

TO: Honorable Mayor and Members of the Board of Trustees

FROM: Board Members of Save Sag Harbor

DATE: June 3, 2008

RE: SAG HARBOR CODE AMENDMENTS

First and foremost, we want to thank you and your planner and attorney for spending the time and effort to produce such a comprehensive and thoughtful document. We recognize that many of the proposed amendments are necessary to clean up a code that has not been updated in many years. We also understand that many of the proposals are to implement tools that will hopefully protect the vision and character of the village we all cherish as unique and charming. We particularly appreciated the recognition of the need for affordable housing, the transition zone of office between the resort motel area and Village Business District, and the limitations on the size of future buildings and uses.

Second, you have asked use for questions regarding the recently released draft and our inquiries follow. These inquiries are based on the hope that the moratorium will be extended. We attempted to get input from as many sources as time allowed and will continue to do so during this public review process so please do not consider this a final list by any means. We used the draft (not redlined version) code and tied our questions to those page numbers for clarity and hope we have been successful in making this an easy list for you to follow.

1. Map:
  - a) Why is the new Office District expanded along Division Street? Is it appropriate to have such a large Office District, expanding it into an area with existing historic building fabric? Is it appropriate to encourage banks, for example, and real estate offices to locate on a congested street such as Division Street?
  - b) Why do the Historic District boundaries not mirror National Register of Historic District boundaries? And what was the rationale for not using the larger National Register area?

Definitions:

- Page 12
- a) Grocery Store: Why is the maximum recommended combined gross floor area not 2,000, unless a special exception for more is granted, for maximum of 8,000 square feet?

Page 19 permit? b) Sign, Temporary:  
1. Should a maximum length of time should be included in

2. Should there not be a removal requirement?

Pages 19,20 c) Superstore:  
1. What is recommended combined gross floor area? and also  
2. Why is Superstore not a listed use on the chart but not permitted?

Was inclusion of a “dark sky” lighting definition and statement of purpose ever considered?

page 22 Article 4 Residential:

Why are Bed and Breakfast and Day Care Centers included in the Residential District as Special Exceptions Uses? Was a cap on either or both use considered? What is the rationale for grandfathering accessory apartments in the R-20 which currently exist without a certificate of occupancy and how was the number 50 arrived at and what is the criteria for qualifying?

Page 23 Article 5:

Resort Motel: should exterior signs, exception for directional ones for guests, for accessory uses not be prohibited in order to discourage an accessory use form inadvertently becoming a main use ?

Page 25 Article 6: VB District Special Conditions: Was an expedited administrative site plan process considered for uses for change of 2,000 sq. ft. or less use to another permitted use?

B. 2,000 maximum: use chart which has 3,000 sq. ft. as maximum so should the chart not be corrected to be consistent or a note on the chart stating 3,000 sq. ft. is permitted only by Special Exception?

D. If the cellar or basement is used for the storage for retail use, is it counted in the gross floor area definition?

E. What was the planning rationale for offices on second floor: ie, limit as an accessory use only with a 50% of the second floor limitation.

- Page 34 Article 9: 6 Off Street Parking:  
A.(4) Is it the intent to require additional parking for change of use to conforming uses? Was a reduced parking requirement considered for permitted uses of 2,000 square feet or less, or is all the parking of the legally pre-existing uses grandfathered or treated as a credit? Is payment into the parking fund contemplated as a method of alternative compliance? And how is the funding used?
- Page 36C Residential: has a further reduction in parking been discussed as an incentive for affordable units or VB District accessory residential units?
- Page 45 Article 9.7 Signs: A schedule references one on each public street frontage for each building or lot. What if the building has more than one use? Are shingle signs in the VB District permitted?
- Page 57 Article 11. Special Exception Uses  
55-11.2 – Are there additional parking requirements for outdoor dining? Was the elimination of additional spaces considered as an incentive for encouraging more outdoor dining?
- Page 59 55-11.5 Affordable Housing:  
A.  
(1) What is the length or the term of the 10% affordable housing setaside in the OD?  
(2) Why is the Sag Harbor Community Housing Trust Fund only available in the OD and not in the VB district?
- Page 60 (3) Is this incentive, ie, the Sag Harbor Community Housing Trust fund, only available in the R-20 district and not in the VB district?
- Page 61 G. What is required time frame for response to transfer application and what is rationale for an additional board, the Accessory Apartment Review Board, rather than using an existing board?
- Page 63 55-11.7 Bar/Tavern:  
Why does restriction of 500 feet not also apply to the distance from the R-20 District or single family residential use (which does not include condo or apartment )?

55-11.16 Grocery Store: What is the definition of a Market and Municipal Impact Study?

Page 108 55-12.6  
(2) Is permit available only to legal non-conforming uses and structures, ie, “a law fully pre-existing non-conforming use.”?

Page 112 Article 13. Board of Historic Preservation and Architectural Review.

55-13.2 Membership:

A. Why are all members required to be residents of the Village? It is our understanding the state law allows Board representation to be for the town not just the village. What was the rationale for not requiring a majority of the Board members to be from the Village rather than all.

Page 114 L. Why is the character of the Village not included in the excessive similarity review/criteria?

Page 128 Article 14 Planning Board

15-14.3 Site Plan Review

B. Objectives of Site Plan Procedure and Review. Should the Village Business District Plan not be included?

Appendix: Table of Uses: retail food store is included in the table of uses only with references to tables and chairs, but not defined as a use; superstore is defined but not listed in the table as a prohibited use.

A better understanding of the draft code will assist us in formulating positions and we appreciate your efforts in this regard and look forward to the discussion on June 5,2008.

With kind regards,

Board of Save Sag Harbor, Inc.

---

Mia Grosjean, President  
Save Sag Harbor, Inc.

cc: Members of the Board:  
Susan Mead  
April Gornik  
Lester Ware  
Helen Samuels  
Robert Stein