

INCORPORATED VILLAGE OF EAST HILLS
BOARD OF TRUSTEES
PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2025

A LOCAL LAW AMENDING CHAPTER 271, SECTION 7 AND CHAPTER 271, SECTION 226(C) OF THE VILLAGE CODE AS THEY RELATE TO DEFINITIONS FOR LOT COVERAGE, FLOOR AREA, STEEP SLOPES, AND IMPERVIOUS SURFACES, AND AMENDING CHAPTER 271, SECTION 253(A)(2)(B) AND CHAPTER 271, SECTION 128.3 WITH RESPECT TO STEEP SLOPES.

The Board of Trustees of the Incorporated Village of East Hills enacts into local law the following amendment:

Section 1: Purpose and intent.

The residential neighborhoods in the Village of East Hills are characterized by the distinct style, design, and general uniformity of homes on similarly sized lots. However, recent development trends—such as the expansion of outdoor amenities, the increasing use of additional exterior equipment, and a rise in the use of basement access points—have led to larger, more complex structures that occupy a greater portion of the property. Combined with a growing focus on maximizing floor area and lot coverage, these trends have had a significant impact on the landscape, potentially affecting the aesthetic appeal, integrity, health, safety, welfare, and quality of life for all East Hills residents.

This Local Law aims to address these challenges by updating key definitions and regulations to balance homeowners' evolving needs with the preservation of the community's character. Specifically, the law clarifies the definition of “steep slope” to better align with the local landscape, adjusts the definition of “lot coverage” to reflect modern construction practices and development trends, and introduces a new definition for “impervious surfaces” to better address environmental concerns and water runoff issues. In addition, the definition of “floor area” has been revised to align with other sections of the Village Code, and all references to slopes and steep slopes have been clarified for consistency.

The goal of these modifications is to regulate lot coverage, floor area, and development on steep slopes in a way that manages development density, mitigates the impact on water runoff and open space, and helps preserve the unique character and livability of residential neighborhoods in East Hills.

Section 2: Content.

The existing definitions for the following terms contained in section §271-7(B) are repealed, and in their place are inserted the following definitions:

§271-7(B) Definitions and word usage.

AREA, NET SITE

The total area within the property lines, excluding external streets, and excluding all area within a lot with a slope of greater than 20 degrees.

COVERAGE

That percentage of the plot or lot area covered by the building area. For the purposes of calculating total lot coverage and rear yard lot coverage in residential districts, building area includes, but is not limited to, buildings, structures, and appurtenances such as roofs, on-grade and raised patios, athletic courts, swimming pools, spas, sheds, decks, permeable and impermeable pavers, accessory equipment (AC units, generators, etc.), retaining walls, piers, stepping stones, firepits/fireplaces of a permanent nature, chimneys, walkways, porches, enclosed porches, porticos and stoops. Artificial turf and driveways are excluded from lot coverage calculations but shall count towards impervious surfaces.

FLOOR AREA

The sum of the horizontal areas of the floors in each story of a building or buildings (having a floor or floors) measured from the exterior of the outside walls of such building or buildings without exclusion of any areas on the floors being measured whatsoever (i.e., including attached garages at or below grade, attics over one-story areas where the height from the joist to the underside of the ridge is greater than five (5) feet, any basements that are considered a story above grade, closets, bathrooms, stairwells and other open areas, enclosed porches, and all accessory buildings), except that basements shall be excluded. Further, for horizontal areas where the floor to ceiling height is 14 feet or greater, twice the horizontal area shall be included, and for horizontal areas where the floor to ceiling height is greater than 10 feet and less than 14 feet, 1 1/2 the horizontal area shall be included. This applies whether or not a second floor structure exists.

SLOPE

Any area, whether or not located on a single lot, having a topographical gradient of 20 degrees (the ratio of vertical distance to horizontal distance) or more. For purposes of this definition, area measurements must be made along a horizontal plane from within the boundaries of a lot.

The following definitions are added to section §271-7(B):

§271-7(B) Definitions and word usage.

ATTIC

The space between the ceiling joists of the top story and the roof rafters. An attic shall not be used or occupied as living or sleeping quarters. There shall be no fixed stair to any new attic space nor operable windows. Attics shall not have finished floors, finished walls, or heating systems dedicated to that space. Attics over one-story areas shall count as additional floor area if the height from the joist to the underside of the ridge is greater than five feet. Horizontal access to attics shall be limited to nine square feet.

IMPERVIOUS SURFACE

Any surface that does not allow the infiltration of water into the underlying soil. This includes, but is not limited to, surfaces such as concrete, asphalt, brick, stone, artificial turf, and other materials that prevent the passage of water. Impervious surfaces increase storm water runoff and can contribute to flooding, erosion, and water quality degradation. The term also includes buildings, parking lots, driveways, and other structures that prevent the natural percolation of water into the ground.

YARD, REAR (CORNER LOT)

The yard opposite the front door/ main entrance to a dwelling.

The following definition under section §271-7(B) is repealed:

HABITABLE FLOOR AREA

In a dwelling, rooms occupied by one or more persons for living and/or eating and/or sleeping, but does not include attached or built-in garages, open porches, terraces or rooms below grade. "Habitable floor area" on the first floor of a dwelling shall be construed to mean all finished floor area having a clear headroom of 7 1/2 feet or over, including stairwells; with respect to the second floor, it shall be construed to include all finished or unfinished floor area having a clear headroom of 7 1/2 feet or over for a minimum horizontal measurement of six feet, with side walls not less than 5 1/2 feet in height.

The existing definition for the following term contained in section §271-226(C) is repealed, and in its place is inserted the following definition:

§271-226(C) Definitions and word usage.

FLOOR AREA

The sum of the horizontal areas of the floors in each story of a building or buildings (having a floor or floors) measured from the exterior of the outside walls of such building or buildings without exclusion of any areas on the floors being measured whatsoever (i.e., including attached garages at or below grade, attics over one-story areas where the height from the joist to the underside of the ridge is greater than five (5) feet, any basements that are considered a story above grade, closets, bathrooms, stairwells and other open areas, enclosed porches, and all accessory buildings), except that basements shall be excluded. Further, for horizontal areas where the floor to ceiling height is 14 feet or greater, twice the horizontal area shall be included, and for horizontal areas where the floor to ceiling height is greater than 10 feet and less than 14 feet, 1 1/2 the horizontal area shall be included. This applies whether or not a second floor structure exists.

Section 271-128.3 “Steep Slopes” is repealed, and in its place is inserted the following provision:

§271-128.3. Steep Slopes.

Development or alteration of any slope, as defined in §271-7B, with a gradient of 20 degrees or greater is prohibited.

Section 271-253(A)(2)(b) “Natural Features” is repealed, and in its place is inserted the following provision:

§271-253(A) Site plan approval. (2) Natural Features.

(b) An analysis of existing slopes indicating areas with slope in the following categories: 0 degrees to 15 degrees; over 15 degrees to less than 30 degrees; 30 degrees or greater.

The following article is added to Chapter 271 “Zoning”:

Article XXVII Non-Retroactivity

§271-300 Applicability.

The amendments to Sections §271-7(B), §271-226(C), §271-128.3, §271-253(A), §271-266, and §271-267 shall apply prospectively and shall not be construed to retroactively penalize or render noncompliant any unchanged structure that was lawfully permitted and in conformance with the laws of the Incorporated Village of East Hills as of the effective date of the amendments in 2025.

Section 3: Separability.

If any section or provision of this local law shall be adjudged to be invalid or ineffective by any Court or competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law or its remainder, and shall be confined in its operation to the section or provision or part of this local law which is directly involved in the controversy in which a judgment was rendered.

Section 4: Effective Date.

This local law shall take effect immediately upon filing with the New York Secretary of State.