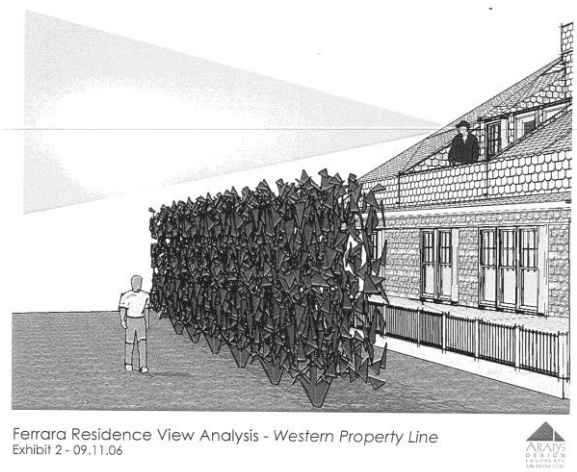


Figure 2-24
From Village Records

2.9 Use of Basements

Figure 2-25 Case Study 6
From Village Records

More and more, home owners are renovating basements for full habitable use.

Habitable space in basements is not currently counted in gross floor area calculations or documented by Town livable space numbers. Most participants did not see an issue with basement use, as noise is mitigated by the subterranean placement. Of concern is intensity of use, which is reflected in the number of bedrooms. An example is the proposed project in Case Study 6. It is in a R12.5 zoning district, has a lot area of 19,589, with a lot width of 105 feet. The house has eight bedrooms. GFA is 19.5% but if one added the basement living space it would be 29.2%. If GFA calculations were not changed, limits on bedrooms may be in order. See section 5.1 for a discussion on the limit of bedrooms.

2.10 Hedges, Trees and Fences

Figure 2-26 Wyandanch Lane

The Village is known for its iconic privet hedges sheltering the homes of the wealthy. The hedges are especially beautiful when layered with street trees or when enlivened by gates and glimpsed views to the realm beyond. A different street character is generated though when dealing with the denser village neighborhoods. Irregular treatments, varied heights, monotonous designs and divergent species can create a disjointed community character, where the rich architecture of a pedestrian village is hidden and properties become totally privatized with little relationship to the public realm. Extremely high hedges along shared boundaries are common. When the street runs in a north/south direction, there is a shading effect. Most use these high hedges to create outdoor rooms that encompass the lot. While fences have strict height limitations of four feet in the front yard and six feet in the side and back yards, [4] vegetation heights are not regulated except for corner clearances.

At the same time, no one is allowed to install the tall deer fencing. Consideration should be given to when and how to allow deer fencing. Another item of importance is the preservation and protection of existing mature trees, especially during construction projects. To help cultivate coherency in street designs in the denser neighborhoods, a prioritization of improvements to the street right-of-ways should be explored. Street trees, a coherent approach

[4] VSHZBCR 116-18 A

to the sidewalk network, alternative pedestrian features, street drainage, and curb or street alignment projects could parallel private incentives or regulations.

Figures 2- 27 - 2-32 Examples of Hedge Treatments.

2.11 Night Sky Regulations

Most jurisdictions on the East End have lighting regulations sympathetic to the recommendations of the International Dark Sky Association, which has sample lighting ordinances, viewable at: http://darksky.org/lighting/lighting-ordinances/. Riverhead uses guides to support an exterior lighting code.[5] (Figures 2-33 and 2-34) East Hampton has General Lighting Standards[6] and Southold an Exterior Lighting Law[7]. The Town of Southampton has separated Residential Lighting Standards from Nonresidential Lighting Standards to allow exceptions. [8]

Currently the only regulations on exterior lighting are under *116-13 Sign regulations* and *116-23 Special conditions and safeguards for certain uses*. Some uses, such as beach and membership clubs, hotels, and institutions have similar restrictions: *Outdoor lighting shall not project light onto, nor shall light sources be visible from, neighboring properties; no outdoor light source shall be more than 10 feet above the ground level underneath it.* Colleges and hospitals have a slightly different version: *Outdoor lighting shall not project light onto, nor shall light sources be visible from, neighboring properties; within 150 feet of any property line, no outdoor light source shall be more than 10 feet above the ground level underneath it.*

Many other uses do not have lighting restrictions expressed, such as automobile laundry, bus shelter, churches, eating establishments, filling stations, laundry, medical arts building, night club, nursery school, nursing home, offices, library, veterinary hospital or kennel, parking lots, outdoor dining, and apartments.

Figure 2-33

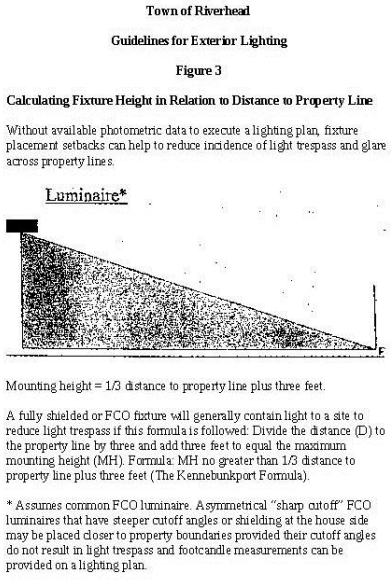


Figure 2-34

[5] Town of Riverhead Code, Chapter 108 Zoning, Article XLV Exterior Lighting (246 through 256)
[6] Town of East Hampton Code, 255-1-83
[7] Town of Southold Code, Chapter 172
[8] Town of Southampton Code, 330-345 and 330-346

3 Value

Values of real estate are high in the Village of East Hampton, with the average in even the R7.5 district being over one million dollars. With such high costs, it is natural that investors want to maximize their return by increasing the value even higher when undertaking renovations. There is also disparity of value within zoning districts. For instance in the R7.5 District, values range from $130,200 to $5,030,700. At the same time, requirements for added safeguards protecting environmental concerns, such as water quality and quantity, can be more easily incorporated in renovation projects than in less affluent neighborhoods, as the percentage of costs for these improvements is minor ranging from one-half a percent to three percent of average value.

Table 3 Developed Residential Property Value by Zoning Category

Zoning	Average Assessed Value	Hi to Low Value Factor
R7.5	1,096,369	39
R12.5	2,137,030	32
R20	1,687,393	47
R40	4,300,180	193
R80	10,154,707	40
R120	10,563,181	59

4 Vulnerability to Development

To assess the vulnerability of parcels to further development, the livable area of existing residences was compared to the maximum gross floor area (GFA) allowed for the particular lot. Seventy-two percent of all parcels have been developed to less than 70% of the allowable GFA.

Number of Parcels by Percentage of Living Area to the Maximum Allowed by Code (individually assessed)

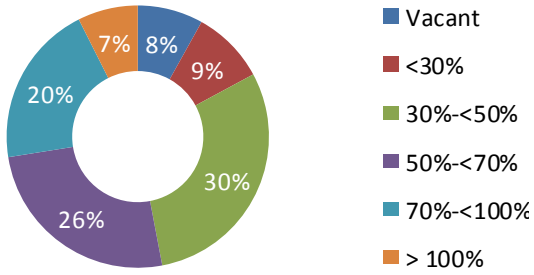
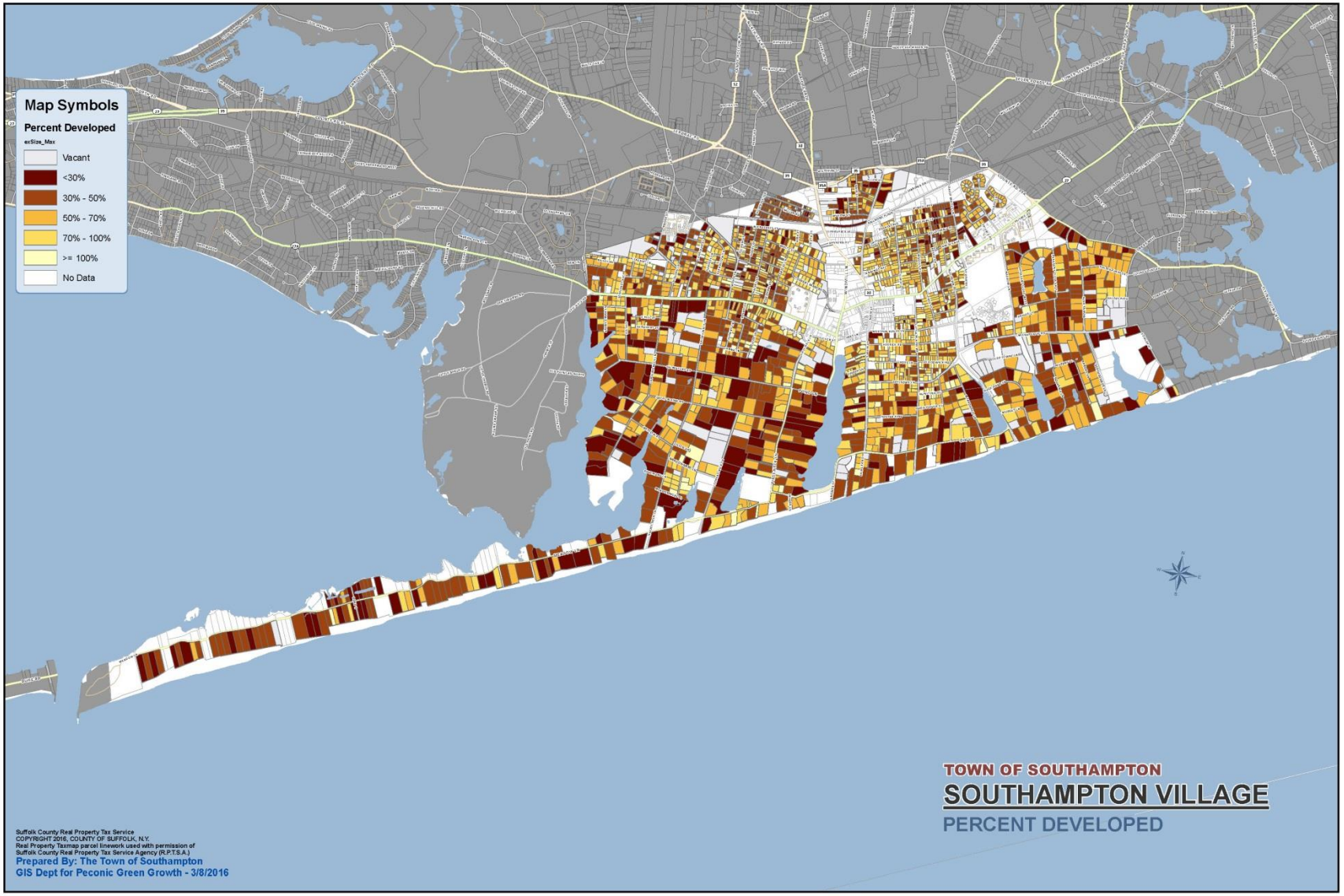


Table 4

	# of Parcels	*% of Total*
Vacant	219	8%
<30%	245	9%
30%-<50%	809	30%
50%-<70%	690	25%
70%-<100%	544	20%
≥ 100%	201	7%

Forty-seven percent of the residential lots suitable for single-family residences have been developed to less than fifty percent of that allowable by current code, making them likely candidates for redevelopment. Another twenty-five percent are moderately susceptible to redevelopment, as these lots have been developed from 50% to 70% of the allowable living area. In reverse, if one considers lots developed above 90% (335), twelve percent of the residential lots evaluated are fully built out. If the allowable size (GSF) is lowered by roughly ten percent, the increase in noncompliance would be roughly five percent (134 parcels).

Footnote: The records evaluated were for lots within residential or split zones. Lots with commercial, institutional, townhouse and apartment uses were subtracted. Records that were categorized as single-family, but had multiple buildings with livable space had their living areas combined (202 building records). Lots within the residential or split zones with use categories up to the 300's were considered for inclusion.



MAP 2 Percent Developed

5 Environmental Issues

5.1 Number of Bedrooms and Wastewater Pollutants

The number of bedrooms relates directly to intensity of use and usually impacts the size of the principal building. Currently the number of bedrooms is not regulated by the Village, although recently a requirement to increase the provision of onsite parking relative to the number of bedrooms was initiated in Local Law No. 3 of 2015. Intensity of use impacts the visual mass and imperviousness of the site, parking, noise, and, most importantly, increased wastewater loads.

Except for residences in the R80 and R120 districts, there has been an increase in the average number of bedrooms in recently built homes. During the period between 1940 and 1990, this average was consistently lower than in historic structures in all neighborhoods. (Table 5-1) A recent trend places bedrooms in basements with accessible window wells. The numbers of bedrooms documented here are based on town records, which do not include basement spaces, therefore the number of bedrooms can be expected to be even higher than represented here.

Table 5-1 Number of Bedrooms by Zone and Age

	<1940 Aver. # of bedrms	<1940 Max. # of bedrms	1940 - 1990 Aver. # of bedrms	1940 - 1990 Max # of bedrms	1990-2015 Aver # of bedrms	1990-2015 Max. # of bedrms
R7.5	3.3	8	2.9	5	4.2	7
R12.5	3.7	10	3.3	6	4.4	7
R20	3.5	9	3.3	6	4.2	8
R40	4.2	10	4	8	5	9
R80	5.5	18	4.8	15	5.4	10
R120	6.3	16	5.1	11	6	13

Codes

The Suffolk County standards for sewage disposal systems for single-family residences, which guide the design of single family dwellings, do not specify maximum number of bedrooms. Section 5-114 A states "The purpose of these Standards is to assure proper treatment of sewage rather than to restrict use of land," with the implication that zoning will provide any further restrictions needed. The code relies on separation distances to control safety and specifies a minimum tank size for 1-4 bedrooms of 1,000 gallons (1,500 gallons for 5-6 bedrooms).[9] If the existing lots were considered part of a new development or for more than one residence, the

[9] *Approval of Plans and Construction – Sewage Disposal Systems for Single-Family Residences*, Suffolk County Department of Health Services Division of Environmental Quality, 1995, P 20. Table 1

applicable commercial standards are more stringent, with an aim to protect groundwater quality for drinking water standards.

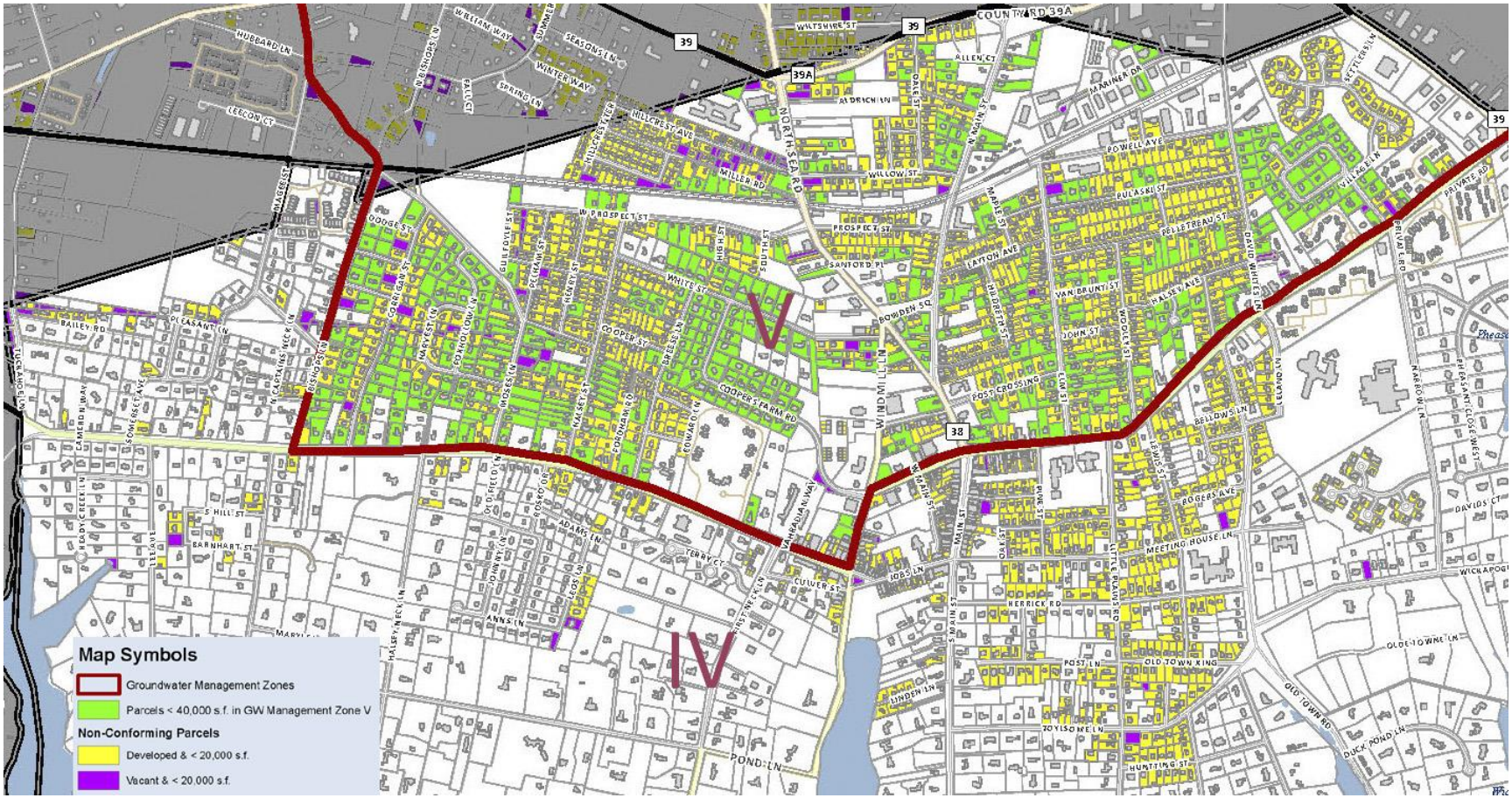
To protect drinking water, the County has identified hydrogeological zones to differentiate areas of prime importance for the protection of deep aquifers, the major source of drinking water in Suffolk County. The Village of Southampton lies in two zones: V and IV. The code assumes that wastewater will be diluted in groundwater and therefore uses lot size as a key measure. The capacity of the land to adequately treat waste for drinking water protection is calculated by applying a population density equivalent limiting discharge to 300 gallons per day (gpd) per nominal acre In Hydrogeological Zone (HZ) V, or 600 gpd/acre for Hydrogeological Zone IV. Roughly the area north of Hill Street and Hampton Road is within HZ V. (Map 3). This translates to a minimum lot size of a nominal one acre per dwelling for Zone V and a minimum of a half-acre for Zone IV to avoid enhanced treatment requirements. Also, County regulations currently do not apply to grandfathered situations, which are prevalent in the Village. The Suffolk County Comprehensive Water Resources Management Study does recognize the fact that HZ IV would have been better served with a 300 gpd/acre/day maximum, so changes in these regulations will likely happen in the near future.

A 300 gpd design minimum applies to single and separate homes or residential units of 1,200 square feet or larger. A two-family residence requires a design minimum of 600 gpd, but there is no upper limit on size for single-family homes.[10] This means that the single-family home with eight bedrooms is less restrictively regulated than a two-family home with possibly fewer bedrooms. In the Village, where homes tend to be large, recent applications for building permits are proposing homes with eight bedrooms on less than 20,000 SF lots. Homes at this scale are functionally equivalent to a two-family residence in terms of potential intensity of use, but they are currently allowed with no restrictions or requirements for enhanced wastewater treatment.

Ignoring grandfathering, all colored parcels in Map 3 are noncomplying with the intent of the current code. (See Appendix A-2 for full village maps sized 11" x 17".) Yellow represents lots less than 20,000 SF and green, parcels less than 40,000 SF. The purple represents existing undeveloped lots less than 20,000, which may still be developed as-of-right. All of the yellow and green lots depicted are potentially discharging wastewater at levels that are not compliant with the current protection guidelines.

The New York State Department of Health is more restrictive and regulates the design capacity of domestic wastewater onsite systems relative to both the number of bedrooms and the age of the fixtures. The 300 gpd equivalent would be similar to a three-bedroom home using efficient fixtures. (Table 5-2) Although the state code is not applicable to Suffolk County, it can act as a

[10] *Standards Approval of Plans and Construction – Sewage Disposal Systems for Other Than Single-Family Residences*, Suffolk County Department of Health Services Division of Environmental Quality, 2008, Table 1, P.11ff



Map 3 – Nonconforming Lots for Minimum Sizes for Hydrogeological Zones V and IV

Table 5-2 NYS RESIDENTIAL DAILY DESIGN FLOWS	
Plumbing Fixtures	*Minimum Design Flow (gallons/day/ bedroom)*
Post-1994 Fixtures 1.6 gallons/flush toilets 2.5 gallons/minute faucets & showerheads	110
Pre 1994 Fixtures 3.5 gallons/flush toilets 3.0 gallons/minute faucets & showerheads	130
Pre-1980 Fixtures 3.5+ gallons/flush toilets +3.0 gallons/minute faucets & showerheads	150
Waterless Toilets (greywater discharge only)	75

guide for evaluating limits to bedrooms. In an ideal world we could correlate the two codes, assigning a formula based on area. For Example:

Zone V: Area x 3/40000 (0.000075) = number of bedrooms allowable without advanced treatment (Column D Table 5-3)

Zone IV: Area x 3/20000 (0.00015) = number of bedrooms allowable without advanced treatment (Column E, Table 5-3)

The impacts of wastewater loads can be handled by either limiting the number of bedrooms relative to the size of the lot and/or requiring enhanced treatment. Table 5-3 identifies the average and maximum number of bedrooms for each lot-size category. Columns D and E identify the maximum number of bedrooms for the lot size category that would not require enhanced treatment to protect drinking water quality standards for groundwater.

Table 5-3 EVALUATION OF NUMBER OF BEDROOMS FOR RESIDENTIAL LOTS in RESIDENTIAL ZONES

	A	B	C	D	E	F
	Aver. Bldg. Lvg. Area (SF)	**Aver. # of Bedrooms Existing**	**Max # of Bedrooms Existing**	**HZ V Bedrooms Max w/out treatment**	**HZ IV Bedrooms Max w/out treatment**	**Bedrooms Max w/ treatment**
Less than 7500	1,267	2.8	6	**Needs ET**	1	**4**
7500-12499	1,661	3.2	6	**Needs ET**	1-2	**5**
12500-19999	2,169	3.5	9	**1**	2-3	**6**
20000 - 39999	2,779	3.9	10	**1-3**	3-5	**7**
40000-79999	4,423	4.9	10	**3-5**	6-11	**7**
79999-119999	5,870	5.4	15	**6 - 8**	12-17	**10**
120000-	7,750	6.6	18	**9+**	18	**15**

To simplify, a requirement to apply enhanced wastewater treatment to any new construction, additions, major renovations or property transfers for lots sized below 40,000 SF could be applied. Lots 40,000 and larger could be controlled by calculations based on the number of bedrooms or be included in the requirement for enhancement.

There is an environmental need to reduce nitrogen even further than the level needed to protect drinking water standards. Excess nitrogen flowing in groundwater to surface waterbodies can feed algal blooms and impact marine life. Marine waters are twenty times more sensitive to nitrogen loading levels than drinking water. Much of the Village of Southampton drains to Lake Agawam, which has the unsavory distinction of having the longest durations of blue green algae in New York State. The blue green algae produce both gastrointestinal and neuro- toxins, harmful to both humans and pets. Dead fish and birds pulled from Lake Agawam have levels of Microcystin, a toxin generated by cyanbacteria in fresh water, that consistently exceed allowable levels. Lake Agawam is considered hypereutrophic with poor visibility and excessively high levels of chorophyll. Nocturnal cycles and decaying blooms both reduce oxygen levels in the water, which in turn affects survival rates of fish. Dr. Christopher Gobler, of Stony Brook University has documented the contribution of excess nitrogen and phosphorus to the increased toxicity as well as occurrence of the algal blooms. Reductions in nitrogen loading from the antiquated onsite wastewater systems in the Village of Southampton will help restore the water quality of its surface waters as well as aquifers. [11]

We recommend a program that requires mitigating nitrogen throughout the Village, irrespective of the property size. This allows mitigation goals to be reached more quickly than a program just focused on small parcels. Costs would be minimal when compared to property values. In July, the County will start allowing enhanced treatment of onsite wastewater. The Village should advance the installation of these systems. The Village should also consider regulating the maximum number of bedrooms allowed based on lot size to both limit pounds of nitrogen released and control intensity of use, especially in zoning districts R7.5, R12.5, and R20.

[11] Gobler, Christopher, Powerpoint presentation to NYSDEC nominating Lake Agawam for inclusion in the 303D list of impaired waters.

5.2 Water Conservation

Representatives of the Village indicated that water pressure can be lower during peak summer usage, impacting water availability for emergencies. On Long Island continued availability of potable water is a long-range goal for a sustainable future for a region that relies on sole-source aquifers for its water supply. While the EPA estimates that 30% of domestic water use is for outside uses, the Low Impact Development Center estimates it as high as 58%. The average Long Island in-ground irrigation system uses 9,000 gallons of water every hour or roughly 200,000 gallons per season, assuming it runs one-half hour every other day for three months. Average household use is only 10,000 gallons for a month in winter.[12]

Limiting and regulating irrigation is a viable strategy. Shelter Island in Chapter 82 of its code requires irrigation permits. Exceptions and/or incentives could be made for the reuse of water and/or retention of rainwater for irrigation purposes. Not only is water quantity a critical issue, but quality as well. A study by the University of Rhode Island revealed that when irrigation followed fertilization, more nitrogen leached into the groundwater, bypassing uptake by vegetation.[13] Another strategy is to require low-flow fixtures and, such as those listed with the EPA WaterSense program. A new green plumbing code will soon be released and could be promulgated by the Village.

6 Residential Design Types

The Village of Southampton exhibits a wide range of design styles within its boundaries, ranging from bungalows to "exceptional" homes made to impress. There is a history of quality in the designs as well as uniqueness. Any code based on a toolbox of stylized features would undermine the genuine character and variety that personal expressions have generated here. Of more concern is neighborhood scale, which is more traditionally controlled by setbacks, size limitations, proportions, massing, and lot coverage. Buildings that are generated through speculation rather than personal desires have the potential to resort to replication. Table 6 characterizes the styles recorded by the Town of Southampton and aligns them with average sizes and numbers of bedrooms.

[12] Kiang, Caroline, *Water Wise Gardening*, powerpoint presentation for the Cornell University Cooperative Extension, 2012

[13] Morton, T.G., A.J. Gold, and W. M. Sullivan, *Influence of Overwatering and Fertilization on Nitrogen Losses from Home Lawns*, Journal of Environmental Quality, Vol. 17, No. 1, 1988 P 124

Figure 6 Residential Design Styles

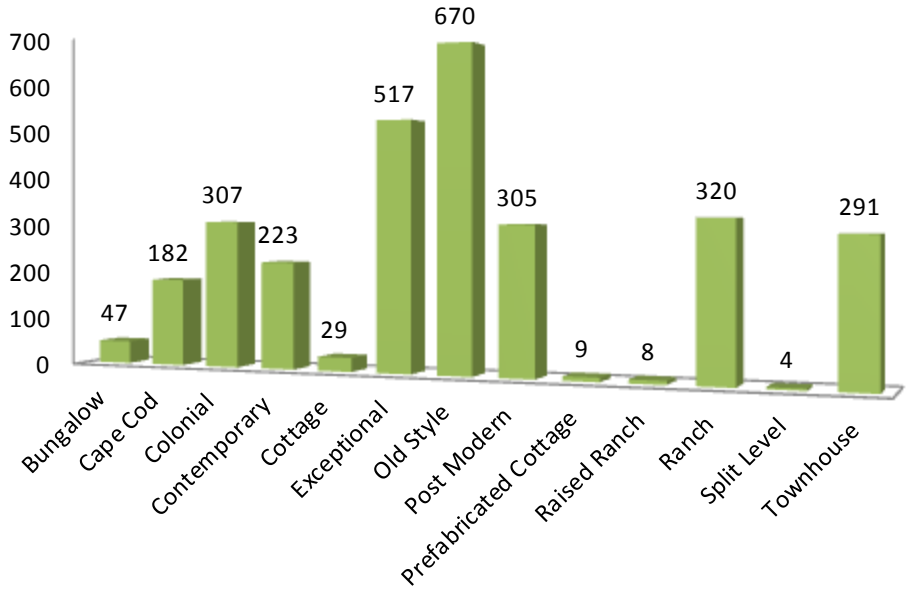


Table 6 Design Characteristics

Design Type	*# Bedrooms*	*Size SF*
Bungalow (51)	2	970
Cape Cod (187)	3.4	2,073
Colonial (321)	4.1	2,878
Contemporary (233)	3.7	2,936
Cottage (50)	1.5	712
Exceptional (555)	6.4	6,993
Log Cabin (1)	2	644
Low-cost Cottage (4)	2	769
Old Style (781)	3.5	2,167
Post Modern (322)	3.9	3,268
Prefabricated Cottage (32)	1.2	555
Raised Ranch (8)	3.1	1,013
Ranch (340)	2.9	1,489
Split Level (6)	3.2	1,513
Townhouse (319)	2.9	2,118

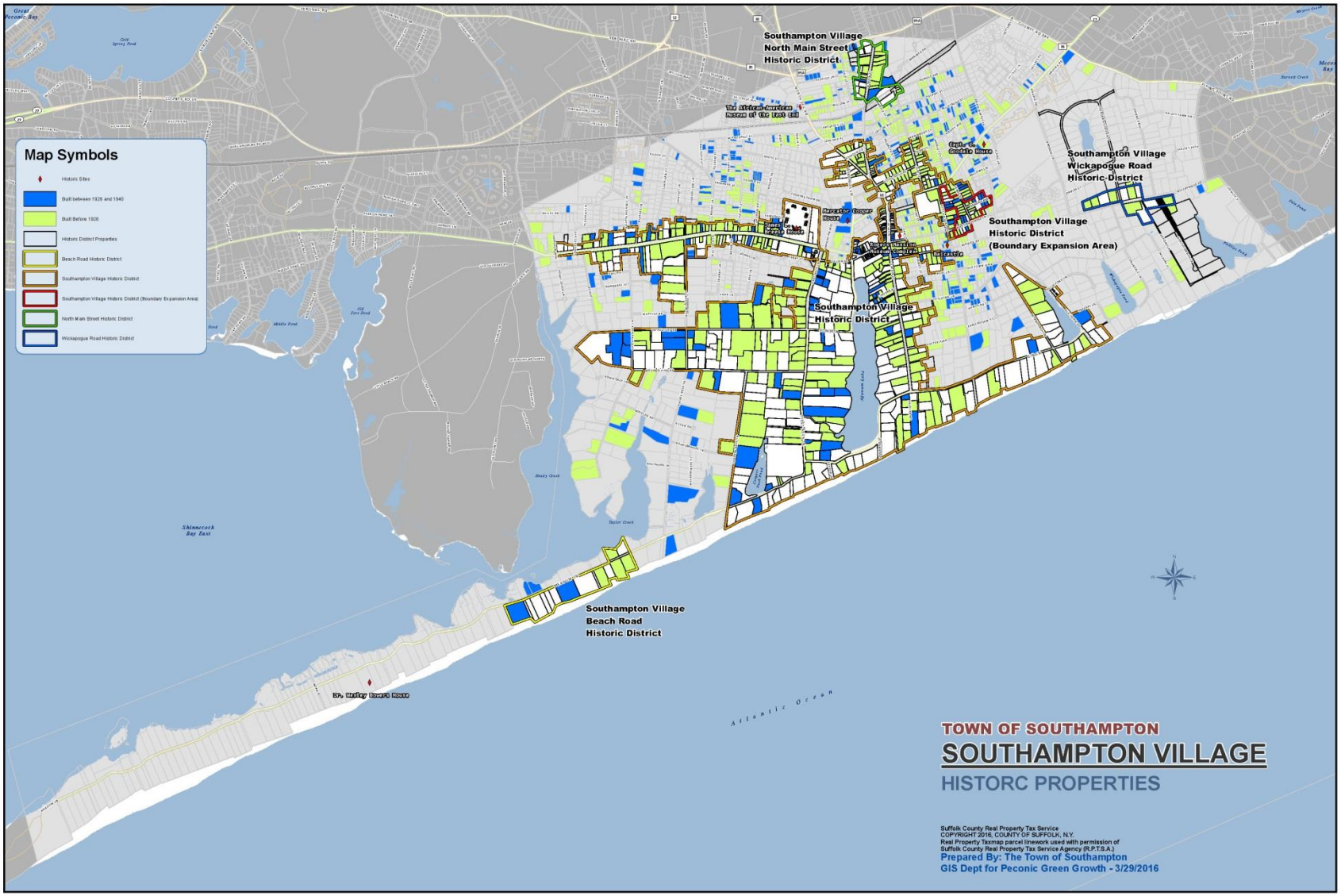
7 Historic Character

With a rich history dating from the 1600's, the Village rightfully treasures its historic character and attractions. While the Board of Architectural Review and Historic Preservation reviews all designs incorporating elements that impact exterior appearance and their approval is required before the issuance of a building permit, they are guided by the Village codes. Their role is stronger when historic

structures are involved, as any demolition of a structure in a historic district, a landmark, or a building constructed prior to November 1, 1926 as evidenced by an historic map and approved for nomination as a landmark, requires a Certificate of Appropriateness in accordance with the Village Code section 116-37(6).

Protection from demolition could be expanded by using another resource, such as the map generated by the Town of Southampton using records of the original date of construction (Map 4), and/or a data base (Appendix 4). The map generated here documents the historic districts, structures built before 1926, and those built between 1926 and 1940. Another way to expand protection is to identify "heritage" structures, by evaluating the historic value of any structure over fifty years of age, with the onus on the property owner to prove date of construction, but verifiable with the database.

To further support the BARHP, contextual zoning could be considered. This approach would limit the setbacks, size, materials, style or proportion of nearby properties to be designed in a contextually appropriate manner.



Map 4 Historic Properties

8 Analysis of Particular Streets

To help identify the characteristics of streetscapes that the Village treasured, we examined Post Crossing, which the committee identified as being a typical, beloved, Village street. We then looked at some streets that were undergoing significant redevelopment to evaluate conditions.

8.1 Post Crossing

While the zoning for Post Crossing is R7.5, in fact the lot sizes are more in line with R20 districts. All lots meet the 7,500 square-foot (SF) minimum area for the R7.5 district. The average lot size is 20,758 square feet. All lots are compliant with the minimum lot width of 75 feet, with a range of 80 to 162 feet, and an average of 106 feet in width, numbers more in line with a R12.5 district. But if one compares lot width to the minimum lot width evaluated by lot area category, only 56% are compliant. The lots are generous in size, but most tend to have a narrow and deep configuration. Only two parcels have widths equal to the depths and the average width to depth ratio of lots is 60%.

Using a combination of google maps and village records, the widths of principal buildings were assessed, with the average being forty-two (42) feet. Many of the homes have a street façade that is narrower than the full width of the house, creating a contextual street coherence, regardless of the actual house size. The average width of the street façade is 29 feet. The average percentage of allowable building width to lot width is 59.3%, but the average percent of building width to lot width is only **39%**. All homes were 2.5 stories in height and averaged 2,987 SF of living space in the principal building. The housing size compared to the allowable size is robust at 86%. The average number of bedrooms is 4.3, with a maximum of six. Eight-eight percent of the homes have porches and 63% have garages in the rear yard. Sixty-three percent have swimming pools. The average assessed value of the properties on Post Crossing is $1,854,948.

In terms of street appearance, both sides have street trees. The north side has a sidewalk and only a few hedges along the front lot line, with some being low in height. The north side has a neighborhood feeling, with visual connections between properties and the street. While the houses provide are interest with their unique designs, they have a proportional coherence. The south side is more isolated in feeling as it does not have a sidewalk and there are mostly high privet hedges hiding the homes from sight. Images of the full streetscape are included in Appendix 3.

The characteristics that make this an appealing street include street trees, a walkable environment with visual connections, the relatively narrow building facades, the welcoming, human scale of porches, and reduced presence of automobiles, as most garages are in the rear.

North Sidewalk

South Verge

Figures 8-1 - 8-6 Post Crossing: Examples of Facades

Figures 8-7 and 8-8 Post Crossing – Gate locations

Figure 8-9 Post Crossing

Figure 8-10 Dale Street

8.2 Dale Street

We were asked to look at Dale Street as some of its lots have recently undergone redevelopment. It is an interesting contrast to Post Crossing, as the zoning is R12.5 and the average lot size is 12,518 SF, which seems a good match to the zoning category, except only 46% of the lots are compliant with the minimum 12,500 SF area. Lot sizes ranged from 7,036 SF to 21,768 SF, so there is significant variation in lot sizes. Only 31% of the parcels have lot widths compliant with the zoning. The average lot width is 86 feet, below the code minimum of 100 feet. The ratio of width to depth is 63%, basically similar to that found on Post Crossing. The average width of buildings is forty feet, with the average street façade being 30 feet. The average percentage of building width to lot width is 49%, ten percent higher than Post Crossing.

The average size of the principal building is only 1,525 SF and represents 52% of the allowable size. The modesty of the development causes a feeling of contextual alienation when new development takes advantage of maximum allowable footage. This is borne out by the range of

development intensity, with the lowest being only 16% of allowable, and the most recent at 91%. The number of bedrooms averages 3.1, with a maximum of only four. The heights and styles of homes vary greatly, including ranches, bungalows and two-story structures. There is not a consistent proportion. Only 35% have pools, and 39% have garages in the rear, so the presence of motor vehicles is more prevalent than at Post Crossing. The average assessed value is $763,929.

Dale Street does not have sidewalks or curbs, with the paved edge sometimes being irregular. While some street trees exist, there isn't a coherent planting pattern. The treatment of the front lot varies from open lawns to tall privet hedges on even the smallest lots. The most recent development has turned its back on the street, with the garage in the front yard.

Figure 8-11 Dale Street

Figure 8-12 Dale Street Collage (northern portion of east side)






Figures 8-13 - 8-18 Homes on Dale Street

8.3 Other Streets

Many other streets are seeing a substantial amount of redevelopment, with more massive buildings that push against the maximum allowable limits. Streets such as Post Lane, Old Town Crossing, Halsey Street, Corrigan Street, and Herrick Road to name a few. White Street offers an interesting example of changes in zoning along the street and consistent variations within a zoning district. The block between Breese Lane and Halsey Street is particularly interesting, with R12.5 zoning. The north side of the block has large lots over 100 feet wide with large, two-story homes. Most have high hedges giving a feeling of private enclaves. The south side of White Street has mostly lots 75 feet in width. Here the homes are wide, but low with open front lawns, a mixture of suburban and village characters. Because there is a coherency in the design of the homes and treatment of the front yards, the street seems to define a nonexistent boundary.

Figure 8 -19 White Street North Side

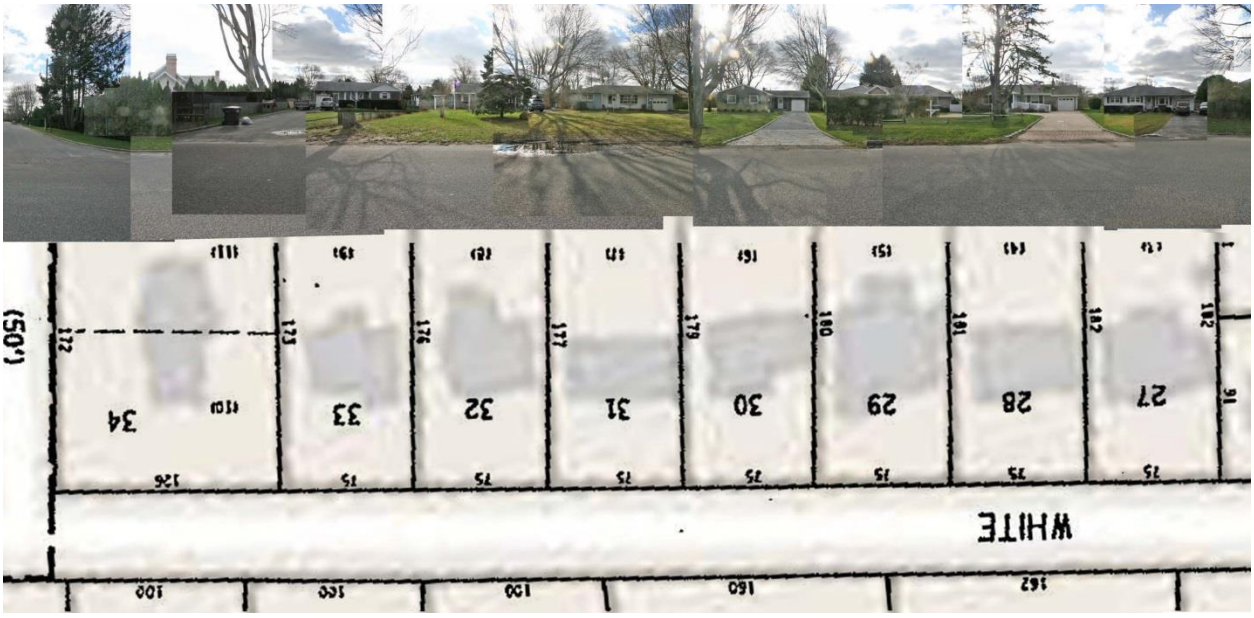


Figure 8-20 White Street South Side

9 Summary of Findings

Based on the data and case studies discussed above the following are a summary of findings:

9.1 Home sizes are increasing in size. The percentage of increase is particularly large in the R7.5 zoning district.

9.2 Recent applications tend to develop to the maximum allowed by code, which differs significantly from past practice.

9.3 There is an increase in lot coverage and impermeable cover.

9.4 The size and mix of parcels is diverse in the same zoning district, leading to some discordance in design and neighborhood coherence. This situation does support the existing code emphasis on regulations tied to lot size rather than zoning district, but there is need for some adjustment to address impacts on neighborhood character.

9.5 The favored lot and house configuration is a narrow lot with a 60% width to depth ratio, a house width of 40% of the lot width, narrower street facades, porches, full-height structures, and garages in the rear yard.

9.6 Built infrastructure in the Village of Southampton is vulnerable to continued redevelop as 47% of the residential lots suitable for single-family residences have been developed to less than 50% of that allowable by current code. Another 25% are moderately susceptible to redevelopment, as these lots have been developed 50% to 70% of the allowable living area.

9.7 Intensity of use is of issue as there is an increase in the number of bedrooms as well as full use of basements, which are not included in GFA.

9.8 Residents place high value on the historic nature of the Village.

9.9 There is a need to address environmental issues, such as water quality, water conservation, light trespass, and stormwater runoff.

9.10 With a high number of residents and renters being seasonal and/or investors, there is a gradual turning away from the public realm, evidenced by high hedges, garages fronting the street and site designs that emphasize private enclaves.

9.11 Property values are high, spurring intensity of use and increased sizes to maximize returns.

10 Optional Strategies

The following are some possible solutions to the issues raised during this study.

A. Maximum Principal Building Size

The increased size of new construction is referenced as a significant issue facing the Village of Southampton. Recent renovations and new construction seem to be building close to the maximums allowed by code. This was not always the case, as the average size of dwellings has increased up to 72%, with the most significant increases being in the R7.5 and R12.5 zones (Table 10.1). There have also been some extremely large homes built in recent years. Since 73% of the current residential properties in the Village have living spaces less than 70% of that allowed by current code, these lots are susceptible to redevelopment. The trend of increasingly larger principal houses can therefore be expected to continue. An issue is whether to address the size of the main dwelling, the coverage of all buildings, and/or incorporate maximum lot coverage changes. Dissension on this issue was strong, with many wanting no change to the existing regulation as the rules limiting gross floor area were changed as recently as 2007. Others want a stronger limit than the one listed in A2 below, preferring a 10%/1,000 SF formula.

Table 10.1 Increase in Building Size (Existing)

Zoning	*Aver. Livable space (heated, not basement)*	*1990-2015 Aver. Livable space (heated, not basement)*	*% incr. to average*	*1990-2015 Max Livable Space*	*% incr. to average*
R7.5	1,772	3,049	**172.1%**	5,012	282.9%
R12.5	2,361	3,438	**145.6%**	7,068	299.4%
R20	2,455	3,417	**139.2%**	8,480	345.4%
R40	3,770	5,031	**133.5%**	16,432	435.9%
R80	5,268	5,985	**113.6%**	13,448	255.3%
R120	6,014	8,069	**134.2%**	30,182	501.8%

The degree of change and the impact of increased non-conformance should be considered. For simplicity and to reflect the existing code, the formulas were applied evenly to all lot sizes. Participants chose not to incorporate a sliding scale, which is used in the Village of East Hampton. Table 10.2 illustrates the change in percentages of lot coverage based on the minimal size of lots in each category as well the degree of change when compared to the existing code.

Strategy A1

No change proposed to 116-17.1 B, which is 12% of the lot area plus 1,500 square feet.

Strategy A2

Strategy A2 retains the existing approach, but reduces the 1,500 SF supplement to 1,000 SF (116-17.1). This has more of an impact on the smaller lot sizes, with a maximum reduction of 21%. The larger the lot size, the more minimal the impact on the size limitation.

Table 10.2 BUILDING GROSS SQUARE FOOTAGE MAXIMUMS

		Village of Southampton Existing Regulation		Strategy A2		
Zone	Area	Max. Princ. Bldg. GFA 12% +1500	% of Lot	12% +1000	% VSH Code	% Lot
7.5	7,500	2,250	30%*	1,900	79%	25%
12.5	12,500	3,000	24%	2,500	83%	20%
20	20,000	3,900	20%	3,400	87%	17%
40	40,000	6,300	16%	5,800	92%	15%
80	80,000	11,100	14%	10,600	95%	13%
120	120,000	15,900	13%	15,400	97%	13%

*Note: the 30% maximum applies, otherwise the size would be 2400SF

B. Maximum Gross Floor Area for Dwellings Amended to include any Habitable Space in Accessory Buildings.

Strategy B1

Currently the maximum gross square footage of dwellings) targets the principle structure.[14] It seems that existing legal uses of accessory structures for residential purposes are incorporated in lot coverage but not gross floor area. Using the same maximum formula, we recommend changing the code to include habitable space in accessory structures in the calculations of gross floor area. This would require adjustments to the code in sections 116-17 and 116-19 H, as well as a new definition for habitable space. This change would limit the size of the principal building where a second habitable structure exists.

Strategy B2

Currently the code does not permit the development of residential purposes in accessory structures. The code currently characterizes this condition in preexisting development as a nonconforming accessory use. If this use were allowed and no longer considered nonconforming, then the overall massing of buildings on a site is less, assuming the habitable

[14] VSHZBCR 116-17.1

areas of the accessory structure are included in the gross floor area and the height is limited by the regulations applicable to accessory structures. The restrictions to uses as described in 116-19 H would still apply. The definition of accessory use would need to be amended. An added consideration would be setback restrictions. One solution might be to allow setbacks for accessory structures to apply when there are no windows facing the boundary, but to require the same setbacks applicable to the main structure when windows face shared lot lines.

These changes would reduce the incidence of nonconformance as well as count and regulate space being used illegally for sleeping purposes, such as pool houses.

C. Side Setbacks.

Strategy C1

Strategy C1 proposes to eliminate nominal side setbacks for the principal building from the table in 116-11.1 A. Instead the formula as described in 116-19 C (4) for all side setbacks would be applied to all lots. This avoids the current inequalities, such as the larger building to lot width ratios applicable for lots less than 12,500 SF or for lots with widths larger than the minimal requirement for the respective zoning district. (116 Attachment 3) An absolute minimum of ten (10) feet for a single side setback and twenty (20) feet for the combined side setback totals would also apply. While this approach will not ensure compatibility between lots on a street with varying lot widths, it will create a consistent proportion between the built widths and the lot widths.

Text of 116 – 19 C (4) (a), which would be introduced to 116-11.1:

> The total dimensions of both side yards for a principal building shall be computed on the basis of 4/10 of the lot width; however, no side yard dimension shall be less than 4/10 of the total dimensions of both side yards, computed as aforesaid, and no side yard dimension shall be less than 10 feet.

Strategy C2

Strategy C2 proposes applying a similar concept to C1 while decreasing the buildable width from 60% to 50%. 60% regularizes the intention of the existing code, but a further reduction in buildable widths starts approaching the widths evident in preferred streetscapes. For instance, Post Crossing had an average building width that was 39% of the lot width. The 50% build able width would represent a balance between the built environment and landscaped spaces. The formula in 116-19 C (4) would be amended as follows, with the ten (10) single/twenty (20) feet combined side setbacks remaining as an absolute minimum.

> The total dimensions of both side yards for a principal building shall be computed on the basis of 1/2 of the lot width; however, no side yard dimension shall be less than 4/10 of the total dimensions of both side yards, computed as aforesaid, and no side yard dimension shall be less than 10 feet.

D. Onsite Wastewater Treatment

Strategy D

Strategy D requires the removal of cesspools and the provision of enhanced treatment of wastewater for all construction, major renovations, and/or increase in bathroom fixtures. This is an uncomplicated approach as it provides an equitable application of regulations. It also helps advance restoration efforts more quickly by reducing nitrogen loading throughout the village, not just on the small lots. The costs are also less of a burden financially on the larger parcels. Incentives/bonuses could be awarded if gray or treated wastewater were to be reused (irrigation or toilet flushing).

Note: renovations in basements or accessory structures would be included in the assessment, even if the square footage is not calculated in the gross floor area.

E. Lot Coverage

Currently the Village of Southampton limits lot coverage to 14% + 1500 SF, with a maximum of 30%. This maximum usually only applies to lots smaller than 9,375 SF. The proposals E-1 and E-2 below should both be applied, as one clarifies and slightly expands the items for inclusion with an emphasis on building areas. Strategy E2 reverses the impervious cover discussion by requiring a minimum percentage of vegetated cover. If the permeable driveway strategy is added, then the expected impervious cover starts approaching acceptable limits of overall impervious cover in watershed areas.

Strategy E1

Strategy E1 aims to more clearly codify and slightly expand current practice. The existing formula and maximums for lot coverage remain in place. This assumes that the current interpretation of lot coverage will be clarified in support of a focus on building/mass impacts. Those items included in the definition of: *"Building, Area, of,"* which only includes porches and terraces that are roofed and those items, such as tennis courts and swimming pools that have specific references in the code calling for their inclusion in building lot coverage calculations would be expanded to include raised unroofed decks and terraces not flush with ground level.

By clarifying and enumerating the structures for inclusion in the calculation in section 116-11.2, a modest reduction in coverage from existing practice can be expected. To maintain a healthy watershed and allow for the limitation of impermeable surfaces, this approach should be combined with the others below, as described in E2 and E3.

Strategy E2

Strategy E2 requires that at least 65% of the lot area shall be vegetated. This both supports a reduction of impermeable surfaces and protects the lush, vegetated character of the Village.

Strategy E3

Strategy E3 requires that all driveways and parking areas be constructed of a porous or permeable surface. This regulation could be inserted as part of 116-9 B (3), which applies only to residential districts, which are the focus of this study. Another option is to also include it in 116-14 H (8) which applies to all properties. In the latter case, exceptions should be made for driveways being used by heavy trucks and uses such as automobile repair and service, which should retain an impervious cover that is drained to a filtering system before being released onsite. A guide that illustrates typical acceptable solutions with typical design details and specifications should be developed to both educate all involved and expedite the design/approval process.

F. Stormwater Runoff on Residential Properties

Strategy F

Strategy F requires that stormwater runoff be retained on site. This can be either a general statement, allowing the Building Inspector to judge when situations warrant remediation, or requirements for a specified event. The latter would be calculated and incorporated into permit drawing sets.

G. Height

Strategy G1

Strategy G1 allows up to 50% relief from the pyramid law on side elevations contingent upon BARHP approval. Criteria for approvals should include an evaluation of privacy issues impacting adjacent properties. This would be an additional item under 116-12 E. Maximum height limitations will still apply. This easing of restrictions stops building designs being reflective of the massing dictated by the pyramid law.

Strategy G2

Strategy H4 limits flat roofs above 27 feet to 5% of the roof area.

H. Street Character and Community Issues

The strategies listed below aim to support a village street character by requiring action or limitations on private property owners. Simultaneously the Village could consider evaluating the presence, condition, and need for sidewalks, street trees and traffic calming, all of which would be within the public right-of-way.

Strategy H1

The current regulations require the deepest front setback when comparing front setback limitations by zoning district or area criteria (116-11.1.ff). Instead, since lot sizes vary significantly within a zoning district, a more consistent street character might be obtained by allowing an exemption:

> *116-11.1 B. (3). Exemption: A porch or building limited to thirty-feet in width may extend to the front setback as defined by the residential district.*

Strategy H2

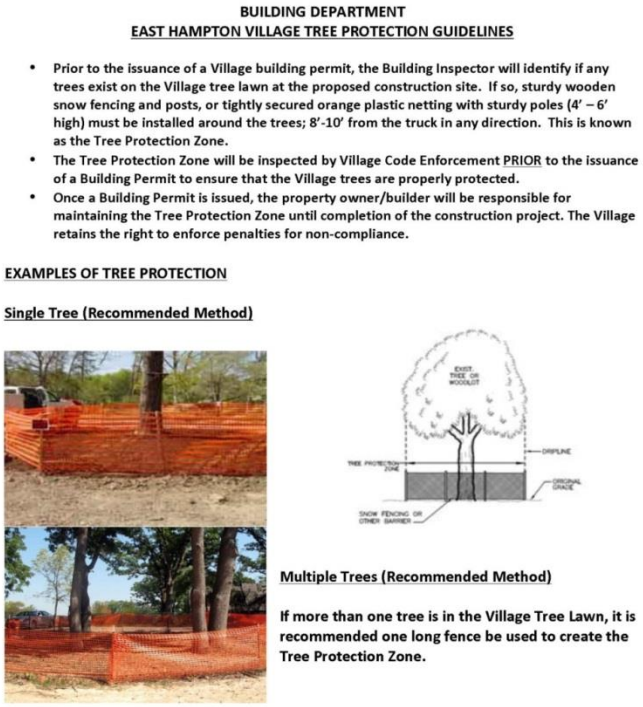
Strategy H2 limits the height of hedges to eight (8) feet in front yards in zones R7.5, R12.5 and R20.

Strategy H3

Strategy H3 introduces a tree removal permit for trees larger than twelve inches in diameter and/or revegetation guidance documents. These could be incorporated into the Board of Historic Preservation and Architectural Review duties, as it already is tasked with considering the appropriateness of the "natural character of landscape" (116-23 B.) This would stop developers from clearing parcels before building permits are issued.

Strategy H4

Strategy H4 requires the establishment of a tree protection zone defined by the drip line before a building permit is issued. Below is a sample from the Village of East Hampton (Figure H 1).



BUILDING DEPARTMENT
EAST HAMPTON VILLAGE TREE PROTECTION GUIDELINES

- Prior to the issuance of a Village building permit, the Building Inspector will identify if any trees exist on the Village tree lawn at the proposed construction site. If so, sturdy wooden snow fencing and posts, or tightly secured orange plastic netting with sturdy poles (4' – 6' high) must be installed around the trees; 8'-10' from the truck in any direction. This is known as the Tree Protection Zone.
- The Tree Protection Zone will be inspected by Village Code Enforcement PRIOR to the issuance of a Building Permit to ensure that the Village trees are properly protected.
- Once a Building Permit is issued, the property owner/builder will be responsible for maintaining the Tree Protection Zone until completion of the construction project. The Village retains the right to enforce penalties for non-compliance.

EXAMPLES OF TREE PROTECTION

Single Tree (Recommended Method)

Multiple Trees (Recommended Method)

If more than one tree is in the Village Tree Lawn, it is recommended one long fence be used to create the Tree Protection Zone.

Figure H 1

Strategy H5

Strategy H5 introduces night sky regulations that control light trespass and up-lighting. The current lighting references would be removed from all sections in 116-23 and either one exterior lighting code introduced, or two, one for residential uses and another for commercial uses.

I. Water Conservation

Strategy I1

Strategy I1 introduces limits on irrigation through use of an irrigation permit. It would stipulate limits on extent of installation, types of systems allowable, sensors needed, and exemptions or incentives for application of reused or reclaimed water. A best practices guide could provide additional information.

Strategy I2

To further protect water capacities, Strategy I2 promulgates water conservation. It could require compliance with the full EPA WaterSense program or require certain aspects of the program, such as water conserving fixtures. The program could be supplemented by an incentive program that encourages owners of older homes who have not updated their plumbing fixtures since1994 to install WaterSense fixtures. An associated program could incentivize or promote the use of the green plumbing code, which will soon be released.

J. Preservation of Historic Character

Strategy J1

Strategy J1 Increases the number of structures that must be reviewed by the BARHP for a certificate of appropriateness for demolition. Instead of limiting the review of structures appearing on a 1926 map, the requirement would be extended to all "Heritage Structures," being any structure older than fifty years. Borrowing from the Town of Southampton definition, "Heritage Structures would include *man-made objects at least 50 years old that are connected to human activity. These resources could be any building used to house human or animal activities, infrastructure, and even docks, fences or monuments.* The applicant would be required to list the date of original construction on the permit application. This could be checked by referencing a database obtainable from the town in excel format.

Strategy J2

Strategy J2 recommends that one or more qualified architectural historians be hired to evaluate and report on the historic value of structures being referred to the Board for Architectural Review and Historic Preservation for a certificate of appropriateness.

Strategy J3

As an educational resource and public awareness program, the Village should consider partnering with the Town of Southampton as it develops a website that provides documents, maps, pictures and details of important historic landmarks, places listed on the National and State Register of Historic Places, historic districts, landmarks, and heritage structures or areas in the Village and Town of Southampton. The website can become both a reference tool for applicants and reviewers, as well as support for tourism. This can even include recommended walking and driving tours.

11. References

Data and maps were generated from the Town of Southampton databases, using 2007 housing data, supplemented by files from the Village of Southampton.

Joubert, L., P. Hickey, D. Q. Kellogg, and A. Gold. *Wastewater Planning Handbook: Mapping Onsite Treatment Needs, Pollution Risks, and Management Options Using GIS*. Project No. WU-HT-01-07. Prepared for the National Decentralized Water Resources Capacity Development Project, Washington University, St. Louis, MO, by University of Rhode Island Cooperative Extension, Kingston, RI., 2003

Morton, T.G., A.J. Gold, and W. M. Sullivan, *Influence of Overwatering and Fertilization on Nitrogen Losses from Home Lawns*, Journal of Environmental Quality, Vol. 17, No. 1, 1988 P 124ff.

Suffolk County, *Suffolk County Comprehensive Water Resources Management Plan* (SCCWRMP), prepared by CDM for the Suffolk County Department of Health Services (SCDOHS), August 2010 Draft.

Suffolk County, *Standards for Approval of Plans and Construction – Sewage Disposal Systems for Other Than Single-Family Residences*, Suffolk County Department of Health Services Division of Environmental Quality, 2008.

Suffolk County, *Standards Approval of Plans and Construction – Sewage Disposal Systems for Single-Family Residences*, Suffolk County Department of Health Services Division of Environmental Quality, 1995.

Zoning Codes for the Towns of East Hampton, Riverhead, Shelter Island, Southampton, and Southold and Villages of Southampton and East Hampton.