

RESOLUTION ADOPTING LOCAL LAW CREATING VILLAGE CODE §300-11.24
PASSENGER-ONLY FERRY USE IN THE PC ZONING DISTRICT PERMITTING THE
LIMITED SEASONAL OPERATION OF A PASSENGER-ONLY FERRY ON LONG
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WHEREAS, the Village Board of the Village of Sag Harbor is seeking to allow the establishment of a limited seasonal operation of a passenger-only ferry on Long Wharf pursuant to a seasonal special permit; and

WHEREAS, although Long Wharf was re-zoned from Waterfront Zoning (WF) to Parks and Conservation Zoning (PC), it still remains the appropriate location to establish a passenger-only ferry use for the safety, feasibility and welfare of the people and visitors of Sag Harbor; and

WHEREAS, in furtherance of this goal, the Board of Trustees is considering enacting a local law creating Village Code §300-11.24, Passenger Ferry Use in the PC Zoning District to allow the establishment of a limited seasonal operation of a passenger-only ferry on Long Wharf providing service between Sag Harbor and Greenport in the Parks and Conservation Zoning District; and

WHEREAS, public hearings were held by the Board of Trustees on April 12, 2022 and May 10, 2022, at which time all persons either for or against the proposed local law were heard; and

WHEREAS, the Suffolk County Planning Commission determined that the proposed legislation is a matter for local determination; and

WHEREAS, the Harbor Committee conducted a consistency review on Thursday, April 7, 2022 and found the proposed legislation consistent with Chapter 275; and

WHEREAS, the Village of Sag Harbor and the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis determined that the proposed action is an Unlisted action pursuant to the State Environmental Quality Review Act, SEQRA, reviewed and analyzed the potential environmental impacts and determined that the proposed action would not result in any significant negative impacts to the environment and recommends the Board adopts a Negative Declaration; and now therefore be it

RESOLVED, that the Village Board of Trustees hereby adopts a Negative Declaration in connection with the proposed action based on its review of the Environmental Assessment Forms (Parts 1-3) prepared by the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis; and be it further

RESOLVED, that the following local law is hereby adopted:

LOCAL LAW NO. 4 OF 2022

Be it enacted by the Village Board of Trustees of the Village of Sag Harbor as follows:

A LOCAL LAW creating Village Code §300-11.24, Passenger Ferry Use in the PC Zoning District), to allow the establishment of a limited seasonal operation of a passenger-only ferry on Long Wharf providing service between Sag Harbor and Greenport in the Waterfront Zoning District.

SECTION 1. Amendment. Please see the following and create Village Code §300-11.24 Passenger Ferry Use in the PC Zoning District, by deleting those words that are stricken and adding those words that are underlined:

§300-11.24 Passenger Ferry Use in the PC Zoning District

- A. Notwithstanding any provision of the Village Code of the Village of Sag Harbor to the contrary, the Village Board of Trustees shall be authorized to grant a seasonal special permit for the establishment of a passenger-only ferry use on Long Wharf within the Parks and Conservation (PC) Zoning District. Such permit shall be seasonal and valid only between May 1st and October 31st. No vested rights for the continuation of such use shall accrue by virtue of the issuance of such seasonal, special permit.
- B. In issuing such a seasonal special permit, the Village Board of Trustees shall consider the following:
 - 1. The general standards for a special exception use as enumerated in Section 300-11.3 of Chapter 300, Zoning of the Sag Harbor Village Code.
 - 2. The State Environmental Quality Review Act, (SEQRA).
 - 3. The Local Waterfront Revitalization Plan (LWRP) of the Village of Sag Harbor.
 - 4. The requirements of Chapter 275 (Water Consistency Review) of the Sag Harbor Village Code.
 - 5. The requirements of Chapter 278, Waterways, of the Sag Harbor Village Code.
- C. The Village Board of Trustees may impose such reasonable conditions as it shall deem necessary to protect the public health, safety and general welfare of the Village.
- D. No additional approvals shall be required from the Village of Sag Harbor for the establishment of this use pursuant to a special permit.
- E. In considering an application for the seasonal special use permit the Village Board of Trustees shall utilize the procedures and conditions outlined in Section 300-11.2 of Chapter 300 of the Village Code.

SECTION 2. Amendment.

Please see the following and amend Village Code, Article VIIIA, Parks and Conservation District §§300-8.11, by deleting those words that are stricken and adding those words that are underlined:

§ 300.8.11 Permitted uses.

- A. Land used for parks, recreational areas, beach areas, open spaces, open areas, nature preserves and historic sites shall be permitted uses in the Parks and Conservation District.
- B. A seasonal, passenger-only ferry use shall be permitted subject to Village Code §300-11.24 on Long Wharf, Wharf Street, Sag Harbor.

SECTION 3. Authority.

The Village of Sag Harbor hereby enacts this legislation pursuant to NYS Village Law §§7-700, 7-725-b, NYS Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(6), (11).

SECTION 4. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall be rendered.

SECTION 5. Effective Date.

This chapter shall take effect immediately upon filing in the office of the Secretary of State pursuant to the Municipal Home Rule Law.