

RESOLUTION SETTING PUBLIC HEARING TO CONSIDER LOCAL LAW AMENDING VILLAGE CODE §300-11.5, APARTMENT BUILDING IN THE OFFICE DISTRICT (OD) TO CREATE AFFORDABLE AND WORKFORCE HOUSING DEVELOPMENTS IN THE OD AND VILLAGE (VB) BUSINESS DISTRICT

**WHEREAS**, the Village Board of the Village of Sag Harbor is seeking to establish affordable and workforce housing opportunities within the Village to maintain its year round residency; and

**WHEREAS**, in furtherance of this goal, the Board of Trustees is considering enacting a local law amending Village Code §300-11.5, Apartment building in the Office District (OD) to allow expanded opportunities to create apartments for affordable and workforce housing; and now, therefore be it

**RESOLVED**, that a public hearing shall be held on the 10<sup>th</sup> day of May, 2022, at 6:00 P.M. or as soon thereafter can be heard at the Village of Sag Harbor Fire House located at 1357 Brick Kiln Road, Sag Harbor, NY 11963 to consider a Local Law amending Village Code §300-11.5, Apartment building in the Office District (OD), to allow expanded opportunities to create apartments for affordable and workforce housing; and be it further

**RESOLVED**, that the Village Clerk is hereby directed to refer this local law to the Suffolk County Planning Commission, the Planning Board of the Village of Sag Harbor and the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis (to conduct the necessary SEQRA review).

INTRODUCTORY LAW NO.

LOCAL LAW NO. OF 2022

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

A LOCAL LAW to amend Village Code §300-11. 5, Apartment building in the Office District (OD), to allow expanded opportunities to create apartments for affordable workforce housing.

**SECTION 1. Legislative Intent.**

~~Sag Harbor Village is a historic village that has been home to a year round community of working families and individuals. The Village offers services and amenities that help maintain such a population and its year round needs (schools, library, medical services, grocery stores, small merchants, and businesses, affordable houses, parks and athletic fields, EMT services, fire department, small scale commercial and private boating and fishing, light industrial services that serve the year round community, etc.). Tourism and amenities/housing for summer residents are also vital to the economy of Sag Harbor, however, are not its defining characteristics.~~

Sag Harbor has been made and defined by people whose lives and livelihood have come from its unique location and history. Its modern economy is now more diverse and dynamic. Tourism, recreation, and the arts make it an attractive location for full- and part-time residents. Village businesses, schools, volunteer organizations and governmental services rely on individuals and families who make Sag Harbor their home. They are the core of the community, and yet, the cost of living, particularly housing, increasingly prevents them from living and working and doing business here. The goal of the legislation is help maintain a vital, cohesive, and prosperous population who are or wish to be vested in the full-time activities of a thriving village. It seeks to do this by helping make housing costs affordable for these residents in need.

The Planning Strategies for the Inc. Village of Sag Harbor dated July 21, 2008, cited the difficulty of finding affordable housing in the Sag Harbor School District for the local workforce as an issue of significant concern in 2007. Specifically, the study notes,

Along with other east end communities, Sag Harbor has witnessed a steady rise in real estate values over the past few years, although this trend seems to have only caught up in Sag Harbor in recent years. In a report entitled “Real Estate Market in the Five Eastern Villages of Long Island”, prepared by Suffolk Research Services, Inc., April 2006, yearly median prices of residential real estate were evaluated over a 15-year period. For the Village of Southampton, the six-year period of 1999 to 2005 witnessed an increase in the median value of a residence from \$265,000 to \$737,000, or a 178% increase in value. East Hampton experienced slightly greater increases over the same six-year period, from \$288,000 to \$849,000, or a 195% increase in value. Local individuals and families are finding it increasingly difficult to find housing at a price that can be afforded based upon the wages earned locally. At numerous meetings, individuals from the community have asked the Board of Trustees to introduce mechanisms that would improve the affordable housing opportunities in the Village. This increase in value and the turnover of real estate has the potential to change the face of the community, from what was once a working-class, local community to one which contains to a large measure wealthy, retired individuals and families or those who use the community as a second home. While controlling real estate values is beyond the capability of local government, the changes in the conditions in the Village of Sag Harbor puts ever-increasing pressure to manage the Village resources in a manner so as to attempt to not to increase the pressure on the local year-round residential population. The ability to sustain a balanced community relies on a number of factors - including maintaining diversity in the people who live in the community, as well as the ability to provide locally and conveniently

the goods and services that are necessary. *See* Planning Strategies for the Inc. Village of Sag Harbor dated July 21, 2008, page 46-47.

Therefore, this Board recognizes the great need to create affordable and workforce housing opportunities for the people of the Village of Sag Harbor and seeks to introduce a series of local laws that will create affordable housing incentives in the Village that will benefit the health, safety, and welfare of the Village as a whole. As such, this Board seeks to expand upon Village Code §300-11.5, Apartment building in the Office District by allowing the establishment of three story, mixed use apartment buildings in the Office District and Village Business District where the development proposes that all at least 75% of the units will be affordable.

**SECTION 2. Amendment.** Please see the following and amend Village Code §300-11.5, Apartment building in the Office District (OD), by deleting those words that are stricken and adding those words that are underlined:

§ 300-11.5 Affordable and Workforce Housing Development ~~Apartment buildings in the Village Business (VB) and Office Districts (OD).~~

**A.**

~~Any applicant for an Affordable Housing Development in the OD or VB Districts shall be permitted by Special Exception provided the following standards are met: required to design any such project so as to include one of the following:~~

1. The Village Board of Trustees shall be the reviewing board for all special exception permit applications for Affordable and Workforce Housing Development as set forth herein. The Planning Board shall retain jurisdiction over the required site plan review. Notwithstanding Village Code §§300-6.3, VB Dimensional Regulations and 300-7.3 OD Dimensional Regulations, 300-11.23 & 300-15.3 Waterfront Overlay District Standards (except for §300-15.3(K) as set forth below) the following code provisions shall govern:
2. Minimum lot size. The minimum lot size required for the establishment of an Affordable Housing Development shall be waived as long as the site is an appropriate shape, dimension, topography, and location as will allow for an appropriate and attractive development, screening and a harmonious relationship with adjoining land uses and the natural physical terrain.
3. Ownership. A proposed development may be owned by one or more persons, LLCs, partnerships, limited partnerships or corporations, and their successors and assigns or any other entity, but shall be presented as a single parcel of land at the time application for rezoning is made. The application shall be jointly filed by all owners and, if approved, shall be jointly binding on them. If required by the Planning Board, this shall be confirmed by written agreement, in recordable form satisfactory to the Village Attorney.
4. Uses. A mixed-use building containing commercial uses only on the first story and dwelling units above shall be permitted in the Village Business and Office District Zoning Districts. Residential uses shall continue to be prohibited on waterfront lots

zoned OD and VB located in the Waterfront Overlay District pursuant to Village Code §300-15.3(K)

5. Density.

1. The permitted residential density within an Affordable Housing Development shall be up to one dwelling unit per 1,0500 square feet of buildable land area per dwelling unit.
2. At least 75% of all units provided in the development shall be set aside as units for affordable and workforce housing as defined in Village Code §150-2. All affordable and workforce housing units shall be governed and administered by Chapter 150.
3. In determining whether to grant a special exception permit to an Affordable Housing Development, the Village Board, in addition to its legislative discretion, shall also consider the need for units for low and moderate-income families, the nature variety and extent to which the applicant intends to provide low and moderate -income affordable units, the appropriateness of the location of the proposed site, the environmental suitability of the site, the proposed development design to accommodate such an increased density and the overall pattern of distribution of such limits across the Village.
4. Building Coverage. The maximum permitted building coverage shall be 780%.
5. Lot Coverage. The maximum permitted lot coverage shall be 780%
6. Traffic access. Affordable and Workforce Housing Developments shall have direct frontage on a Village or State Road.
7. Utilities and services.
  - A. Water and sewer service. Developments shall be served by public water. All necessary approvals shall be obtained from the Village of Sag Harbor and/or the Suffolk County Department of Health Services for sewage disposal and water supply.
  - B. Drainage. Storm water drainage systems serving any multifamily development shall be designed so that the rate of runoff from the site during a one-hundred-year storm will not exceed that which would have occurred prior to its construction. The calculation of such runoff rate and the design of the drainage system shall be subject to the approval of the Village Engineer.
  - C. Refuse storage and collection. Plans for the storage and collection of refuse within any multifamily development shall be subject to Planning Board approval. The outside storage, if permitted, shall be in rodentproof containers conveniently located and enclosed or otherwise screened from view. Such facilities shall comply with all setback requirements applicable to accessory structures.
  - D. Underground utilities. All utilities within any multifamily development, including electric, telephone and cable television, shall be placed underground, where practicable.
  - E. Fire prevention. The site plans for multifamily development shall provide proper access for fire-fighting equipment and personnel and shall provide hydrants in such number and location and with such water pressure as may be determined adequate and approved by the Planning Board, based upon

the recommendations of the Village Engineer and the Fire Department having jurisdiction.

8. Open space.
  - A. Private outdoor space. Each individual multifamily dwelling unit shall, if practicable, be provided with a private outdoor space in the form of a patio, terrace, garden, courtyard, deck, or balcony, which space shall be immediately adjoining and directly accessible to the dwelling unit which it serves.
  - B. Other open spaces. All portions of any multifamily development which are not used for one or more of the purposes permitted above shall be designed and maintained as permanent open space, either to be landscaped or preserved in its natural state, all in accordance with plans approved by the Planning Board.
9. Off-street parking. The applicant shall submit an off-street parking management plan with the application. The Village Board of Trustees shall use its discretionary authority to approve or disapprove of the proposed parking plan. Village Code §300-9.6 shall not apply to Affordable and Workforce Housing Developments herein.
10. Minimum floor area. The minimum floor area for any residential apartment shall be 500 square feet.
11. Covenants and restrictions. The Village Board of Trustees shall have the right to require that the applicant or owner execute such agreements and covenants as it may deem to be required. Said agreements or covenants shall be recorded in the County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement.
12. Architectural review. All construction shall be subject to the review of the Board of Historic Preservation and Architectural Review pursuant to Article XIII of Chapter 300.
13. Stories. The number of stories of a building providing affordable dwelling units pursuant to the standards set forth herein may have three stories.
14. Height of building. The height of any building shall be not more than 37 feet from natural grade.
15. Setbacks.
  - A. Setbacks in the VB District. The setbacks for the construction of an apartment building shall be 0 feet to each lot line; provided that a sidewalk not less than six feet in width must be provided along the property street frontage and depth of which shall not be less than 15 feet. When adjacent to residentially zoned property, minimum transitional yards shall be 10 feet from each lot line adjacent to said residentially zoned district.
  - B. Setbacks in the OD District.
    1. Front Yards.

a. Unless the main building on the lot is controlled by subsection c, there shall be a front yard, the depth of which shall be not less than 10 feet.

b. On a corner lot a front yard shall be required on each street, and unless the building is controlled by Subsection C, each such front yard shall be not less than 10 feet.

c. The minimum front yard depth shall be the same as the average front yard depth of the existing buildings within 200 feet on each side of the plot and within the same block-front and district. No front yard for commercial buildings, combined commercial and residence buildings and multiple dwellings shall be required to have a depth greater than 15 feet. The minimum front yard for buildings used solely as multiple dwellings shall be 10 feet.

C. Side Yard. The minimum side yard shall be 5 feet and 15 feet total side yards.

D. Rear Yard. The minimum rear yard shall be 15 feet. When adjacent to residentially zoned property, the rear yard shall be 20 feet from said residentially zoned district.

16. Sewer. Connection of the development to the Sag Harbor Village Sewer District shall be required. The sewer rent for any affordable housing unit shall be waived.

17. Mixed Use Development Required. In addition to the provision of housing, a mixed-use building is required in the Village Business and Office District Zoning Districts, and the uses permitted in such a building shall be all uses currently permitted in the VB and OD pursuant to §300-6.2 and §300-7.2 of the Village Code, as may be amended from time to time. The building shall contain a mix of commercial uses suited to support the development. Retail and office uses, where permitted, shall be permitted only at the first story and all second and third stories shall be apartments.

~~(1)~~

~~Set aside to be built on the site no fewer than 10% of the units as affordable units under § 300-11.6B either for sale or for rental; or~~

~~(2)~~

~~Payment of a sum of money to the Sag Harbor Community Housing Trust Fund incident to issuance of any approval, which said sum shall equal \$186,000 of units otherwise times twice the number of units otherwise to be built under Subsection A(1) above or such other per unit sum as~~

is fixed from time to time by resolution of the Board of Trustees, so that, by way of illustration not limitation, if the actual density on any such project is 10 units, requiring one to be affordable, and if built on site, the trust fund contribution would be \$372,000.

**B.**

~~Any applicant for an apartment building in the OD Office District which shall contain five or fewer units on any site shall not be required to set aside affordable units on site but shall be required to make payment of a sum of money to the Sag Harbor Community Housing Trust Fund as otherwise provided in Subsection A(2) above equal to \$186,000 or such other sum as is fixed from time to time by resolution of the Board of Trustees. In the event any site is a lot on a minor or major subdivision approved after the effective date of this section and in the further event there is a later application for an apartment use on a separate lot within said subdivision, then and on approval of any such application the applicant shall be obliged to set aside 20% of allowable density as affordable units.~~

**C.**

~~Any affordable apartment unit under this section shall not be subject to the lot area requirement otherwise applicable for apartments in the Table of Dimensional Regulations.<sup>111</sup>~~

[1]

*Editor's Note: The Table of Dimensional Regulations is included at the end of this chapter.*

**SECTION 3. Amendment.**

Please see the following and amend Village Code §300, Attachment 1, **Village of Sag Harbor Table of Uses**, by deleting those words that are stricken and adding those words that are underlined:

**Table of Uses**  
 [Amended 12-14-2010 by L.L. No. 13-2010; 2-8-2011 by L.L. No. 1-2011;  
 4-12-2011 by L.L. No. 6-2011; 7-12-2011 by L.L. No. 7-2011; 4-21-2016 by L.L. No. 5-2016;  
 3-9-2021 by L.L. No. 2-2021]

**KEY:**  
 P = Permitted  
 SE = Special Exception  
 X = Prohibited

NAICS Code*	Use Description	R20	RM	VB	OD	WF
	<u>Apartment Building Affordable Workforce and Housing Development</u>	X	X	<del>X</del> <u>SE</u>	SE	X

**SECTION 4. Authority**

The Village of Sag Harbor hereby enacts this legislation pursuant to NYS Village Law § NYS Village Law §§7-700, 7-725-b, 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.