

**RESOLUTION ADOPTING LOCAL LAW ESTABLISHING THE HISTORICALLY  
BLACK BEACHFRONT COMMUNITIES (“HBBC”) OVERLAY DISTRICT**

**WHEREAS**, at the request of the community, the Village Board of the Village of Sag Harbor seeks to enact a local law establishing the Sag Harbor Historically Black Beachfront Communities (HBBC”) Overlay District (“HBBC Historically Black Beachfront Communities Overlay District”); and

**WHEREAS**, in furtherance of this goal, the Board of Trustees is considering enacting a local law creating Village Code Article VIII-B HBBC Overlay District; and

**WHEREAS**, in addition to testimony heard by this Board at the public meeting of October 11, 2022, from persons for and against this proposal, public hearings were held by the Board of Trustees on Tuesday, November 8, 2022, and Tuesday, December 13, 2022, 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 a Type I Action under 6 NYCRR Part 617, provisions of the New York State Environmental Quality Review Act (SEQRA); and now therefore be it

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

**RESOLVED**, that the companion planning study prepared in connection with the proposed local law establishing the HBBC Overlay District for the Village of Sag Harbor entitled “Planning Analysis - Village of Sag Harbor Historically Black Beachfront Communities Overlay Zoning District” dated, November 2022 is hereby adopted; and be it further

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

INTRODUCTORY LAW NO.  
LOCAL LAW NO. 19 OF 2022

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

A LOCAL LAW to create Village Code Article VIII-B HBBC Historically Black Beachfront Communities Overlay District.

**SECTION 1. Legislative Intent.**

More than seventy years ago a small group of visionary African Americans founded three beachfront communities in the Village of Sag Harbor. To the predominantly African American residents, Azurest, Sag Harbor Hills and Ninevah Beach were respites from the overt and subtle manifestations of systemic bias. Initially, the homes were best characterized as modest bungalows, although there has long been a wide diversity in home style and grandeur. What defined the look and feel of the three communities was not attributable to a particular architectural design or style. Instead, it was the sense of community and the close, familial relationship of the residents, and the rustic quality of size appropriate homes set within treed lots unadorned by sidewalks or curbs. Over time, the community evolved, and the diversity in homes and homeowners increased. Rapidly increasing home values led to two important and conflicting developments. Long term African American homeowners could transfer, inter-generationally, the significant equity in their homes – an option long suppressed through policies like redlining and predatory lending. On the flip side, speculators and investors insensitive to culture and norms have become increasingly active in the communities – resulting in development approvals for homes inconsistent with the character of the communities.

The honors bestowed upon Azurest, Sag Harbor Hills and Ninevah Beach as historically African American summer communities by NY State and nationally on the National Register of Historic Places commemorate their significant place in American history. Residents of the communities recommends that Sag Harbor Village establish an Overlay Zoning District (“HBBC Historically Black Beachfront Communities Overlay District” or “HBBC Overlay District”) to conserve the communities’ essential characteristics. The HBBC Overlay District provisions, detailed below, are designed to preserve the character and scale of the communities, while balancing the need to preserve the equity of long-term homeowners.

The boundaries of the HBBC Overlay District shall be as shown on the duly adopted Zoning Map which accompanies this Chapter 300, and includes the subdivision of Sag Harbor Hills, subdivision of Azurest, and subdivision of Ninevah Beach.

**SECTION 2. Amendment.** Please see the following and amend Village Code §300-3.1, Designation of districts, by deleting those words that are stricken and adding those words that are underlined:

**§ 300-3.1. Designation of districts.**

[Amended 4-21-2016 by L.L. No. 5-2016; 1-11-2022 by L.L. No. 1-2022]

For the purpose of this chapter, the Village of Sag Harbor is hereby divided into six zoning districts and four overlay districts, which shall be designated as follows:

R-20 One-Family Residence District

OD Office District

RM Resort Motel District

VB Village Business District

WF Waterfront District

PC Parks and Conservation District

Historic Overlay District

Tidal Flood Hazard Overlay District

WFOD Waterfront Overlay District

HBBC Historically Black Beachfront Communities Overlay District

**SECTION 3. Amendment.** Please see the following and create Village Code Article VIII-B, HBBC Overlay District, by deleting those words that are stricken and adding those words that are underlined:

**§300-8.14 Legislative Intent.**

In 2019, the Historically Black Beachfront Communities (“HBBC”) were added to the National Register of Historic Places stating, “NEW YORK, SUFFOLK COUNTY, Sag Harbor Hills, Azurest, and Ninevah Beach Subdivisions Historic District, Roughly Richards Dr., Hempstead St., Lincoln St., Harding Terr., & Terry Dr., Sag Harbor, SG100004217, LISTED, 7/10/2019”. The Sag Harbor Hills, Azurest, and Ninevah Beach Subdivisions (HBBC) District is located in the eastern portion of Sag Harbor, an incorporated village within the Towns of Southampton and East Hampton in Suffolk County, New York. Sag Harbor Village is situated on the north shore of Long Island’s South Fork, a peninsula that juts off the larger island into the Atlantic Ocean.

The HBBC District is located just east of the Village of Sag Harbor Historic District and encompasses the full extent of the self-contained planned resort communities of Azurest, Sag Harbor Hills, and Ninevah Beach. Comprising approximately 154.22 acres, the district is characterized by mid-century African-American suburban resort development and positioned to take advantage of beach access along the peaceful Sag Harbor Bay. The district is situated northeast of Hampton Street and Hempstead Street and extends to the shores of Sag Harbor Bay. The district is bounded on the north by the natural boundary of Sag Harbor Bay, and to the south by Hempstead Street and Hampton Street. Hampton Street is a main local thoroughfare that cuts through largely-wooded portions of East Hampton and becomes a two-lane rural highway (East Hampton–Sag Harbor Turnpike [114]), terminating southeast of Sag Harbor in downtown East Hampton at Montauk Highway (New York State Route 27). To the west, the district is bounded by lines of residences along Richards, Milton, and Cuffee Drives, and to the east by New York State-owned wooded lands along Little Northwest and Rattlesnake Creeks. The presence of woods to the east, woods along Hampton Street, and woods throughout undeveloped lots within the district create a sense of privacy and seclusion for the neighborhoods.

The limits of the district are drawn around the outer edges of four mapped subdivisions, as they were filed in phases with Suffolk County beginning in the 1940s: Azurest, Sag Harbor Beach

Club, Sag Harbor Hills, and Ninevah Beach (See Section 9, Page 43 for a map). The Sag Harbor Beach Club and Sag Harbor Hills ultimately merged into one neighborhood identity under the name of the latter. Each subdivision is essentially defined by the long, north-south angled roads which connect Hempstead Avenue and the beach. Azurest, the westernmost subdivision, includes both sides of Richards Drive and Cuffee Drive on the west merging into Milton Avenue to both sides of Walker Avenue on the east, and both sides of Meredith Avenue in between, all terminating in Terry Drive. Sag Harbor Beach Club includes both sides of Beach Avenue and both sides of Harbor Avenue, terminating in Soundview Drive. Sag Harbor Hills includes both sides of Hillside Drive East and West, terminating in Ninevah Place. Ninevah Beach includes both sides of Lincoln Street, terminating in Harding Terrace. Due to its distinctive histories of planning and development, HBBC is spatially and physically distinguished from other areas of Sag Harbor village.

The buildings within the Village of Sag Harbor Historic District are typically closely built colonial and 19th-century timber frame structures on small irregular lots within a relatively flat terrain. In contrast, the neighborhood character of HBBC is characterized by less densely packed, freestanding mid-century residences on larger suburban house lots within a hilly terrain. The presence of consistent lot sizes with small and medium-sized single and two-story homes with minimal clearing of woods contribute to the relaxed sense of community character. The calm waterfront and predominantly wooded setting of HBBC create a sense of refuge and respite away from the busy traffic on Hampton Street and commercial activity around the nearby port in downtown Sag Harbor. The bay beach, which is calm and often attracts private boaters for short stays, is a defining feature of the HBBC District's setting. All design and planning for the residential subdivisions were done in favor of beach access.

Although listed on the National Register, the HBBC Overlay District is not being added to the Village of Sag Harbor Historic District at this time. This legislation allows for distinct zoning regulations that will allow redevelopment, while at the same time ensuring a significant limit on the expansion of single-family residences that will maintain the community character of this important area.

#### **§300-8.15 Permitted and Special Exception Uses.**

- A. The HBBC Overlay District shall have the same use regulations provided for R-20 pursuant to Village Code §300-4.2 and the Table of Uses, Village Code §300, Attachment 1, except as provided herein.
- B. There shall be no Village Code Article XI, Special Exception Uses, permitted in the HBBC Overlay District.

### **§300-8.16 HBBC Overlay District Standards.**

- A. The HBBC Overlay District shall have the same dimensional regulations provided for R-20 pursuant to Village Code § 300-4.3 and the Table of Dimensional Regulations, Village Code §300, Attachment 2, except as otherwise provided herein.
- B. The maximum gross floor area in HBBC Overlay District shall be calculated pursuant to Village Code §300-9.10 except that the maximum gross floor area shall in no case exceed 4,000 regardless of the size of the lot. The maximum 4,000 square foot gross floor area limitation shall also apply to lots that have merged with neighboring lots.
- C. The roads within the HBBC Overlay District shall not be improved with sidewalks.
- D. Impervious driveways are prohibited.
- E. Properties within the HBBC Overlay District shall have no more than three (3) accessory buildings or structures.
- F. Photo or video evidence of a violation of an HBBC Overlay District provision shall be sufficient to warrant the institution of an investigation by the Village as to whether a violation has occurred.

**SECTION 4. Amendment.** Amend the Zoning District Map by adding the boundaries of the HBBC Overlay District, as more fully set forth on the attached map entitled “Proposed Historic Black Beachfront Communities Overlay District”, prepared by Nelson Pope and Voorhis.

### **SECTION 5. Authority**

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

### **SECTION 6. Severability.**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall be rendered.

### **SECTION 7. Effective Date.**

This chapter shall take effect immediately upon filing in the office of the Secretary of State pursuant to the Municipal Home Rule Law.