



Trustees of the Freeholders

116 Hampton Road
Southampton, NY 11968

Meeting: 06/03/24 01:00 PM
Department: Trustees of the Freeholders
Category: Local Laws - Trustees
Prepared By: Jessica Feldman

ADOPTED

TRUSTEES 2024-162

DOC ID: 46597

Notice of Adoption of Amendment of “Blue Book” (A340) Amending The Management and Products of the Waters of the Town of Southampton Article XVII Ocean Beach Events and Permits

WHEREAS, the Trustees of the Freeholders and Commonalty of the Town of Southampton considered a change in the Rules and Regulations for Management of Products of Town Waters; and

WHEREAS, the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton held a public hearing on **Monday, May 20, 2024 at 1:00 p.m.**, to hear any and all persons either for or against were heard; now, therefore, be it

RESOLVED, that Article XVII of the Rules and Regulations for Management and Products of Town Waters (a/k/a “Blue Book”) is hereby amended as follows:

SECTION 1. - Legislative Intent.

The Board of Trustees for the Town of Southampton desires to update the Blue Book, A340 in order to revise and revamp the regulations pertaining to the holding of special events on land owned by or monitored by the Trustees.

SECTION 2. - Amendment.

Article XVII of the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton is hereby amended by deleting entire section as it existed and substituting the fully revised Article XVII in its place and stead:

ARTICLE XVII Events and Permits

§70. Purpose: permit required for events.

Every summer, the Trustees are tasked with managing and balancing the ability of the public to enjoy the foreshore of the marine waters in the town with the need to observe the laws regarding the endangered species that migrate to our shores in the summer to breed. This task is not an easy one and it is one that the Trustees take very seriously because a failure to monitor and safeguard those endangered species could result in a total closure of affected areas to the public; that is an unacceptable penalty.

Every year numerous people hold events on the beaches that require the monitoring of the use before, during, and after the event, and it is not a matter of how many people are attending the event, because one person can easily destroy the rights of the people to enjoy the beaches of the town. Experience has shown that it is not the size of the event that causes issues, it is the complexity and scope of the accessories brought onto the beach by the use of vehicles that create conditions for endangered species to be adversely affected. No individual, partnership, corporation, limited-liability company, or other entity or organization shall hold or conduct an event within the ocean beach area unless a beach event permit has been issued by the Board of Trustees.

§71. Permit requirements; application process; costs; approval.

- A. A Trustee event permit is required for an event if the event utilizes an outside vendor for catering and/or set up of an event site, or the event requires temporary structures be erected on the beach; this includes (but is not limited to) tables, chairs, pillows, or tents.
- B. The granting of a Trustee permit does not confer exclusive use of the beach; at no time shall the event prohibit the public's access to, or along any portion of the beach, or of the public's right to pass and repass on the Trustee easement nor will it permit entry into any area closed to access due to the presence of a nesting area of endangered species.
- C. The permittee shall remove all personal property, garbage, refuse, and debris immediately upon completion of the event; all garbage and debris shall not be disposed of in any receptacle owned by or that are located on parking lots owned by the Town of Southampton or any incorporated village.
- D. Entities (residents, non-commercial or commercial) that are merely holding a gathering of persons who will be attending a brief ceremony (like, but not limited to a wedding or a memorial service) not requiring any vehicular entry onto the beach to prepare for or hold the event, shall be required to make an application to the Board of Trustees for a permit that informs the Board of the date of the event, the number of persons anticipated to attend the event as well the event's location so that a determination may be made regarding the necessity to have endangered species monitors present for the event to ensure that any nesting areas are not disturbed.
- E. In determining whether to issue a beach event permit, the Board of Trustees may consider and impose reasonable conditions on the event, including but not limited to consideration of the following: the size of the property in relation to the number of persons expected to attend the event, the frequency of the special event and whether it constitutes a use of the property compatible with its character or that of the surrounding area.
- F. Depending on the type of event being held, an application for a beach event permit shall be accompanied by an application fee in an amount to be determined by the Board of Trustees; said fee shall be established by the Board of Trustees and may be modified from time to time, or waived by a resolution of the Board, if the Board deems the waiving of the fee to be appropriate.
- G. The issuance of a permit shall be deemed an approval of the application and shall require the applicant to undertake all actions proposed in the application for control of traffic, parking, noise, lighting, refuse removal and the like; the permit issued shall be displayed in clear and open view at the event.
- H. The event shall be subject to any other special terms or conditions imposed in the permit, in any resolution of the Board of Trustees approving the permit or in any permit required that needs to be obtained from any other applicable department of the Town of Southampton, an incorporated village, or agency of the State of New York or the Federal government.
- I. A Trustee permit shall be needed for any event that is going to be held that will involve the firing of any fireworks from the shore of a waterbody or from the use of a fixed vessel that will be temporarily moored or anchored on any Trustee owned bottomland.
- J. The granting of a beach event permit is a privilege and not a right and may be denied or revoked in the event the applicant or permit holder fails to comply with any applicable provision of this Article or for any other reason not prohibited by law.
- K. Permits issued by the Board of Trustees are not transferable and shall expire at the at the designated time for the close of the event for which it is issued.

§72. Piping plover and least tern monitoring.

If the location of a proposed event is in close proximity to nests of piping plover or any other endangered species, an evaluation of the conditions will be made by the Trustees in order to determine the need for having wildlife monitors present during the event. The amount for initial inspection fees and monitor fees shall be determined by the Board of

Trustees, which amount may be established, modified, or in special circumstances waived by a resolution of the Board.

§73. Event rules and regulations; permit conditions.

- A. The Board of Trustees may establish from time to time by resolution, rules and regulations for events within the ocean beach area.
- B. Such rules and regulations shall be deemed to be event permit conditions, and any violation of such rules and regulations shall be deemed a violation of this section.
- C. In the event that an endangered species monitor's attendance is made a condition of the permit, applicants shall have the option of retaining a person who is on the list of approved monitors that is maintained by the New York State Department of Environmental Conservation; the identity of the person so retained shall be provided to the Trustees' office before the permit is picked up in order to allow them time to verify the person's credentials.
- D. At all times relevant to the permit, the endangered species monitor shall be under the direction of the Trustees office's environmental analyst who will give that person the tasks and reports that need to be done to assure compliance with applicable laws and regulations.

§74. Trespassing; liability; compliance with other regulations.

- A. Issuance of a beach event permit shall not be construed as authorizing any person to trespass upon real property.
- B. Issuance of a beach event permit shall not be construed as imposing any liability on the Board of Trustees for any personal injury or property damage which may be sustained by any person attending the event. Issuance of a beach event permit shall not be deemed or construed as creating any duty owed by the Board of Trustees to any person attending the event.
- C. Issuance of a beach event permit shall not be construed as authorizing violations of any provision of the Code of the Town of Southampton, or any applicable Village Code.

Section 3. - Authority.

The Trustees are authorized to establish and promulgate rules and regulations for the management and products of the waters of the Town of Southampton pursuant to the Dongan Patent of 1686 and subsequent Acts of the New York Legislature including, Chapter 255 of the Laws of 1818, Chapter 283 of the Laws of 1831.

Section 4. - Severability.

If any section or sub-section, paragraph, clause, phrase or provision of this regulation shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this regulation as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

Section 5. - Effective Date.

This change shall take effect immediately upon the adoption of the Amendment by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton.

NOTICE OF ADOPTION

TAKE NOTICE, that a public hearing was held by the Trustees of the Freeholders and Commonalty of the Town of Southampton on **Monday, May 20, 2024, at 1:00 p.m.**, in the meeting room of Town Hall of the Town of Southampton, 116 Hampton Road, Southampton, New York to hear any and all persons either for or against proposed amendment of Blue Book A340 Article XVII Ocean Beach Events and Permits.

Summary of the Proposed Rule

The proposed amendment to the Blue Book completely revises the regulations pertaining to the need for and issuance of a permit to hold a beach event on the Trustees’ easement on the ocean beaches.

Copies of the amendment to the Blue Book, sponsored by Trustee Matthew Parsons, are available in the Trustees’ Office, Monday through Friday, from 8:30am to 4:00pm.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF SOUTHAMPTON, NEW YORK
SCOTT M. HOROWITZ, PRESIDENT

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matthew Parsons, Trustee
SECONDER:	Joseph R. McLoughlin, Trustee
AYES:	Horowitz, Warner Jr., Maran Jr., McLoughlin, Parsons

Financial Impact