

**RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A LOCAL LAW  
AMENDING VILLAGE CODE §300-11.6(B), ACCESSORY APARTMENTS AND  
ARTICLE IX, SUPPLEMENTAL USE AND DIMENSIONAL REGULATIONS, §300-  
9.12(B) FOR ACCESSORY APARTMENTS IN R-20 AND VB**

**WHEREAS**, the Village Board of the Village of Sag Harbor seeks to enact a local law amending Village Code §300-11.6(B), Accessory Apartments and Village Code § 300- 9.12(B), Accessory Apartments to correct references to Chapter 150, given that the recent amendments creating the administration of affordable housing in the Village of Sag Harbor were annulled; and

**WHEREAS**, a public hearing was held by the Board of Trustees on Tuesday, June 13, 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 Type II Action requiring no further environmental review; and now therefore be it

**RESOLVED**, that the following local law is hereby adopted:

LOCAL LAW NO. 5 OF 2023

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

**A LOCAL LAW** amending Village Code §300-11.6(B), Accessory Apartments and Village Code §300- 9.12(B), Accessory Apartments to amend references to Chapter 150.

**SECTION 1.** Legislative Intent.

On April 10, 2023, Judge Hackeling annulled Village of Sag Harbor Local Law Nos 11 and 12 of 2022. This determination annulled the recent amendments made to Village Code Chapter 150 and the older provisions of Chapter 150 will be reinstated. Thus, the references to Chapter 150 in the Accessory Apartment laws in Village Code §§300-11.6(B) and 300-9.12(B) must be amended.

**SECTION 2. Amendment.** Please see the following and eliminate Village Code §300-11.6(B) Accessory Apartments in R-20 District and new accessory apartments in VB District, by deleting those words that are stricken:

**B.**

Affordable ~~and~~ workforce housing income requirement. Priority for occupancy of any accessory apartment under this section shall be given to affordable ~~and~~ workforce housing income occupants as defined in Chapter 150 as well as those persons who otherwise already qualify and work in or

for the Village of Sag Harbor; members of the Village of Sag Harbor Ambulance Corps, Police Department or Fire Department.

**SECTION 3. Amendment.** Please see the following and amend Village Code, Chapter 300-9.12(B), Accessory apartments in the R-20 Zoning District, by deleting those words that are stricken and adding those words that are underlined:

**B.**

Occupancy. Occupancy of any accessory apartment under this section shall be given to affordable ~~and~~ workforce housing income occupants (as defined in Village Code Chapter 150 §150-2) or a family member of the owner. Priority also shall be given to those persons who otherwise already qualify and work in or for the Village of Sag Harbor, the Village of Sag Harbor Ambulance Corps, Police Department, or Fire Department.

**SECTION 4. Authority.**

The Village of Sag Harbor hereby enacts this legislation pursuant to New York State Village Law Article 7 and NYS Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(6), (11).

**SECTION 5. 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 6. 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.