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application to the Planning Board, and that the pre-application be subject to a formal public hearing to elicit comments from the public. Such a modification to the process would improve the public involvement in the review of proposals in the commercial district, and aid the Planning Board in ensuring that issues determined to be important are addressed to their satisfaction in their decision-making process.



### Other Recommendations.

The evaluation undertaken in this planning study focused primarily on the commercial districts of the Village of Sag Harbor. However, during the course of the review of the issues surrounding the commercial district, it became evident that several other areas should be examined by the Village, in order to improve the efficacy of the regulatory restriction in the Village. The following constitute a few additional recommendations for consideration by the Sag Harbor Village Board of Trustees.

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**Recommendation No. 18. Evaluate the appropriateness of maintaining the Multi-Family Residence District, the Moderate Income Residence District, and the Marine District as separately designated areas.**

Upon examination of the Zoning Map and the Village Zoning Code, (Chapter 55), three particular districts are listed whose uses designated therein could more reasonably be incorporated in to other existing zoning districts:

- ❖ The Multi-Family Residence District (MF)
- ❖ The Moderate Income Residence District (MIR); and
- ❖ The Marine District (MA).

The MF district encompasses a single parcel of land - the Sag Harbor Villas property located off of West Water Street, containing thirty-one residential units, parking and accessory structures.

The MIR District, adopted into the Code 1984, was meant to provide an opportunity for the Village Board of Trustees to grant approval for increased density moderate income residences where the applicant has ensured that the proposed development would be established and be maintained as affordable. Although these regulations have been in place since 1984, not one project has been pursued or approved for this zoning classification within the Village of Sag Harbor. No areas have the MIR designation on the zoning district map. With the ever-increasing value of real estate on the East End, and the lack of activity toward pursuing development in accordance with the provisions of the MIR District, it is believed that efforts should be placed in other areas if available affordable housing is an objective. The Village should research and pursue other avenues for establishing affordable housing (e.g. affordable accessory apartments, housing trust fund, etc.)

The MA District also encompasses two parcels of land totaling approximately 5.8 acres in size. These two parcels contain existing marinas, boat repair and boat storage services. It is believed that their uses and regulation can be accommodated within a revised Waterfront District (WF). Accordingly, it is recommended that the Marine District be eliminated from the Zoning Code.

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**Recommendation No. 19. Prepare a new zoning map for the Inc. Village of Sag Harbor which clearly defines the new district boundaries, as well as the limits of the Village Historic District.**

As part of the review of the materials required for the completion of this study, it became clear that for the layperson, the Village of Sag Harbor zoning map was a difficult document to use. The line types for boundaries of existing zoning districts are in some places hard to follow, and the overlay districts - particularly the historic districts (of which there are three separate zones) are often impossible to decipher.

It is recommended that the Village adopt a new zoning map which follows a Suffolk County Tax Map base, allowing for a clear understanding of district boundaries on a lot-by-lot basis. In addition, upon review of the zoning code that considers the restrictions for the "historic district", it appears that for the purposes of regulation there is no distinction between the original historic overlay district and the two amendments made in 1994 (the National and State extended historic overlay, and the local historic overlay). To eliminate confusion, it is recommended that the boundaries of the historic district should be placed on the zoning district map as a single-defining boundary.

It is recommended that such a zoning map should also be made available in an on-line form at the Village Website, where one is also able to access the Village Code.

**Recommendation 20: Create Regulations that provide appropriate protection for the natural resources found in the Village.**

The Village of Sag Harbor contains approximately 3.3 miles of shoreline, and includes tidal and freshwater wetlands. A larger percentage of the shoreline is developed with older homes, however recent trends have shown activity toward expansion and reconstruction. As these projects are pursued, it is recommended that the Village seek to improve the environmental conditions of each site - increase wetlands setbacks, establish buffers, improve sanitary systems and drainage control and the like.

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At the present time, the Village Code contains a regulatory process for the review of wetlands applications under Chapter 53A, Wetlands. The provisions of this chapter do not contain any specific setbacks or requirements, but contain a provision that is considered a recommendation, as specified in 53A-8(F), the Village Board of Trustees shall consider whether a proposed activity will:

*“Preserve natural vegetation within 75 feet of mean high water, within 75 feet of the driftline, or within 75 feet of the upland edge of brackish, freshwater or tidal wetlands or to the maximum extent practicable, but in no event less than 25 feet; maintaining natural undisturbed adjacent areas and, where necessary, provide supplemental planting of indigenous vegetation.”*

It does not clearly specify that there are required setbacks for construction - only a consideration of the protection of vegetation.

It is recommended that the Village Code be amended to institute a formalized natural resources review process, establishing specific requirements for applications submitted for construction adjacent to natural features (wetlands bluffs, and the like). It is recommended that specific jurisdictions be established for review (for example 150 to 200 feet away from wetlands for construction or activity), along with setbacks for construction.

For comparison, setbacks for other nearby municipalities are as follows:

Village of East Hampton: 125 ft. setback for landscaping  
150 ft. setback for all structures  
200 ft. setback for sanitary waste disposal systems

Town of East Hampton: 50 ft. setback for landscaping  
100 ft. setback for structures  
150 ft. setback for sanitary waste disposal systems

Village of Southampton: 125 ft. setback for landscaping  
150 ft. setback for structures  
200 ft. setback for sanitary waste disposal systems

Town of Southampton: 75 ft. setback for landscaping  
100 ft. setback for structures  
150 ft. setback for sanitary systems

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NOTE: The Town of East Hampton also has increased requirements for properties located within the Harbor Protection Overlay District. The Town of Southampton also establishes increased setbacks for vacant properties.

In evaluating appropriate and achievable setbacks, the smaller size of the properties within the Village was taken into consideration. While the smaller size actually constitutes an increase in density along the shoreline from what would occur with larger lots (and thus the potential for increased impacts), it is recommended that the Village consider establishing the following as minimum restrictions:

- ▶ Setback for clearing, landscaping, establishing turf, fertilization of vegetation, use of lawn care<sup>3</sup> chemicals, and the like: 50 feet.
- ▶ Setback for construction of all structures: 75 feet.
- ▶ Setback for the installation of sanitary waste disposal systems: 100 feet.

These restrictions are generally consistent with those instituted by the NYS Dept. of Environmental Conservation as well as the Suffolk County Dept. of Health Services in their review of applications. Any amendment to the zoning code to include regulatory restrictions from natural features should include an evaluation of Chapter 53A, Wetlands, to ensure that these two distinct set of regulations dovetail.

**Recommendation 21: Create Accessory Apartment Opportunities in the R-20 Residential District.**

In an effort to support the creation of affordable housing opportunities, it is recommended that the Village of Sag Harbor adopt changes to the Zoning ordinance which would permit the creation of a limited number of accessory apartments within the R-20 Residential Zoning District.

It is further recommended that the Village consider linking the creation of these apartments directly to a rental limitations which would be tied to median income level, in order to cause these additional rental opportunities to be available as

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affordable housing. The creation of a permitting process for this additional use should pay attention to the following issues:

- ▶ Requiring owner occupancy of the main residence;
- ▶ Providing additional parking for this additional use;
- ▶ Establishing uniform restrictions on minimum and maximum size of the units as well as the number of bedrooms;
- ▶ Establishing a maximum number of apartments that can be created through this provision Village-wide.

**Recommendation 22. Modify Chapter 46, Subdivision of Land, as well as Chapter 55, Zoning, to create inclusionary affordable housing standards for new residential subdivisions or multi-family residential development plans.**

Consistent with the recommendations made in the December 7, 2007 draft Village of Sag Harbor Local Residential Housing Plan (LRHP), it is recommended that the Village consider adoption of Code amendments which would create mandatory inclusionary affordable housing opportunities within the Village. Based upon the LRHP, it is recommended that the following be considered:

- ▶ Residential subdivisions: establish a requirement for 20 percent of any subdivision be devoted to local residential housing use.
- ▶ Multi-family residential development plans: establish provisions that require 20 percent of the units proposed to be set aside as local residential housing. The provisions should include evaluative criteria that will create options for consideration, including providing off-site units, as well as allowing applicants to donate a fee in lieu of on-site housing to the Community Housing Trust.