



PLANNING DEPARTMENT

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*Planners are available Monday thru Friday,
 between 1 p.m. and 4 p.m.*

NATURAL RESOURCES

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BUILDING INSPECTION

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TOWN CLERK

159 Pantigo Road
 East Hampton, NY 11937
 631-324-4142

TOWN WEBSITE

www.town.east-hampton.ny.us

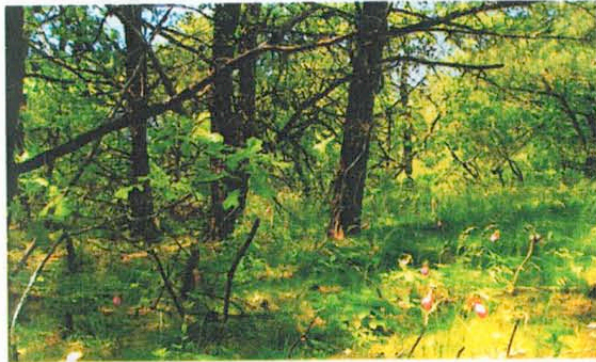


The Vegetation Protection Ordinance

in plain English



East Hampton Town has been a leader in open space preservation for at least 20 years. Through our innovative and creative zoning and land use regulations, we have managed to protect much of our unique native forests, moorlands, dunelands and meadows in spite of extreme development pressure. The Vegetation Protection Ordinance is a continuation of that tradition.



Nature does not understand property lines. Wildlife, groundwater, upland and wetland habitats are shared by all of us. Additionally, everything that we do to our property impacts the water beneath the land and eventually impacts our harbors and bays.

The Law

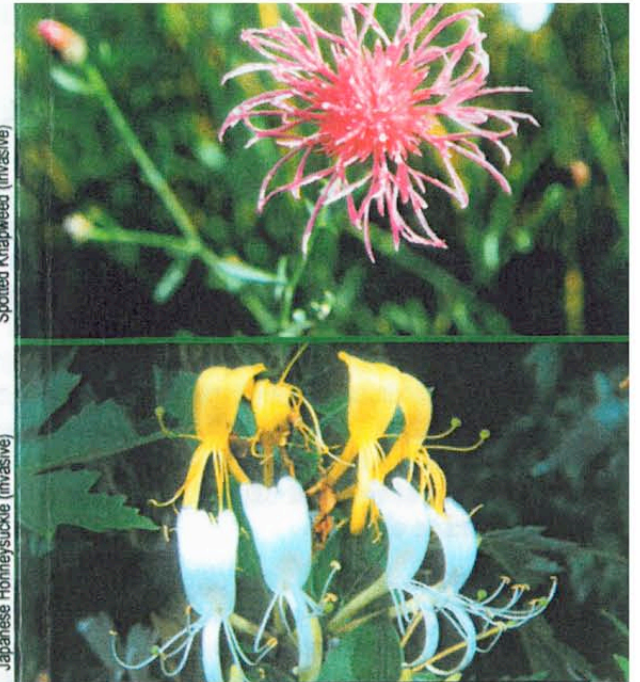
The Vegetation Protection Ordinance is filed as Resolution No. 801 June 8, 2004 and is available in the Town Clerk's Office. The part of the law that changes Section 255-2-60 of the Town Code sets forth the new clearing restrictions. The clearing restrictions apply to all residentially zoned land that is not located within the Agricultural Overlay District, the Water Recharge Overlay District or the Harbor Protection Overlay District. If you wish to calculate the amount of clearing permitted on a particular residential parcel covered by the new law, find the parcel's size in square feet on the chart below and calculate the amount of clearing permitted using the corresponding formula.

Parcel Size*	Clearing Formula
Up to and including 10,999 sq. ft.	100% of the property may be cleared
From 11,000 sq. ft. to and including 19,999 sq. ft.	10,999 sq. ft. or 75%, whichever is greater
From 20,000 sq. ft. to and including 280,000 sq. ft.	10,000 sq. ft. + (lot area x 25%)
Greater than 280,000 sq. ft.	80,000 sq. ft.

- The area of flag strips or access easements is excluded from lot area for the purposes of these calculations.
- Clearing within flag strips or driveway easements is not counted in the permissible amount of clearing.
- Clearing in excess of 80,000 sq. ft. on any lot is prohibited unless the lot area exceeds 300,000 sq. ft. and Site Plan/Special Permit approval is obtained first from the Planning Board.
- If a use is proposed in a residential district (other than a single family residence) that requires a Site Plan/Special Permit approval, the Planning Board may approve more than the 80,000 sq. ft. maximum clearing as part of the site plan approval. When that use ceases to exist, revegetation will be required.



Oriental Bittersweet (invasive)



Spotted Knapweed (invasive)

Japanese Honey-suckle (invasive)

* 10,890 sq. ft. = 1/4 acre 43,560 sq. ft. = 1 acre
 21,780 sq. ft. = 1/2 acre 217,800 sq. ft. = 5 acres

Non-native and Invasive Species

Our native ecosystems are not gardens. They have evolved over thousands of years to manage themselves if given the chance. However, some of the native vegetation in our residential areas is being overtaken by aggressive non-native plants. The Vegetation Protection Ordinance allows homeowners to remove these harmful species. A list of plants that can be removed from the uncleared portions of residential lots can be obtained from the Town Clerk, the Natural Resources Department, the Planning Department, the Building Department and the Town's website. The law also allows homeowners to remove deadwood that is in danger of falling on the cleared portions of the lot. **The law does not affect what can be planted or removed from the area that is counted as cleared.**

Some native species, including catbrier (*Smilax sp.*) and poison ivy (*Rhus radicans*) can certainly cause us great annoyance at times. However, they are important parts of our native ecosystems. One obvious benefit is their wildlife value. They provide the food and vegetative structure that are necessary components of the habitat of a variety of native wildlife species. In most cases their removal should be avoided. However, in some areas these plants have benefited greatly from human activities, sometimes at the expense of other, more rare species. In those rare cases some management may be warranted. The law allows removal of these native species from areas counted as uncleared only after review and approval of plans by the Town Natural Resources Department. The law also allows for the restoration of our historic landscapes after review of plans by the Natural Resources Department.

Definition of Clearing:

With the exception of the listed non-native vegetation and dangerous deadwood, the removal of anything from an uncleared area is considered to be clearing. This strict definition is intended to protect the integrity and function of our native ecosystems. For example, in our forested areas, dead trees and branches provide a food source, perching sites and home sites for many of our forest birds; and every layer of the forest (even the dead leaves!) helps to filter and clean rainwater and surface runoff before it reaches our drinking water below.



Multiflora Rose (invasive)



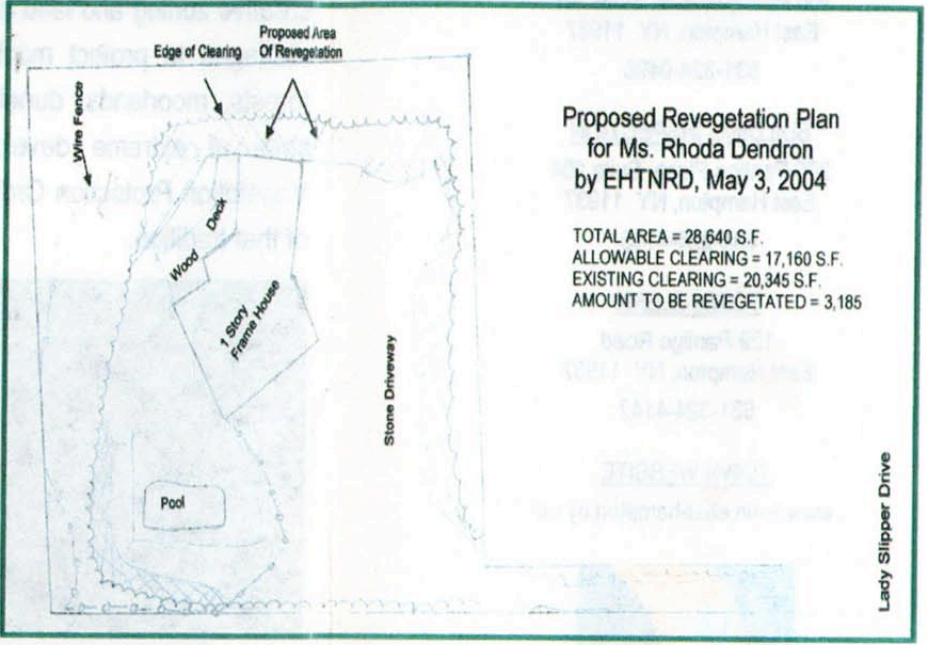
Tartarian Honeysuckle (invasive)



Japanese Knotweed (invasive)

Survey Requirements

It is already necessary to provide the Town Building Inspector with a survey depicting all improvements to a residential lot before a Certificate of Occupancy can be issued. These surveys will now be required to depict the property's clearing line unless the Building Inspector determines that the lot was already completely cleared before the Vegetation Protection Ordinance went into effect. If the Building Inspector determines that additional clearing is required for proposed new construction, he may also require a survey of the clearing line before he issues a building permit for a project. **Homeowners are free to clear in any location on their property without a building permit provided a Natural Resources Special Permit is not required; the property is not bound by clearing restrictions imposed by a Harbor Protection or Water Recharge Overlay District; and the property contains no covenants and restrictions and/or scenic or conservation easements that would restrict the ability to clear. The total clearing on the lot must comply with the limits set by the law.** The Town Natural Resources Department is available to help anyone who needs help or has questions regarding what is cleared or what may be cleared on their property.



Revegetation

If a property is cleared beyond the limits set by the Vegetation Protection Ordinance after the filing date of June 14, 2004 the homeowner must revegetate the overcleared amount in accordance with a plan approved by the Town Natural Resources Department. A fee is charged by the Town for review and approval of these plans.