

RESOLUTION ADOPTING LOCAL LAW AMENDING VILLAGE CODE CHAPTER 300,
ZONING, §300-14.5 SITE PLAN PROCEDURE TO CREATE A NEW PRE-SUBMISSION
HEARING REQUIREMENT

WHEREAS, the Village Board of the Village of Sag Harbor seeks to enact a local law establishing a new pre-submission hearing requirement for certain site plan applications in the Village of Sag Harbor to ensure public input at the earliest stages of the application process to ensure the continued health, safety and welfare of the people of Sag Harbor; and

WHEREAS, in furtherance of this goal, the Board of Trustees is considering enacting a local law amending Village Code §300-14.5 Site Plan Application Procedure, to create a pre-submission hearing process for certain site plan applications in the Village of Sag Harbor; and now, therefore be it

WHEREAS, a public hearing was held by the Board of Trustees on Tuesday, February 14, 2023, at which time all persons either for or against the proposed local law were heard; and

WHEREAS, the Suffolk County Planning Commission determined that the proposed legislation is a matter for local determination; and

WHEREAS, the Village of Sag Harbor and the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis determined that the proposed action is Type II Action requiring no further environmental review; and now therefore be it

RESOLVED, that the following local law is hereby adopted:

LOCAL LAW NO. 1 OF 2023

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

A LOCAL LAW to amend Village Code §300-14.5 Site Plan Application Procedure for certain site plan applications in the Village of Sag Harbor

SECTION 1. Legislative Intent.

The Village Board of Trustees wishes to create greater opportunity for public participation in the land use and development application review process. The Board wishes to provide for earlier opportunities for the public to be heard regarding the State Environmental Quality Review Act (“SEQRA”) for larger projects.

To that end, the Village Board of Trustees wishes to enact this local law amending Village Code §300-14.5 Site Plan Application Procedure, to create a pre-submission conference hearing process for certain site plan applications in the Village of Sag Harbor. This pre-

submission hearing will allow for public comment on certain land use and development applications in the Village at the earliest stage of review and will be in addition to the requisite hearings required under NYS Village Law Article 7 for Site Plans and Special Exception Use Permits. The hearing will occur before the Village Board of Trustees for those applications that require a Special Exception Use Permit from the Board of Trustees and before the Planning Board for all other site plan/special exception use permit applications processed by the Planning Board.

SECTION 2. Amendment. Please see the following and amend Village Code §300-14.5, Site plan application procedure, by deleting those words that are stricken and adding those words that are underlined:

§ 300-14.5. Site plan application procedure.

~~A.~~

~~Presubmission conference/work session. Prior to submission of a site plan application, the applicant or his agent shall meet with the Planning Board at a work session. The purpose of the work session shall be to discuss proposed uses or development and to determine which of the site plan elements shall be submitted to the Planning Board in order for the Board to determine conformity with the provisions and intent of this chapter. Any presubmission conference shall include an evaluation of fees to be paid under § ~~300-14.4B(2)~~ above. Within six months following the presubmission conference, nine copies of the site plan application and any related information as required hereunder shall be submitted to the Planning Board, failing which any later submission of an application shall start at the presubmission stage.~~

A. Presubmission conference. Prior to the submission of a site development plan described below, the applicant or their agent shall meet with the Planning Board or the Board of Trustees if the application requires a special exception use permit from the Board of Trustees in the form of a presubmission conference. The “presubmission conference” shall constitute a public hearing. The purpose of such conference shall be to discuss proposed uses or development of the site and to allow the Planning Board and/or Board of Trustees to determine conformity with the provisions and intent of this chapter, including, but not limited to, a discussion and preliminary analysis pursuant to the State Environmental Quality Review Act (SEQRA). The public may listen to participate in, and comment on said discussion during the presubmission conference.

~~(1)~~

The following projects shall be subject to the presubmission conference requirement herein:

~~(a)~~

Applications requiring Special Exception Use Permits from the Village Board of Trustees pursuant to Village Code §§300-11.5, 300-11.11 and 300-11.23.

~~(b)~~

The construction or placement of any new nonresidential building or structure, including an accessory building or structure;

(c)

The conversion of an existing building, in whole or in part, from a residential use to a nonresidential or mixed use;

(d)

The expansion of an existing nonresidential building or structure, including an accessory building and structure, which results in an increase in the total floor area;

(e)

The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use such that it increases the intensity of on- or off-site impacts;

(f)

The construction of a multifamily building or the conversion of an existing residential structure containing one or two dwelling units to a multifamily structure;

(g)

The construction or expansion of paved areas or other impervious surfaces, including, but not limited to, walkways, access drives, and parking lots, involving an area of 2,000 square feet or greater within any two two-year period;

(h)

Land disturbance, clearing, grading, or filling involving 2,000 square feet or greater.

(2)

The following projects shall be excluded from the presubmission conference requirement herein:

(a)

Applications for a change of zone, including planned development districts, approved by the Village Board, within five years from the date of approval.

(b)

Use variance applications that were approved by the Zoning Board of Appeals, within five years from the date of approval.

(c)

Applications for fire, police, ambulance, or other emergency services.

(d)

Any site plan or special exception application that is a Type II action pursuant to SEQRA, 6 NYCRR Part 617.5.

(3)

Notwithstanding the above list, prior to the submission of a site development plan, the applicant or their agent may meet with the Planning Board for the above-described purposes.

(4)

The Planning Board or Board of Trustees shall publish notice of said conference at least 10 days prior to the scheduled date of the conference, in a newspaper of general circulation. No additional advertisement shall be required for any adjournment date.

(5)

In addition, the applicant or their agent shall erect or cause to be erected a sign, which shall be displayed on the parcel for which the conference is to be held, facing each public street on which the property abuts, giving notice that a conference will be held before the Planning Board for site plan approval and stating the time and place where the conference will be held. The sign shall not be located more than 10 feet from the street line and shall not be less than two nor more than six feet above the natural grade at the street line. The sign shall be furnished by the Planning Board, and only such sign(s) shall be used. The sign shall be displayed not less than 10 days immediately preceding the presubmission conference or any adjournment date. The applicant shall file an affidavit with the Planning Board that he/she has complied with the provisions of this section. Failure to submit such affidavit shall result in the adjournment of the presubmission conference and reposting pursuant to this section.

(6)

Within 10 days following said presubmission conference, the public may submit written comments to the Planning Board regarding the applicant's proposed project, which comments are relevant to the objectives of the site plan review process as articulated in §300-14.3(B) herein and SEQRA.

(7)

Within 30 days following said presubmission conference, the Planning Board shall issue a report providing the applicant with feedback and/or comments which may include a short description of issues the applicant should address going forward, any additional information the Board may want to review, and a brief statement of the Board's approach to the proposed project.

(8)

Nothing shall preclude or bind the Planning Board from issuing or changing its recommendation if new information or a change in circumstances arises at or prior to the next formal application stage. The report of the Planning Board shall be valid for a period of one year from the date of issuance. No further Planning Board action will be taken after such expiration until a new presubmission conference has been held.

(9)

The fee for said presubmission conference applications shall be established, and changed as needed, by resolution of the Village Board of Trustees. A copy of the fee schedule is on file in the Village Clerk's office and the Building Department.

B.

Within one year following the presubmission conference, nine copies of the site development plan application and any related information shall be submitted to the Planning Board. Within 30 days of receipt of the application, the Planning Board shall determine whether said application is complete. If the Planning Board determines said application to be incomplete, it shall forthwith notify the applicant wherein said application is deficient. The Planning Board may extend the time within which the applicant must submit a complete application beyond this one-year period in the Board's discretion and on a case-by-case basis.

~~Formal submission. The complete site plan application shall be submitted to the Building Inspector, who will determine whether the application is complete for review by the Planning Board. The Planning Board, upon letter application, may waive any of the site plan elements set forth in § 300-14.4C(1) to (4).~~

SECTION 3. Authority

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

SECTION 4. 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 5. 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.