

RESOLUTION ADOPTING A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 300,
ZONING, §300-15.3 AND §300-11.23(10), WATERFRONT OVERLAY DISTRICT
STANDARDS

WHEREAS, the Village Board of the Village of Sag Harbor seeks to enact a local law to amend the Waterfront Overlay District Standards to clarify the permitted height and definition of a waterfront lot in the Waterfront Overlay District (“WFOD”); and

WHEREAS, in furtherance of this goal, the Board of Trustees is considering enacting a local law amending Village Code §300-15.3(C) and (D) and §300-11.23(D)(10), to clarify the definition of waterfront lots and limit the permitted height of structures on waterfront lots in the WFOD to 25 feet to ensure existing viewsheds to the waterfront are preserved in the Village of Sag Harbor; and

WHEREAS, public hearings were held by the Board of Trustees on March 14, 2023 and April 11, 2023, 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 Village of Sag Harbor and the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis determined that the proposed action is an Unlisted Action under 6 NYCRR Part 617, provisions of the New York State Environmental Quality Review Act (SEQRA); and now therefore be it

RESOLVED, that the Village Board hereby assumes Lead Agency status, finds that the proposed action will not result in any significant adverse impacts on the environment and hereby adopts a Negative Declaration pursuant to the SEQRA; and be it further

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; and now therefore be it

RESOLVED, that the following local law is hereby adopted:

LOCAL LAW NO. 3 OF 2023

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

A LOCAL LAW to amend Village Code §§300-15.3(C) and (D) and §300-11.23(D)(10) to clarify the definition of waterfront lots and limit the permitted height of structures on waterfront

lots in the WFOD to 25 feet to ensure viewsheds to the waterfront are preserved in the Village of Sag Harbor.

SECTION 1. Legislative Intent.

The Village Board of Trustees seeks to ensure that the intent and goals of the waterfront overlay district are maintained and after further review, seeks to limit the height of all waterfront properties in the Waterfront Overlay District to 25 feet. Additionally, the Board seeks to clarify the definition to ensure all intended waterfront parcels are included in the “waterfront lot” definition. Finally, this local law seeks to eliminate the option of providing a ten foot easement offering public access to the waterfront in exchange for a third story or 35 feet in height for waterfront lots in the WFOD.

SECTION 2. Amendment. Please see the following and amend Village Code §300-15.3(C), by deleting those words that are stricken and adding those words that are underlined:

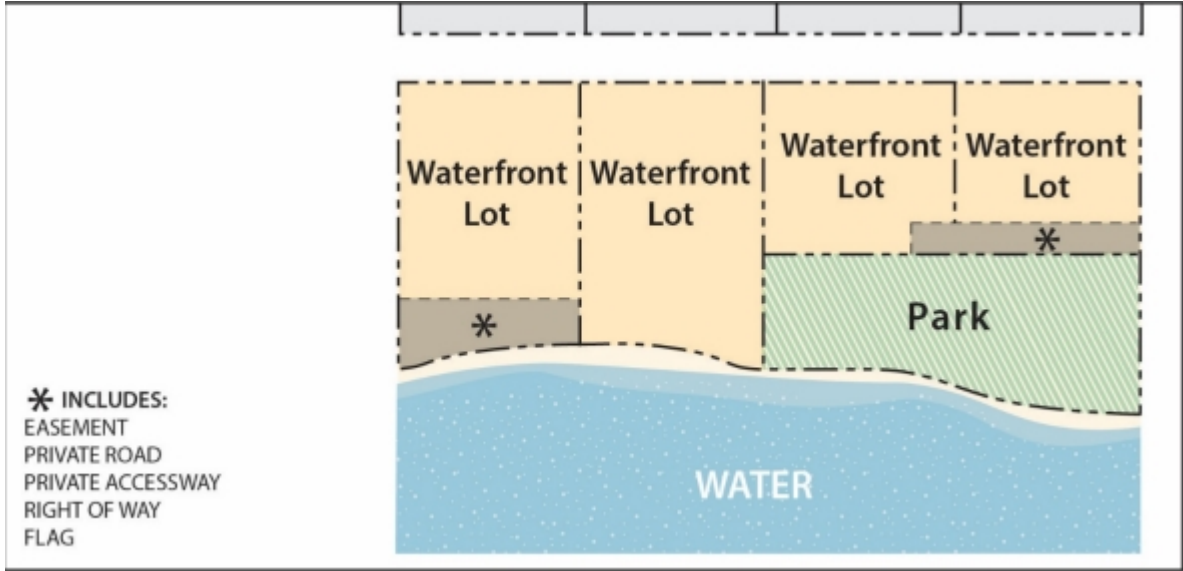
C.

Definition of waterfront in the WFOD.

(1)

Lot, Waterfront. A lot that abuts a water body; ~~or~~ a lot that abuts a park that abuts a water body; and a lot that abuts an easement, private road, private accessway right of way, or flag (to a current or former flag lot) that abuts a waterbody or park that abuts a waterbody, as set forth in the diagram below.





SECTION 3. Amendment. Please see the following and amend Village Code §300-15.3(D), by deleting those words that are stricken and adding those words that are underlined:

D.
Height/stories.

(1)

The permitted height of structures on waterfront lots in the WFOD shall be 25 feet as measured from street or lowest grade on site, whichever is less with a maximum of two stories. ~~Third stories with a maximum height of 35 feet may be permitted on waterfront lots in the VB Zoning District within the WFOD as set forth in Village Code § 300-11.23D(10) for structures over 3,500 square feet in gross floor area requiring a special exception permit from the Village Board of Trustees.~~

(2)

The permitted height of structures that are not waterfront lots in the WFOD shall be governed by the underlying zoning district regulations for that property as set forth in Chapter 300, Attachment 2, Table of Dimensional Regulations.

~~(3)~~

~~To the extent a third story is permitted as set forth in Subsection D(2) above, a third story stepback for front, corner and side facades facing the street shall be created at a minimum of 10 feet.~~

SECTION 4. Amendment. Please see the following and amend Village Code §300-11.23(10), by deleting those words that are stricken and adding those words that are underlined in numerical order :

(10)

The maximum height of structures in the WFOD shall be governed by Village Code § ~~300-15.3D~~. ~~except that for a waterfront lot over 3,500 square feet in gross floor area in the VB Zoning District within the WFOD, the Village Board of Trustees may, where appropriate, permit an increase of height to three stories or 35 feet, conditioned upon the applicant providing the construction of a permanent accessible pedestrian walkway, a minimum of 10 feet in width, for public use, providing public access to the waterfront. The Board may consider a proposed public access along the waterfront side of the property provided there is already public access leading to it. The proposed public access shall mitigate the impact of allowing for an increase in height of structures on the waterfront.~~

SECTION 5. Authority

The Village of Sag Harbor hereby enacts this legislation pursuant to NYS Village Law Article 7 and NYS Municipal Home Rule Law.

SECTION 6. 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 7. 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.