

Bridgehampton & Sagaponack Beach Erosion Control Districts

Frequently Asked Questions

General Questions:

1. What is a Beach Erosion Control District?

A beach erosion control district is a special improvement district, or a means by which the Town may furnish special district services or functions to taxpayers in specific areas of the Town. New York State statute, known as Town Law Article 12 and 12-A, allows a town to establish special improvement districts.

Here, the Town created beach erosion control districts to stop erosion within each district and to prevent or alleviate further damage from such erosion. The districts may contract for or construct improvements as may be necessary to carry out their purposes.

2. Why this project? At this cost and this size? Is it necessary?

The proposed project is recommended based on a number of factors, including a) the documented rate of erosion over the last twenty years, b) the demonstrated success of similar projects on Long Island and in the Northeast and c) the Town of Southampton policy that encourages beach nourishment as the preferred alternative for beach erosion control.

The beaches of Bridgehampton and Sagaponack are losing 125,000 cubic yards of sand per year for the last twenty years. If this process continues unabated, dunes and infrastructure will be damaged and destroyed. There are five public beaches and \$1.8 billion dollars in assessed value within the six (6) miles of these two beaches. Beach nourishment is the only method of restoration that will directly address the documented problem, provide predictable and consistent protection over the entire beachfront and is acceptable to the environmental permit agencies.

Pursing a joint project will achieve substantial cost-savings through economy of scale. Additionally, this project is designed to FEMA criteria, making it eligible for reimbursement in the event that it is damaged by a named storm. Smaller scale projects undertaken on an individual bases are ineligible for FEMA reimbursement.

3. Can the property owners alone do a nourishment project without the Town's participation?

The Town owned properties, all of which are public beaches, are integral to the entire beach. The benefit of a BECD is that everyone is acting in concert to achieve the desired result. The loss of even one participant will undermine the performance and cost effectiveness of the project.

4. What happens if we do nothing?

The documented beach loss over the six (6) miles of Bridgehampton & Sagaponack beaches is 125,000 cubic yards per year, for the last 20 years. For reference, that is 6,250 dump trucks of sand per year. The result of this ongoing sand deficit is observed throughout the shoreline. The dunes have been drastically reduced in Sagaponack to the extent that the mainland soils at Gibson Lane have been

exposed. Winter storms in Bridgehampton wiped out the dune at Mecox Town Beach, threatening the parking lot. The repair there cost \$100,000. The beach and dune erosion causing damage and destruction to buildings and infrastructure will increase if nothing is done.

5. What are other places doing to combat erosion?

Beach nourishment is the preferred option for beach erosion control throughout the United States. This technique has been used successfully in Southampton to protect beaches in Hampton Bays and West Hampton Dunes. Moreover, beach nourishment is being used effectively on Fire Island and in the Rockaways, Coney Island and Point Lookout. The Town of Southampton conducted an extensive Generic Environmental Impact Statement in 2000, which concluded that beach nourishment was the preferred alternative to address the existing beach erosion issue.

6. What are the results of these efforts?

Beach nourishment produces a wide and healthy beach that mimics the natural beach. In many cases, nourished beaches are indistinguishable from natural beaches because they use sand of similar size, texture and color. A wider beach is beneficial for all beach stakeholders. It provides more protection to the dune and infrastructure. It provides greater recreational opportunities. It provides greater habitat for endangered species and other coastal flora and fauna.

7. How would this project change the look and feel of the beach?

The look and feel of the beach will be unaffected by the proposed beach nourishment, except that the beach will be wider. Studies conducted have discovered an excellent sand source about one mile offshore for the beaches in about 40 to 60 feet of water. This sand is a similar grain size, texture and color to the existing beach sand. The sand is also far enough offshore so that the use of this sand will have no effect on the erosion rates of the Sagaponack and Bridgehampton beaches. The sand quality and distance offshore are critical components of this project and good reasons why this is a preferred alternative in this location.

8. Will the proposed project impact other beaches to the east or west?

The impacts to adjacent beaches will be beneficial. Sand placed on the six (6) miles of Sagaponack & Bridgehampton beaches will spread east and west (mostly west) and widen the beaches to either side. This process will be slow but observable over time. A good example of this benefit is are the beach east and west of Road K in Hampton Bays that have widen substantially since sand was placed there in 2009.

9. Do the Trustees support the proposal? And what is their role in this project?

The Southampton Town Trustees have received a copy of the permit applications prepared by the Town and are reviewing the project.

10. Do the environmental regulatory agencies support the project?

Permit applications have been filed with the US Army Corps of Engineers, New York State Office of General Services, New York State Coastal Management Program and New York State Department of

Environmental Conservation. Each of these agencies is reviewing the application based on their respective jurisdiction and regulations. In the past, all of these agencies have approved similar projects in Hampton Bays, West Hampton Dunes, Fire Island (6 projects), Jones Island, Point Lookout, the Rockaways and Coney Island.

11. What happens if the project is wiped out by a major storm?

If the project is considered a “public facility” and if it is destroyed by a major storm that receives a federal disaster declaration, the project is eligible for public disaster assistance from the Federal Emergency Management Agency (FEMA) and New York State up to 87.5% of the repair costs.

12. What happens if the project is significantly eroded by a series of small, unnamed storms?

Ordinary maintenance of the project is the responsibility of the BECD. However, the project design includes a predicted rate of ordinary annual erosion based on the last twenty years of sand loss. This includes the effects of lesser storms that may not reach the level of federal disaster. Provided that the sand loss is within the predicted range provided in the project design documents, there is no need for additional sand.

13. Can the Town be sued by the homeowners if they don't want to pay the special district taxes?

The Town is always subject to lawsuits and there is always a possibility that a homeowner may bring a claim against the Town; the issue is whether a claim will be successful. By adhering to the statutory guidelines of Town Law as it relates to proposing an improvement within a district, as the Town is doing here, the Town increases its chances of success against any challenges.

To that end, the referendum provisions addressed in the statute give homeowners the opportunity to challenge the proposed increase, first by petition, and then by a vote. (See below discussion).

Protection of Public Access to Beaches:

If private property owners are paying for the bulk of this project, how does it affect their rights to the beach?

The proposed beach will be built primarily below the line of mean high water in land owned by NYS. Permits must be secured from the NYS Office of General Services and the NYS Department of Environmental Conservation, among others. Upon completion, the sand placed as a result of this project will become a “public facility” as per the FEMA guidelines.

To the extent that there are, or could be, any ownership issues, the Town Board and the Town Trustees are working on language, to be adopted by the Town Trustees, the BECD Advisory Committees, and the Town Board, which will acknowledge that no new ownership rights are created, nor are existing ones diminished, through the placement of sand for this project.

Financial Questions:

1. What happens if a property owner declines to pay his or her BECD special district taxes or property taxes in general?

Pursuant to the Suffolk County Tax Act, Suffolk County indemnifies, or makes the Town whole, as it relates to the Town's total tax assessment. Thereafter, Suffolk County assumes the collection of any unpaid taxes, levying a lien against those parcels that have not paid in full. Ultimately, parcels with unpaid liens are subject to the County taking the parcels for failure to pay.

2. Does the Town experience a shortfall in revenue?

No, because the Suffolk County Tax Act requires that the County indemnify, or pay the Town for its total tax assessments, there is no shortfall in revenues.

3. What is the likelihood of the Town defaulting on its bond repayments if property owners decline to pay their taxes?

Because the bond payments are supported by the special district taxes, which are ultimately supported by Suffolk County's indemnification if there is any shortfall, there is no real or meaningful likelihood that the Town will default on its bond repayments if property owners fail to pay their taxes.

4. What are the consequences for the property owner?

In the first instance, a lien against one's property and, ultimately, loss of one's property to the County for unpaid taxes.

For Property Owners

1. What is the total cost of this project?

The total cost of the project is proposed at \$ 11,805,700 for the Bridgehampton BECD, and \$13,364,500 for the Sagaponack BECD.

2. Over how many years will the cost be repaid?

The cost will be repaid over a 10 year period.

3. What is the methodology for calculating property allocations?

For the Bridgehampton BECD, the method for calculating property allocations is based upon a parcel's linear waterfront footage.

For the Sagaponack BECD, the method for calculating property allocations is based upon a combination of a parcel's linear waterfront footage and its assessed value.

4. Will the cost per parcel allocations change over the 10 year repayment period?

For the Bridgehampton BECD, no, the cost will not change over the 10 year repayment period since the allocation is based solely upon linear waterfront footage.

For the Sagaponack BECD however, yes. Because part of the allocation is based upon assessed values, a particular parcel's contribution may change from time to time as its assessed value changes from time to time; that said, the total project cost, that is, \$13,364,500 will not change.

5. Will the Town be paying for the parcels it owns?

Yes, the Town would contribute its pro rata share for Town-owned parcels if the project proceeds.

6. Can I opt-out of the project?

No, the project is based upon the district boundaries as initially established in the authorizing resolutions of 2010. But for a specific exemption for particular parcels in agricultural production, a property owner cannot opt out of the project.

7. Can the BECD special district tax monies be used to pay for anything other than this project?

No, the special district tax monies may only be used for this project, as recommended by the District Advisory Committees and as must be authorized by Town Board resolution.

Procedural Questions:

1. What is the decision making process?

The Town Board must adopt a resolution authorizing the improvement, that is, the placement of sand, in the special district, identifying the maximum amount proposed to be expended within said district for the improvement. The resolution, if adopted, is subject to a permissive referendum.

2. What is a permissive referendum?

A permissive referendum is a petition signed by at least 5% of the owners of taxable real property situated in the proposed district, or by 100 people, whichever is less. In the Bridgehampton BECD, it would require 4 signatures; in the Sagaponack BECD, it would require 3 signatures. The petition forms will be made available at the Town Clerk's Office. Any petition must be signed and submitted within 30 days after the adoption of the Town Board resolution discussed above.

If a petition is received with an adequate number of signatures, then the question goes to a mandatory referendum, that is, a vote by the property owners within the district as to whether or not they favor the proposed improvement and related increase. A simple majority carries the referendum.