SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

back of Section III title page

The policies for the Village of Sag Harbor's local waterfront revitalization area are based on the economic, environmental, and cultural characteristics of the Village's waterfront area. The policies reflect existing laws and authority regarding development and environmental protection throughout the Village's local waterfront area. The application of these policies will guide an appropriate balance between economic development, preservation and restoration to promote beneficial use of, and prevent adverse effects on, the Village's coastal resources. No policy should be viewed as of being more significant than any other.

The policies should be interpreted in light of specific local land use laws and regulations of the Village of Sag Harbor - these laws should be consulted in the process of consistency review:

- *Chapter 12 of the Village Code (Bulkheading, Dredging and Canals)*
- *Chapter 15 of the Village Code (Environmental Quality Review) -- [see Appendix B]*
- *Chapter 43 of the Village Code (Sewers)*
- *Chapter 46 of the Village Code (Subdivision of Land)*
- *Chapter 53 of the Village Code (Waterways) -- [see Appendix B]*
- *Chapter 55 of the Village Code (Zoning)*
  Article XV (Historic Preservation and Architectural Review)
  Article XVI (Site Plan Review)
  Article XVII (Tidal Flood Hazard Overlay District)

The proposed laws - some of which are amended existing laws - are contained in Appendix B of this LWRP.

▸ **Upon adoption of this amended Local Waterfront Revitalization Program, the policies will serve as the basis to judge the consistency of proposed actions by Village, State, and federal agencies with the LWRP.**

POLICY 1 FOSTER A PATTERN OF DEVELOPMENT IN THE VILLAGE OF SAG HARBOR THAT MAKES BENEFICIAL USE OF ITS COASTAL LOCATION, ENHANCES COMMUNITY CHARACTER, PRESERVES OPEN SPACE, MAKES EFFICIENT USE OF EXISTING INFRASTRUCTURE, AND MINIMIZES ADVERSE EFFECTS OF DEVELOPMENT.

The Village of Sag Harbor is located on the north shore of the south fork of eastern Long Island, in Suffolk County. The Village is bisected by the boundaries of the Towns of Southampton and East Hampton. The Village covers an area of approximately two square miles and contains roughly 3.3 miles of shoreline.

The Village is, generally, fully developed in an appropriate mix of commercial, residential, and recreational uses. New development would be limited to in-fill development compatible with surrounding uses, and redevelopment of a few former industrial uses.

Much of the Village was originally developed when Sag Harbor became a prosperous whaling seaport in the late 18th century - early 19th century. This historic character has been maintained and is evidenced by the notable architecture, and a well-defined pattern of streets and land uses. The pattern includes waterfront areas, a central business district (Main Street), residential neighborhoods, parks, and open lands. Much of the Village, including the central business district and older residential areas, was locally designated as a historic district in 1974, and subsequently listed on the State and National Register of Historic Places. The District was later expanded.

Commerce and tourism occur mainly within the central business district and at the waterfront, along Main Street and the Long Wharf. This area contains marinas, yacht clubs, ferry service, public recreation facilities, and commercial fishing operations.

Outside of the waterfront commercial area, the Village shoreline is in a - more or less - natural condition. The manmade interruptions largely are limited to private docks and waterfront facilities associated with residential development.

The area of Sag Harbor Bay and the adjoining Northwest Harbor is an important fish and wildlife habitat, and is a New York State -designated Significant Coastal Fish and Wildlife Habitat.

The Village contains several environmentally significant marshes, wetlands, and intertidal and freshwater ponds which provide suitable habitat for coastal species and water quality benefits. These include the areas around Otter Pond, Little Northwest Creek, Outer, Inner, and Upper Sag Harbor Coves, Ligonee Brook, Fore and Aft Pond, Round Pond and John Street Pond.

Commercial fishing in Sag Harbor and within the coves surrounding the Village is minimal. Most of the fishing activity is recreational. However, commercial shellfishing does occur at the 351 acres of certified areas, and 28 acres of seasonally certified areas - which surround the Village.

1.1 Sustain the pattern of existing land use which defines Sag Harbor as a historic port.

The primary land use in the Village of Sag Harbor consists of medium and low density residential development. The Village central business district contains a large number of commercial and retail uses. Marine commercial development along the waterfront and public open space/recreation facilities also represent significant uses in the Village. Some institutional and public utility uses are also present. In general, these uses should remain.

This preferred pattern of development is reflected on Figure 3, which shows existing zoning and functional areas described in Section II, Inventory and Analysis, beginning on page II-8. Preferred uses not reflected in Figure 3 include: open space and recreation (Figure 2) and; natural resources (Figure 6). Additionally, the Water Use Plan (Figure 9) provides more detail. Additionally, although scattered undeveloped lots are suitable for in-fill development, some of these serve to control runoff and should be preserved as open space.

There are a small number of properties in the Village, both developed and undeveloped, that have development (or redevelopment) potential. To better control the way these lands are developed, and

to preserve open space, development on properties larger than five acres in size should be clustered (see Section 5.2).

The waters within the local waterfront area presently have a variety of uses, including wildlife habitat, commercial and recreational fishing, recreational boating, and passive recreation. In general, it is proposed that the existing uses should continue. It is important to note, however, that many of the LWRP's policies and implementation measures are aimed at improving and restoring coastal water quality, with the ultimate goal being the expansion of the total area that is available for shellfish harvesting, dependent upon upgrading and restoring the natural environment.

The *water use plan* for Sag Harbor is presented in this LWRP as Figure 9 [attached at rear of (this) Section IV], and in Figure 12 of the Sag Harbor Village Harbor Management Plan.

One item in particular that is brought out on the *water use plan* is the designation of a *line of navigation* along the shoreline to delineate the area that is considered suitable for dock construction. In the areas outside of the *Harbor Water Use District* and for non-water-dependent uses, this line follows the shoreline. Otherwise, the line of navigation generally follows the perimeter of existing dock structures.

A *Preservation Water Use District* is recommended for areas which, because of their environmental character, deserve the highest protection from human activity. These areas include: Round Pond, Otter Pond, Fore and Aft Pond, and portions of Ligonee Brook and Little Northwest Creek. Only passive recreation activities (e.g., walking, viewing) should be allowed in those areas. Construction of shore hardening structures should be prohibited.

Dredging is another area where action is required to implement the objectives of the LWRP. There are a number of navigation channels located throughout the Sag Harbor Cove Complex. Some of these channels have not been dredged since they were first established and will need maintenance dredging in the near future. Two areas, the western side of the Long Wharf and the southeastern section of the central mooring area, currently require dredging. For those areas considered in the public interest, including the main channel which stretches east from the Big Narrows to the breakwater and the navigation channel that extends into Sag Harbor, should be maintained as needed to provide clear passage though Village waters.

All dredging permits, with the exception of the one for the spur to the Ship Ashore Marina basin, have expired. The Village should promptly advise the Suffolk County Department of Public Works of the present dredging requirements to initiate the application process and secure the necessary dredging permits and assistance.

The breakwater also requires repairs. This structure, which separates Sag Harbor from Sag Harbor Bay, was constructed in 1908 and acts to shelter the harbor from the open waters of the bay, reducing the impacts of wave action generated in the bay. The breakwater was rehabilitated in 1963 to restore it to its original height and structural integrity. The breakwater is once again in need of repair. In the past thirty years, this structure has succumbed to gravitational settlement and wave-induced shifting of the rocks. Some of the supporting stones have fallen into the adjacent waters. Due to

these changes, the effectiveness of the breakwater has been dramatically reduced. As a result, even moderate storms, especially northeasters (which drive waves directly against the breakwater) can cause surging waves to overtop the breakwater. During a relatively modest storm event in December of 1994, waves that bypassed the breakwater caused substantial damage to the bulkhead in front of the Village sewage treatment plant. The Village has requested that the Army Corps of Engineers initiate the repair of the breakwater to prevent future storm damage problems and improve navigable conditions. Engineering plans are currently being developed.

A. Maintain Sag Harbor as a center of waterfront activity on Long Island.

1. Commercial and recreational water-dependent uses are the preferred uses in the *Waterfront Functional Area*. (Functional Areas are shown on Figure 3.) This area is fully developed in such uses. New water-dependent uses would occur only as redevelopment of existing uses or as accessory uses to existing water-dependent uses.

   ▸ Water-dependent uses are defined as activities which can only be conducted on, in, over or adjacent to a water body because such activities require direct access to that water body, and which involve, as an integral part of such activities, the use of the water.

2. Water-enhanced uses which are compatible with or supportive of water-dependent uses, and do not displace water-dependent uses, are encouraged in the *Waterfront Functional Area* and *Village Central Business District Functional Area*.

   ▸ Water-enhanced uses are defined as uses or activities which do not require a location adjacent to a water body, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses. Water-enhanced uses are encouraged throughout the local waterfront area - consistent with Village zoning.

B. Redevelop the limited number of vacant/abandoned buildings or previously developed sites for uses that are compatible with the surrounding area.

   Redevelopment actions are to result in some or all of the following, as appropriate: improved waterfront recreation opportunities or public access; improved views to the waterfront; improved environmental quality; enhanced community character and sense of place; and, enhanced visiting pleasure. The sites suitable for redevelopment or reuse include the Bulova Watchcase Factory and undeveloped land bound by Long Island Avenue, West Water Street, and Glover Street.

C. Promote open space preservation and protection of historic land use character of large, private waterfront and inland parcels, such as the Cilli Farm property.

D. Improve the central business district - along Main Street - as a destination for users of the waterfront by continuing to make it more attractive, and improving physical linkages to the waterfront.

E. Maintain existing infrastructure, and where necessary, increase service capacity and efficiency to foster development identified in the LWRP.

1.2 Protect and enhance residential areas.

Residential areas contribute to the overall quality of life in the Village. Appropriate land use controls should be implemented to maintain and enhance this quality of life.

A. Provide and maintain physical buffers to shield residential areas from incompatible uses.

B. Preserve existing greenspace.

C. Assure adequate parking in residential areas.

D. Promote an architectural character in residential neighborhoods which is compatible with existing residences and reflects the Village's historic character.

E. Encourage residential site designs which provide open space.

F. Encourage residential site designs which provide waterfront views to the public.

1.3 Maintain and enhance natural areas, open space, and recreational lands.

Open space, in relation to the built environment, is central to the pattern of development which characterizes Sag Harbor's shoreline. Natural areas, open space and recreational lands constitute an important element of community character and provide flood control benefits and fish and wildlife habitats.

A. Maintain the physical linkages between the *Village Central Business District Functional Area* and the waterfront.

B. Protect natural resources and recreational lands which exist in Sag Harbor.

1. Natural resources (i.e., marshes and wetlands): Otter Pond, Inner Sag Harbor Cove, Upper Sag Harbor Cove, Morris Cove, Ligonee Brook, Maple Swamp, Fore and Aft Pond, Round Pond, John Street Pond, and Little Northwest Creek;

2. Recreation facilities: Haven's Beach, Village Docks "A" and "B," Cove End Park, Windmill Park, Long Wharf, Marine Park, Mashashimuet Park;

3. Homeowner Association Properties: Azurest Property Owners Association, Sag Harbor Hills Improvement Association, Ninevah Beach Association; and,

4. Conservation lands: New York State lands along the Little Northwest Creek.

C. Encourage public access and primary contact recreation in the *Low Intensity Water Use District (LID)* and retain the *Conservation Water Use District (CD)* and the proposed *Preservation Water Use District (PD)* for preservation and enhancement of sensitive environmental resources and habitats.

1.4 Ensure that development and uses make beneficial use of Sag Harbor's coastal location.

A. Reserve the water surface for water-dependent uses, particularly in the *Harbor Water Use District*.

B. Recognize the qualities of a coastal location by application of the standards contained in Site Plan Review {Chapter 55, Article XVI}.

C. Ensure that development takes advantage of the coastal location by: providing a building and site design which achieves a beneficial relationship with the coast; enhances visual and physical access to the coast; locates non-water-dependent accessory uses away from the water; expand waterfront amenities, including landscaping, public facilities, and pedestrian areas for public enjoyment; and, enhances the appearance of a site from the land and water.

1.5 Minimize adverse impacts of new development and redevelopment.

A. Avoid alteration of the natural shoreline.

B. Promote project designs which are consistent with the maritime heritage character of the Village, in terms of: mass and distribution of structures, scale, materials, intensity of use, and architectural style.

C. Use best management practices in construction and operation.

D. Consider environmental quality impacts, and avoid nuisance impacts from inappropriate lighting, noise, and odors, when creating and approving project designs.

POLICY 2 SUSTAIN THE VILLAGE OF SAG HARBOR AS A CENTER OF MARITIME ACTIVITY AND SUITABLE LOCATION FOR WATER-DEPENDENT USES.

The Village is one of two areas in the Peconic Bays that supports a concentration of water-dependent uses, and is important from a regional and local perspective. It is the intent of this policy to insure that uses and activities along the waterfront can and should benefit from this coastal location. The policy seeks to protect existing water-dependent commercial and recreational uses, and to promote suitable additional waterfront uses. It is also the intent of this policy to enhance the economic viability of water-dependent uses by ensuring adequate infrastructure and harbor management practices.

2.1 Protect existing water-dependent uses.

Avoid actions which would displace, adversely impact, or interfere with existing water-dependent uses.

2.2 Allow for new commercial and recreational water-dependent uses in the *Waterfront Functional Area*, consistent with local zoning. [See sub-policy 1.1]

Ensure that public actions enable Sag Harbor to continue to function as a center for water-dependent uses.

2.3 Minimize adverse impacts of water-dependent uses and provide for their safe operation.

Allow expansion of existing marinas, yacht clubs, boat yards, and other boating facilities to the extent there is: adequate upland for support facilities and services, including parking; sufficient waterside and landside access; appropriate nearshore depth to minimize dredging; minimization of effects on wetlands, shellfish beds, or fish spawning grounds; and, adequate water circulation.

2.4 Provide sufficient infrastructure for water-dependent uses.

A. Protect and maintain existing public and private navigation lanes and channels - at depths consistent with the needs of water-dependent uses.

B. Use suitable dredge materials for beach nourishment or other beneficial uses.

C. Allow placement of suitable dredge materials in nearshore locations to advance maritime functions, provided that they are adequately contained and avoid impacts on vegetated wetlands - as depicted on the Village of Sag Harbor Wetlands Map - and Significant Coastal Fish and Wildlife Habitats.

2.5 Promote efficient harbor operation.

A. Adhere to the Village of Sag Harbor's Waterways Law *{Appendix B}*.

B. Limit congestion of harbor waters, conflict among uses, foster navigational safety, and minimize obstructions in coastal waters to reduce potential hazards to navigation.

C. Prohibit any increase or additional use of coastal waters - if such poses a public safety hazard which cannot be addressed.

D. Prohibit intrusions or encroachments upon navigation channels and other identified vessel use areas.

E. Avoid shore and water surface uses which would impede navigation.

F. Give priority to existing commercial navigation in determining rights to navigable waters.

G. Foster multi jurisdictional, cooperative efforts to maintain infrastructure, promote harbor management and safety, and enforce harbor management laws.

2.6 Participate in regional intermodal transportation activities that enhance maritime character and provide an alternative transportation method.

A. Ferry services are generally an appropriate accessory use for the Long Wharf when the service is integrated into a regional system.

B. Anything but maintenance and modest expansion of excursion ferry service is inappropriate, due to the lack of adequate upland space or facilities.

POLICY 3 PROMOTE SUSTAINABLE USE OF LIVING MARINE RESOURCES IN SAG HARBOR.

The waters of Sag Harbor Cove and Sag Harbor Bay support a wide variety of finfish, shellfish and crustaceans. Hard clams, soft clams, bay scallops and conches, in addition to a variety of finfish species, are harvested from these waters by commercial and recreational fishermen. This use of living marine resources constitutes an important contribution to the coastal culture of Sag Harbor.

This section addresses protection and management of marine life for commercial and recreational uses. Most of the responsibility for management of the resources is conducted at the State and federal levels, while the Towns retain an important role in managing shellfish resources.

3.1 Ensure the long-term maintenance and health of living marine resources.

A. Ensure that commercial and recreational uses of living marine resources are managed in a manner that: results in sustained usable abundance and diversity of the marine resources; does not interfere with population and habitat maintenance and restoration efforts; uses best available scientific information in managing the resources; and, minimizes waste and reduces discard mortality of marine fishery resources.

B. Ensure that the management of the State's trans-boundary and migratory species is consistent with interstate, State-federal, and inter-jurisdictional management plans.

C. Protect, manage, and restore sustainable populations of indigenous fish, wildlife species, and other living marine resources.

D. Foster occurrence and abundance of marine resources by: protecting spawning grounds, habitats and water quality; and, enhancing and restoring fish and shellfish habitat - particularly for anadromous fish, oysters, and hard clams.

E. Ensure that actions or activities that are likely to have an adverse effect on living marine resources are closely monitored to minimize potential interference.

3.2 Provide for commercial and recreational use of finfish, shellfish, crustaceans, and marine plants.

A. Maximize the benefits of marine resource use so as to provide a valuable recreational resource experience and viable business opportunities for commercial and recreational fisheries.

B. Where fishery conservation and management plans require actions that would result in resource allocation impacts, ensure equitable distribution of impacts among user groups - giving priority to existing fisheries in the State.

C. Protect the public health and marketability of marine and fishery resources by maintaining and improving water quality.

3.3 Promote recreational use of marine resources.

Direct public use of marine resources provides recreational experiences and economic benefits that are integral to the coastal identity of Long Island. Commercial charter and party boats provide additional opportunities for recreational fishing in and around the waters of Sag Harbor.

Provide opportunities for recreational use of marine resources in the waters of Sag Harbor - consistent with existing land use character and provision of necessary support services.

1. Foster direct public recreational use of marine resources along shorelines, bays and surface waters.

2. Maintain the existing level of commercial party and charter businesses in Sag Harbor.

POLICY 4 MINIMIZE LOSS OF LIFE, STRUCTURES, AND NATURAL RESOURCES FROM FLOODING AND EROSION.

The Village of Sag Harbor's shoreline does not contain any officially designated erosion hazard areas, and generally does not suffer from a significant erosion problem.

Roughly one mile of shoreline, east of the breakwater, has been designated as a "V-zone" on the Flood Insurance Rate Maps of the Federal Emergency Management Agency, pursuant to the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. "V-zones" are coastal hazard areas which would be subject to breaking waves of three feet or greater height, in addition to still water flooding, during a 100-year storm event. All of the remaining shoreline lies within the 100-year flood plain, and is at some risk of flooding during a significant storm.

The natural cove formations which characterize much of Sag Harbor's coast help to protect the shoreline from erosion and flooding. Maintenance of natural coastal processes can also minimize shoreline erosion or flooding.

This policy seeks to protect life, structures, and natural resources from flooding and erosion. The policy reflects state flooding and erosion regulations, and provides measures for reduction of hazards and protection of resources.

4.1 Minimize losses of human life and structures from flooding hazards and erosion.

A. Manage development in flood plains so as to avoid adverse environmental effects, to minimize the need for structural flood protection measures, and to meet federal flood insurance program standards.

B. Mitigate the impacts of erosion on flood control structures.

4.2 Preserve and restore natural protective features.

A. Maximize the protective capabilities of beaches and wetlands by: avoiding alteration or interference with shorelines in a natural condition; enhancing existing natural protective features; restoring impaired natural protective features; and, managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural shoreline.

B. Minimize interference with natural coastal processes by: providing for natural supply and movement of unconsolidated materials; minimizing intrusion of structures into coastal waters and interference with coastal processes; and mitigating any unavoidable intrusion or interference.

C. Allow alteration of the natural shoreline, where necessary, to support water-dependent uses appropriate for the *Harbor Water Use District (HD)*.

4.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.

A. Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects.

B. Avoid losses, or likely losses, of public trust lands or use of these lands - including public access along the shore - which can be reasonably attributed to or anticipated to result from erosion protection structures.

C. Mitigate unavoidable impacts on adjacent property, natural coastal processes and natural resources, or on public trust lands and their use.

4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.

Manage navigation channels to limit adverse impacts on coastal processes by designing channel construction and maintenance to protect and enhance natural protective features; prevent destabilization of adjacent areas; and, make beneficial use of suitable dredge materials.

4.5 Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.

A. Give priority in expenditure of public funds to actions which protect public health and safety; mitigate flooding and erosion problems caused by previous human intervention; protect areas of intensive development; and, protect substantial public investment in land, infrastructure, and facilities.

B. Expenditure of public funds is limited to those circumstances where public benefits exceed public cost, and prohibited for the exclusive purpose of protecting private development - except where actions are undertaken by an erosion protection district.

4.6 Consider a sea level rise in the siting and design of projects involving substantial public expenditure.

POLICY 5 PROTECT AND IMPROVE WATER QUALITY AND SUPPLY IN WATERS OF THE VILLAGE OF SAG HARBOR.

The purpose of this policy is twofold: (1) to protect the quality of coastal waters of Sag Harbor - including Sag Harbor Bay, Sag Harbor Cove Complex (i.e., Outer Sag Harbor Cove, Inner Sag Harbor Cove, Upper Sag Harbor Cove and Morris Cove), Ligonee Brook, Otter Pond, John Street Pond, Fore and Aft Pond, Round Pond, Little Northwest Creek, and ultimately, the Peconics; and (2) to ensure a plentiful and safe drinking water supply for the Village.

Water quality in the Village is impacted by point and nonpoint sources of pollution from upland sources within the watersheds which drain into the surface waters. Storm drains empty into the surface waters which do not filter or provide for retention and settling of sediments and pollutants. The outfall of the Village Sewage Treatment Plant, malfunctioning septic systems, waterfowl fecal wastes, and waste discharge from recreational boats are also contributing factors.

Based on the results of water quality monitoring, there are two areas where underwater lands in the Village are closed either year-round or seasonally to shellfish harvesting by the NYSDEC -- the largest of which is surrounding the sewage treatment plant outfall, in Sag Harbor.

The Village's drinking water is provided by the Suffolk County Water Authority from groundwater wells in and around the Village which tap a glacial aquifer. This aquifer source is of high quality, and there is a growing concern that it may become contaminated, due to its geological formation. But, protecting groundwater from contamination from pollutants which

percolate through the soil is still an issue as it relates to surface water contamination. Groundwater inevitably surfaces through springs, streams and ponds which drain into surface waters.

Water quality protection and improvement must be accomplished by the combination of managing new and remediating existing sources of pollution. In addition, where toxic wastes or other contaminants have been identified, more aggressive remediation measures will be needed.

5.1 Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.

Point source discharges to the surface waters in and around the Village include the sewage treatment plant outfall in Sag Harbor; stormwater outflows/drains at numerous locations, road ends and ramps; and vessel discharges - marinas and mooring areas [shown on Figure 5].

A. Maintain the Village of Sag Harbor Sewage Treatment Plant in a manner in which continues to meet the limits set by State Pollution Discharge Elimination System (SPDES) permits.

B. Manage uses which contribute flow to the Village Sewage Treatment Plant.

   1. Reduce infiltration of excess water in collection and transport systems.

   2. Eliminate unauthorized collection system hookups.

   3. Limit discharge volumes and pollutant loadings to or below authorized levels.

   4. Install low-flow water conservation fixtures in all new development and when replacing fixtures in existing development.

C. Prevent point source discharges into Sag Harbor's coastal waters and manage or avoid land uses which would:

   1. exceed applicable effluent limitations or,

   2. cause or contribute to contravention ambient water quality classification and use standards or,

   3. materially adversely affect receiving water quality, or violate a vessel no-discharge zone.

D. Pursue designation of waters within harbor complex and adjacent coves as a vessel waste no-discharge zone.

5.2 Minimize nonpoint pollution of coastal waters and manage activities causing nonpoint pollution.

The volume of nonpoint source pollutants entering surface waters of the Village can be reduced, and the quality of the runoff improved, by managing nonpoint sources of pollution in the Village. These nonpoint sources include: streets, parking areas and other impervious surfaces, and public and private landscaped areas. Contaminated groundwater from cesspools and septic tanks - which inevitably are released to surface waters through springs and brooks - is an additional nonpoint source.

The following management measures will be applied in the Village of Sag Harbor to reduce nonpoint source pollution:

A. For developing and redeveloping sites:

There is the potential for construction of new residential subdivisions in the Village. There are also opportunities for infill development, residential conversions from single-family to two-family dwellings, and for redevelopment of several significant parcels, such as the Bulova Watchcase Factory site and the Cor Maria property. New development and redevelopment have the potential to adversely affect coastal water quality if stormwater runoff is not managed.

1. Preserve natural features, including stream channels; minimize grading and cut-and-fill operations; ensure conformity with natural topography; and retain natural vegetation and trees to the maximum extent practical in order to create the least erosion potential and handle adequately the volume and rate/velocity of surface water runoff.

2. Stabilize disturbed soils and revegetate or seed as soon as practicable. In the interim, erosion protection measures such as temporary vegetation, retention ponds, recharge basins, berming, silt traps, and mulching shall be used to ensure that sedimentation is minimized and mitigated.

3. Ensure that the rate of surface runoff from a site is not increased by new construction by retaining and recharging runoff on the site.

4. Manage total suspended solids in runoff to attain pre development loadings.

5. To the greatest practical extent, maintain buffers of natural vegetation adjacent to water bodies or drainage ways to attenuate sediments, fertilizers, pesticides, or other chemicals. In any development, do not discharge stormwater or site runoff directly into coastal waters.

B. For road and bridge construction:

1. Plan, site, and design roads to manage erosion and sediment loss, and limit disturbance of land and vegetation.

2. Plan, site, and design bridges to protect ecosystems and areas that provide water quality benefits.

3. For roads and bridges - minimize to the extent practical - the runoff of contaminants to coastal waters.

C. For marinas, yacht clubs, and marine service businesses:

Marinas, yacht clubs, and marine service businesses are critical components to the maritime character and economy of the Village of Sag Harbor. Whenever such development is proposed, they should be encouraged to be located along the Village waterfront, within the *Waterfront Functional Area* - in compliance with applicable zoning standards - and be so designed and operated to reduce nonpoint source pollution.

1. Site and design marinas and yacht clubs to minimize the need for dredging and maintenance dredging.

2. Ensure adequate water circulation through basin morphometry or other means.

3. Provide for one additional vessel pumpout facility west of the North Haven/State Route 114 Bridge to meet the demand within Sag Harbor as specified in the New York State Clean Vessel Act Plan, August 1996.

4. Manage stormwater runoff, discharge of hazardous substances, and solid waste to prevent entry into coastal waters.

D. For hydromodifications:

Dredging for maintenance of existing channels, as described in the Harbor Management Plan, is necessary to maintain the Village of Sag Harbor as a center of maritime activity. These activities should occur only to support water-dependent uses and/or harbor circulation management as described in the Village's Harbor Management Plan. Manage dredging and maintenance dredging to achieve the following:

1. Maintain the physical and chemical characteristics of surface waters, reduce adverse impacts, and where possible, improve the physical and chemical characteristics of surface waters in channels.

2. Minimize impacts of channelization and channel modification on riparian habitat, and identify opportunities to restore habitat.

a. Use vegetative means to protect shorelines from erosion. Hardened shorelines are appropriate in the *Harbor Water Use District*.
b. Restore the wetland feeding Otter Pond; wetland fringe around Upper Sag Harbor Cove; and perimeter vegetation around small kettlehole northwest of Round Pond to simulate natural hydrology.

E. For floatables and litter:

1. Prohibit all direct or indirect discharges of refuse or litter into Sag Harbor's coastal waters or upon public lands contiguous to or within 100 feet of coastal waters.

2. Limit entry of floatables to surface waters through containment and prevention of litter.

3. Remove and dispose of floatables and litter from surface waters and shorelines.

4. Implement pollution prevention and education programs to reduce discharge of floatables and litter into storm drains.

5.3 Protect and enhance water quality of coastal waters.

A. Protect water quality based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity); health factors (pathogens, chemical contaminants, and toxicity); and aesthetic factors (oils, floatables, refuse, and suspended solids).

B. Minimize disturbance of streams - including their bed and banks - in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature and level of water.

C. Protect water quality of coastal waters, estuaries, tidal marshes, and wetlands that are adjacent to and contiguous at any point to navigable waters from adverse impacts associated with excavation.

D. Limit potential adverse impacts on water quality due to excavation or placement of fill using avoidance and minimization methods, including reduction in scope of work and use of clean fill.

5.4 Protect and conserve the quality and quantity of potable water.

A. Prevent contamination of potable waters by limiting discharges of pollutants to maintain water quality according to water quality classification, and limiting land use practices which are likely to contribute pollutants to surface and groundwater supplies.

B. Engage in water supply management methods which allow for a sufficient aquifer recharge and prevent saltwater intrusion into groundwater supplies.

POLICY 6 PROTECT AND RESTORE THE QUALITY AND FUNCTION OF THE VILLAGE OF SAG HARBOR ECOSYSTEM.

The purpose of this policy is to positively influence the ecosystems of the Village of Sag Harbor, which contribute to the ecosystems in the Peconic Bays and Shelter Island Sound. Ecosystems consist of physical components (nonliving resources including water, soil, energy and contaminants), and biological components (plants and animals).

Certain natural resources have been identified by the State for protection. These include regulated tidal and freshwater wetlands; designated Significant Coastal Fish and Wildlife Habitats; and rare, threatened, and endangered species. In addition to specifically identified, discrete natural resources, the quality of the Village's coastal ecosystem also depends on more common, broadly-distributed natural resources such as the extent of forest cover, the population of overwintering songbirds, or the benthic communities. These more common natural resources collectively affect the quality and biological diversity of the coastal ecosystem.

Several areas have been identified in the Village as locally-important habitats. These estuarine and freshwater fish and wildlife habitats include: Sag Harbor Cove Complex (Inner Sag Harbor, Upper Sag Harbor and Morris Coves); John Street Wetland; Otter Pond and Maple Swamp; Little Northwest Creek; Round Pond and Fore and Aft Pond; and, Ligonee Brook.

Protection of ecological resources is accomplished through protection of specific resources and ecological stewardship projects.

6.1 Protect and restore ecological quality throughout Sag Harbor.

The Village of Sag Harbor is rich in ecological resources. Intertidal marshlands rich in habitat values line the shore of the Outer Sag Harbor Cove, Upper Sag Harbor Cove and Morris Cove. Freshwater wetlands are located inland near Little Northwest Creek, Round Pond, Fore and Aft Pond, Maple Swamp, and Ligonee Brook.

A. Protect and restore ecological quality by adhering to the following measures:

1. Maintain values associated with Sag Harbor's natural areas, including vegetated tidal wetlands, and stream corridors. Examples of values which may be associated with natural areas are food and shelter sources for aquatic life and birds and mammals, nesting and nursery areas for various species, and migratory stopovers.

2. Retain and add indigenous plants to maintain and restore ecological quality by protecting existing indigenous plants from loss or disturbance to the practical extent.
   a. Include use of suitable indigenous plants in development or areas where loss or disturbance of existing indigenous plants could not be prevented.
   b. Avoid use of non indigenous plants which are invasive species - likely to alter existing natural community composition.

3. Avoid fragmentation of natural areas, and maintain corridors to facilitate movement of aquatic and wildlife species to foster their long-term survival within the Village local waterfront area.

4. Avoid permanent adverse change to ecological processes.

B. Reduce adverse impacts on ecological quality from existing development and mitigate impacts of new development.

Wherever development offers an opportunity for reducing adverse impacts to ecological complexes, and where such is practical and reasonable, measures should be taken to reduce adverse effects. Examples of measures to reduce cumulative effects of development include the maintenance and enhancement of open space, the addition of street trees and the maintenance and improvement of soil stability through vegetative means. New development can be designed to minimize adverse impacts, including cumulative impacts.

6.2 Development within or near the Sag Harbor and Northwest Harbor Significant Coastal Fish and Wildlife Habitat shall be sited so as not to impair the viability of the habitat.

Much of the shoreline of Sag Harbor Bay, beginning east of the breakwater, is designated as the Sag Harbor and Northwest Harbor Significant Coastal Fish and Wildlife Habitat, a New York State -designated significant habitat. The area provides habitats to significant plant, fish and wildlife resources year-round. It is described in a Significant Coastal Fish and Wildlife Habitat narrative and outlined on boundary maps prepared by the Department of State. [Refer to *Appendix C* of this LWRP for a copy of that narrative.]

A. Protect Sag Harbor Bay's habitat values from uses or activities which would:

1. Destroy habitat values through direct physical alteration, disturbance, or pollution, or through indirect effects of actions which would result in a loss of a habitat;

2. Significantly impair the viability of Sag Harbor Bay beyond the tolerance range of important fish or wildlife species which rely on the habitat values found within the designated area through:
   a. degradation of existing habitat elements,
   b. change in environmental conditions,
   c. functional loss of habitat values, or
   d. adverse alteration of physical, biological, or chemical characteristics.

The habitat impairment test presented in the Significant Coastal Fish and Wildlife Habitat narrative [*Appendix C*], must be met for any activity that is subject to consistency review by the Department of State. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The ranges of parameters which should be considered in applying the habitat impairment test include, but are not limited to, the following:

- *Physical parameters* such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, rate of erosion and sedimentation;
- *Biological parameters* such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and
- *Chemical parameters* such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

B. Where destruction or significant impairment of habitat values cannot be avoided, minimize potential impacts of land use or development through appropriate mitigation. Use mitigation measures which are likely to result in the least environmentally damaging feasible alternative:

1. Avoidance of potential adverse impacts, including:
   a. avoiding ecologically sensitive areas,
   b. scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions, and
   c. preventing fragmentation of intact habitat areas.

2. Minimization of unavoidable potential adverse impacts, including:
   a. reducing scale or intensity of use or development,
   b. designing projects to result in the least amount of potential adverse impact, and
   c. choosing alternative actions or methods that would lessen potential impact.

3. Specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment

4. Specific protective measures, included in the information presented under the Significant Coastal Fish and Wildlife Habitat "Impact Assessment."

C. Wherever practical, restore Sag Harbor Bay so as to foster its continued existence as a natural, self-regulating system by:

1. reconstructing lost physical conditions to maximize habitat values;

2. adjusting adversely altered chemical characteristics to emulate natural conditions; and

3. manipulating biological characteristics to emulate natural conditions through reintroduction of indigenous flora and fauna.

6.3 Protect and restore tidal wetlands.

Shallow waters with tidal vegetation are common in the Sag Harbor Cove Complex. Intertidal marsh areas and wetlands line the shores of Outer Sag Harbor Cove, Inner Sag Harbor Cove, Upper Sag Harbor Cove and Morris Cove.

A. Comply with statutory and regulatory requirements of the State Tidal Wetlands Act for the protection of mapped tidal wetlands - including coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; high marsh or salt meadow; littoral zones and formerly connected tidal wetlands.

B. Prevent the net loss of vegetated wetlands according to the following measures. Use the measure that will most likely result in the least environmentally damaging practicable alternative.

1. Avoid placement of fill in, or excavation of, vegetated wetlands.
   a. Choose alternative sites which would not result in adverse impacts on wetlands.
   b. Reduce scale or intensity of development to avoid excavation or fill.
   c. Choose design alternatives which would avoid excavation or fill.
   d. Fill or excavation of vegetated wetlands may be permissible for the express purpose of wetland creation, restoration, or enhancement.

2. Minimize adverse impacts resulting from unavoidable fill, excavation, or other activities by:
   a. Reducing scale or intensity of use in order to limit incursion into wetland areas, and
   b. Designing projects to result in the least degree of adverse wetland impacts.

3. Provide compensatory mitigation for adverse impacts which may result from unavoidable fill, excavation or other activities remaining after all appropriate and practicable minimization has been accomplished.
   a. Restore former wetlands or create new tidal wetlands according to the following priorities:
      (1) in areas adjacent or contiguous to the site;
      (2) where restoration of former tidal wetlands in areas adjacent or contiguous to the site is not appropriate or practicable, restore former wetlands in close physical proximity and within Sag Harbor;
      (3) where restoration of former tidal wetlands is not appropriate or practicable, create new tidal wetlands in suitable locations as determined by sediment, exposure, shoreline characteristics, and water regime. Include consideration of loss of resource values which may exist at the mitigation site.

   b. Where wetlands are restored or tidal wetlands created:
      (1) Provide equivalent or greater area of mitigation wetland. Base the actual area of wetland provided on the following factors: characteristics of the

mitigation site; proposed wetland creation or restoration methods and designs; and quality of the wetland restored or created relative to the wetland lost.

(2) Provide equivalent or greater value to that of the wetland area lost, as described in 6 NYCRR Part 661.

(3) A lesser area of mitigation wetland may be allowed in cases where the mitigation wetland and its benefits would clearly be a greater value than the wetland lost.

(4) Guarantee success of the compensatory mitigation. Wetland mitigation is considered successful if functional attributes of the wetland have been reached and maintained, including a plant density which approaches the design density.

(a) Carry out mitigation in accord with a compensatory plan which details wetland creation or restoration measures. Base compensatory plans on establishment of a natural, self-regulating wetland.

(b) Monitor and report on progress of the wetland mitigation according to a prescribed plan.

(c) Provide a suitable performance bond or other surety instrument guaranteed to an appropriate agency or organization to assure successful completion of the mitigation.

c. When a series of small, unavoidable wetland losses requires mitigation, combine mitigation projects to create larger contiguous wetland areas whenever the resulting ecological value would be greater than that achieved through pursuing discrete, separate efforts.

d. Protect wetland functions and associated benefits regardless of the availability of compensatory mitigation.

(1) Do not fill, excavate, or dredge vegetated wetland areas which are part of the Sag Harbor / Northwest Harbor Significant Coastal Fish and Wildlife Habitat, Northwest Creek Significant Coastal Fish and Wildlife Habitat, Morris and Sag Harbor Cove, and Otter Pond and Maple Swamp.

(2) Do not fill, excavate, or dredge vegetated wetland areas when the wetland loss would result in significant impairment of the remaining wetland area.

(3) Retain functions and benefits associated with vegetated and non vegetated wetlands.

C. Provide adequate buffers between wetlands and adjacent, or nearby, uses and activities in order to ensure protection of the wetland's character, quality, values and functions. The adequacy of the buffer depends on the following factors:

1. potential for adverse effects associated with the use;

2. the nature and importance of the wetland and its benefits;

3. direction and flow of surface water between a use and adjacent or nearby wetland;

4. buffer width necessary to achieve a high particulate filtration efficiency of surface runoff - as determined by vegetative cover type, soil characteristics, and slope of land; and

5. other management measures or design alternatives to protect wetlands from adverse effects where site constraints do not allow sufficient buffer width.

D. Maintain buffers to ensure that adverse effects of adjacent or nearby development are avoided by achieving a high filtration efficiency of surface runoff; avoiding permanent or unnecessary disturbance within buffer areas; and maintaining existing indigenous vegetation within buffer areas.

E. Restore tidal wetlands wherever practical to foster their continued existence as natural, self-regulating systems by:

1. reconstructing lost physical conditions to maximize wetland values;

2. adjusting altered chemical characteristics to emulate natural conditions;

3. manipulating biological characteristics to emulate natural conditions through reintroduction of indigenous flora and fauna; and

4. enhancing lands adjacent to wetlands to provide natural buffers to wetlands.

POLICY 7 PROVIDE FOR PUBLIC ACCESS TO AND RECREATION OPPORTUNITIES ON WATERS, PUBLIC LANDS, AND PUBLIC RESOURCES OF THE VILLAGE OF SAG HARBOR LOCAL WATERFRONT REVITALIZATION AREA.

The Village's land use pattern and formation in and around the waterfront area and central business district provide opportunities to expand public access to the waterfront and create an attractive pedestrian circulation scheme which incorporates waterfront marinas and public lands, downtown shops and commercial establishments, and existing parking areas.

Public recreation opportunities and waterfront access are provided at Haven's Beach, Marine Park, Long Wharf, Windmill Park, anchorage/mooring areas, Village A and B Docks - located along West Water Street, Cove End Park, and Long Wharf Marina. There are also conservation lands, owned by New York State, along Little Northwest Creek which provide additional open space. Public access into this conservation area is granted only by a permit issued by the NYSDEC. Additional public access opportunities are available at boat launching ramps and street ends.

Private marinas and yacht clubs, and private beaches (owned by private beach associations) provide additional facilities. In addition, Otter Pond and Mashashimuet Park, semi-private properties, are open for full use by the public.

Sag Harbor has several locations which offer visual access of the waterfront [Figure 8]. Views of Sag Harbor and Sag Harbor Bay are provided from Marine Park, the northern end of Long Wharf, Windmill Park, and private yachting and boating facilities in the harbor. Views of the greater Sag Harbor Bay are provided from Haven's Beach. Views of the water bodies in the area of the Sag Harbor Cove Complex are provided from West Water Street, Village A and B Docks, Cove End Park and street ends (Yale Road, Notre Dame Road, and Dartmouth Road). The views are of environmental areas, boats, and open water.

Opportunities to expand public access and waterfront recreation in the Village will be created if private waterfront properties are offered for sale or redeveloped by current owners. Modest improvements in public access and recreation can also be made through improving public park land and waterfront facilities.

7.1 Promote appropriate and adequate physical public access and recreation throughout the Village of Sag Harbor coastal area.

A. Preserve and improve public access and water-related recreation opportunities at Haven's Beach, Marine Park, Long Wharf, Long Wharf Marina, and the Village A and B Docks.

B. Accept ownership of additional lands which can provide for public access to the waterfront or water-related recreational use.

C. Provide public access and recreation facilities on non park, public waterfront lands.

D. Provide public boat mooring areas in accordance with the Waterways Law {*Appendix B*}.

E. Ensure access for the general public at locations where State or federal funds are used to acquire, develop, or improve parkland.

F. Provide incentives to private development which provides public access and/or water-related recreation facilities.

G. Include physical public access and/or recreation facilities as part of development whenever development or activities are likely to limit the public's use and enjoyment of open lands and water bodies.

7.2 Provide physical linkages between public parks, open spaces, public trust lands, and nearshore surface waters.

Promote and maintain pedestrian and visual linkages between the *Waterfront Functional Area* and the *Village Central Business District Functional Area*.

7.3 Provide public visual access to coastal lands and waters or open space at all sites where physically practical.

A. Avoid loss of existing visual access by limiting physical blockage by development/redevelopment or activities. Minimize adverse impact on visual access.

B. Mitigate loss of visual access by providing for on-site visual access or additional and comparable visual off-site access.

C. Increase visual access wherever practical.

D. Protect existing visual access points to the waterfront or to natural resources by using Site Plan Review procedures {Chapter 55, Article XVI} to ensure that the scale, site design, or structural types of new development/redevelopment enhance existing visual corridors where possible, and encourage the creation of new scenic views.

E. Provide for visual access to the waterfront and natural lands in the design of roadways and pedestrian amenities.

7.4 Preserve the public interest in and use of lands and waters held in public trust by New York State, Suffolk County, and the Towns of East Hampton and Southampton.

A. Limit grants, easements, permits, or lesser interest in lands underwater to those instances where there would be no adverse effect on the public interest.

B. Limit the transfer of interest in public trust lands to the minimum necessary.

C. Determine ownership, riparian interest, or other legal right prior to approving private use of public trust lands under water.

D. Limit grants in fee of underwater lands to exceptional circumstances.

E. Retain a public interest in the transfer of interest in underwater lands which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.

F. Avoid substantial loss of public interest in public trust lands by the cumulative impact of individual conveyances.

G. Reestablish public trust interests in existing grants not used in accordance with the terms of the grant or the public trust doctrine.

H. Issue land grants which pose minimum interference to the public trust.

7.5 Assure public access to public trust lands and navigable waters.

A. Ensure that the public interest - in access below mean high water and to navigable waters - is maintained.

B. Allow obstructions to public access for water-dependent uses and their facilities.

C. Permit obstructions of public access for riparian non-water-dependent uses, in order to gain the minimum necessary reasonable access to navigable waters.

D. Use the following factors in determining the minimum access necessary: the upland uses' dependence on access to navigable waters; the range of tidal fluctuation; the size and nature of the water body; the uses of the adjacent waters by the public; the traditional means of access used by surrounding similar uses; and, whether or not alternative means to gain access are available.

E. Mitigate substantial interference or obstruction of public use of public trust lands and navigable waters.

7.6 Provide access and recreation which are compatible with natural resource values.

A. Recreation and access opportunities should be designed in a manner which minimizes adverse impacts to environmentally sensitive lands.

B. Public access and recreational activities should be limited where uncontrolled public use would lead to impairment of natural resources.

POLICY 8 PRESERVE HISTORIC RESOURCES OF THE VILLAGE OF SAG HARBOR.

Historic legend and physical evidence combine to comprise a significant element of Sag Harbor's character. Sag Harbor's prominence began with its growth as a center of whaling operations in the 18th century. As whaling declined in the mid-nineteenth century, other waterfront industries prospered - including shipping, steam powered passenger travel, flour and grain milling, concrete, and brick and pottery works. Resort development followed in the late 19th and early 20th centuries.

The settlement and growth of the Village in the 18th century and 19th century brought construction and reconstruction of waterfront facilities, commercial buildings and residential areas. Today, although little of the original waterfront development remains, a grid street pattern oriented to the harbor, historic homes, religious institutions, commercial and industrial structures, and seasonal tourist homes are remnants of the Village's past.

In 1974, the Village designated much of the waterfront, central business district and core portions of the surrounding nineteenth century residential neighborhoods as a local historic district. The

area was subsequently listed on the State and National Registers of Historic Places. In 1992, a new nomination was submitted to the State Board for Historic Preservation - presenting new boundaries. Expansion of the district was granted.

By the power of local zoning, the character of the Historic District is protected locally by the Board of Historic Preservation and Architectural Review {Chapter 55, Article XV}. The Board reviews and approves proposed alterations and construction of buildings within the historic district and of designated historic and cultural landmarks. The Board utilizes as criteria and is guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The emphasis is on preservation of the district's whaling/shipping/resort character as a whole. This character is displayed by building exteriors - style, materials, mass, line, color, and detail - development scale, street pattern, landscaping and waterfront accessibility and views.

Sag Harbor was awarded Certified Local Government (CLG) status under the National Historic Preservation Act in 1989. This designation provides the Village with technical assistance and grant opportunities, in exchange for implementing the Secretary of the Interior's Guidelines when reviewing applications for the alteration or construction within the historic district, or for a designated historic or cultural landmark.

Historic and cultural landmarks designated in Chapter 55, Article XV of the Village Code, as of the fall of 1996 are: American Hotel, Main Street; Bulova Plant, Washington Street, Division Street and Madison Street; Cor Maria, Bay Street; Custom House, Garden Street; Hannibal French House, Main Street; Jared Wade House, corner of Union Street and Madison Street; John Jermain Library, Main Street; Methodist Church, Madison Street; Municipal Building, Main Street; Rysam-Sleight House, corner of Division Street and Burke Street; St. David A.M.E. Zion Church, Eastville Avenue; Umbrella House, Division Street; Whaler's Church and the Old Cemetery, Union Street; and, the Whaling Museum, southwest corner of Main Street and Garden Street.

The New York State Archaeological Sensitivity Map shows that Sag Harbor has multiple site sensitivity - suspected of containing archaeological resources. But, few artifacts are known to have been retrieved from the Village or its waterfront. This is explained, at least partially, due to the ground disturbance that has occurred during construction of the waterfront and central business district areas, and also because few archeological investigations have been conducted in the Village or under its harbor.

The intent of this historic preservation policy is to preserve Sag Harbor's historic, cultural, and archaeological resources. Concern extends not only to protection of specific sites or resources, but to protection of areas adjacent to those resources - and to the Village's historic district and waterfront area as a whole.

8.1 Maximize preservation and retention of historic resources.

The Board of Historic Preservation and Architectural Review is charged with maintaining an updated inventory of historic resources in the Village, and implementing the historic preservation

measures contained in Article XV of the Village Code. The Code requires that, in approving alteration and construction projects for buildings within the Historic District or designated historic and cultural landmarks, the Board shall adhere to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

A. Maintain an updated local inventory of historic places.

B. Preserve the historic character of the Historic District and designated historic and cultural landmarks - by utilizing, during review of building permit applications, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

   1. Preserve and retain the historic character defining elements of a historic structure.

   2. Provide for efficient, compatible use of the historic resource.

   3. Minimize the loss of historic resources or the historic character of resources by relocating resources when they cannot be preserved in place.

   4. Allow for the demolition or removal of a historic or cultural landmark or any building within the Historic District only when relocation is infeasible, the resource cannot be adapted for any use on the existing site or on any new site, or notice has been served by the Village Board upon considering that the resource is imminently dangerous to the health, safety, morals and general welfare of the public.

   5. Avoid potential adverse impacts of development on adjacent or nearby historic resources.

C. Preserve historic character, Village-wide:

   1. Undertake activities appropriate to the historic character of the affected resource.

   2. Design new development or redevelopment of such size, scale and proportions, massing, spaces, and spatial relationships so as to create a harmonious composition of the new or altered building or structure to existing buildings or structures as already exist, and the environs in which they are set.

   3. Design buildings, structures or signs to be of harmonious character using style, materials, mass, line, color, and detail or placement upon the property - or in relation to the spaces between buildings or the natural character of the landscape - to create a balanced and harmonious composition as a whole and in relation to its several parts and features to each other.

8.2 Protect and preserve archaeological resources.

Much of the Village has been identified as an area of multiple archaeological site sensitivity, on maps prepared by the New York State Office of Parks, Recreation and Historic Preservation.

A. Conduct archaeological investigations prior to disturbance of sites identified on the Archeological Sensitivity Map, prepared by the Office of Parks, Recreation and Historic Preservation. The investigations should be sufficient to evaluate the presence of archaeologic materials.

B. Minimize potential impacts on archaeological resources by project designs which avoid or minimize resource disturbance - to the practicable extent.

C. Catalog archaeological data prior to disturbance.

D. Do not disturb or adversely affect any object of archaeological or paleontological interest situated on or underwater lands owned by the State of New York.

8.3 Protect and enhance resources that are significant to the coastal culture of Sag Harbor and the Peconic Bay area.

A. Preserve and enhance the maritime character of the Village through implementation of land use regulations which preserve the traditional waterfront land use pattern, by maintaining water-dependent uses in the *Waterfront Functional Area*.

B. Preserve and enhance waterfront views and public recreation areas.

C. Provide interpretive materials and educational initiatives in appropriate settings to promote public understanding and appreciation of the Village's maritime heritage.

D. Protect historic shipwrecks if found to exist off the Village's shoreline.

E. Preserve and enhance historic navigational structures.

POLICY 9 ENHANCE VISUAL QUALITY AND PROTECT SCENIC RESOURCES IN THE VILLAGE OF SAG HARBOR.

A major contributor to local character are the views of the Village from its many approaches, and views from the Village of the water.

The view of the Village is linked to the water. A visitor will most likely first see Sag Harbor in relation to the water, whether arriving by boat, or by car across the North Haven/State Route 114 Bridge, Bridgehampton/Sag Harbor Turnpike, or County Route 60. The coastline consists of inlets and natural shoreline stretches, and a built-up harbor area. The view is of a village nestled in a coastal environment, where neither the built or undeveloped environment dominate. The view of the harbor features hulls, masts, moorings, piers, docks, public parks, and human activity.

While in the Village, the water can be viewed from many locations. In particular, quality waterfront views are available to the public from the Cove End Park, North Haven/State Route

114 Bridge, Windmill Park, Long Wharf, Marine Park, and Otter Pond. Waterfront views are also available to the public from street ends, particularly around the Cove Complex.

The historic character of the Village provides a significant visual experience for visitors and residents alike. It is expressed through the street grid pattern which is oriented to the waterfront, the moderate scale of development, historic residential areas, and commercial and institutional buildings in the central business district.

Wetlands, concentrations of fish and wildlife, shorelines in natural condition, and streams and ponds also contribute to the overall scenic quality of Sag Harbor.

The intent of this policy is to protect and enhance visual quality in the Village of Sag Harbor.

9.1 Protect and improve visual quality in the Village of Sag Harbor.

A. Protect and improve visual quality when considering new development, redevelopment, or expansion project approvals.

   1. Remove, restore or screen deteriorated elements.

   2. Protect and enhance historic character. [See Policy 8]

   3. Group or orient structures to preserve open space and provide visual organization.

   4. Preserve existing vegetation and establish new vegetation to enhance scenic quality.

B. Coordinate the addition of non architectural elements - such as pavement material and pattern, curbing, trees, fences, parking lots, lighting, street furniture, and signs in a manner which complements the surrounding natural and built landscape.

C. Recognize water-dependent uses as important elements to the visual character of Sag Harbor - promote their presence, and protect the views which they provide.

D. Preserve the scenic character of natural areas by avoiding changes in the configuration of natural shorelines and associated vegetation.

E. Preserve and protect the quality and existence of open spaces and visual corridors through stewardship programs, strategic property acquisitions and land set asides.

F. Protect the scenic values associated with public trust lands and waters by implementing harbor management initiatives which provide visual organization of harbor activities and structures - as provided by *Chapter 53 Waterways* [see *Appendix B*].

G. Protect the scenic values associated with natural resources by maintaining undisturbed landforms and avoiding introduction of visual interruptions on the landscape.

POLICY 10 PROTECT AND IMPROVE AIR QUALITY IN LONG ISLAND.

This policy provides for the protection of the Long Island coastal area from air pollution generated within the coastal area, or from outside the coastal area, which adversely affects coastal air quality.

10.1 Control or abate existing and prevent new air pollution.

10.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.

10.3 Limit sources of atmospheric deposition of pollutants to the Long Island Sound and Peconic Bays, particularly from nitrogen sources.

POLICY 11 MINIMIZE ENVIRONMENTAL DEGRADATION IN THE LONG ISLAND COASTAL AREA FROM SOLID WASTE AND HAZARDOUS SUBSTANCES AND WASTES.

The long history of development has left a legacy of environmental degradation in some portions of the Long Island coastal area. Disposal of solid waste is a major regional issue. Many existing municipal and private landfills are at or above capacity, and some are producing leachate which degrade both surface and groundwater sources. A variety of substances, ranging from improperly disposed motor oils to industrial waste dumps, may pose immediate problems and can preclude or delay appropriate reuse of coastal lands. Smaller and more incremental solid waste problems arise from littering.

The intent of this policy is to protect people from sources of contamination and to protect coastal resources from degradation through proper control and management of wastes and hazardous materials.

11.1 Manage solid waste to protect public health and control pollution.

11.2 Manage hazardous wastes to protect public health and control pollution.

11.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.

11.4 Prevent and remediate discharge of petroleum products.

11.5 Transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being, and general welfare of the public; the environmental resources of the State; and the continued use of transportation facilities.

11.6 Site solid and hazardous waste facilities to avoid potential degradation of coastal resources.

POLICY 12 PROMOTE APPROPRIATE USE AND DEVELOPMENT OF ENERGY AND MINERAL RESOURCES.

Due to the size and built-out nature of the Sag Harbor local waterfront revitalization area, construction of a major energy facility in Sag Harbor would be inappropriate. This policy, therefore, is not applicable in the Village of Sag Harbor.