

# Village of Sag Harbor LWRP Monitoring Report June 2011

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## **Community Background:**

The Village of Sag Harbor is located on the north shore of the south fork of Long Island, adjacent to Sag Harbor Bay, about 95 miles east of midtown Manhattan. It has the character of a country village and seaport. With roughly 3.3 miles of shoreline and a total area of about two square miles, Sag Harbor is bisected by the Southampton / East Hampton town boundary line. Like many ports, Sag Harbor's road system radiates from the focal point at Long Wharf. The principal roads are the East Hampton – Sag Harbor Turnpike, New York State Route 114 (which continues north from Sag Harbor across a bridge to provide one of two access roads to the Village of North Haven), and the Bridgehampton-Sag Harbor Turnpike, County Route 79.

The Village has a long history. High points include the Village's service as a revolutionary port and garrison, its development as a prosperous whaling port in the first half of the 19<sup>th</sup> century, and a subsequent decline. The Village was reborn in the late 19<sup>th</sup> century as a business and manufacturing center and as a summer resort. Although the shorefront has changed since then, with the whaling industry long abandoned, many of the existing waterfront uses have been long established. The protection offered by the harbor, which made the Village an attractive location for whaling, shipping and trade in the 19<sup>th</sup> century, today supports extensive boating and other marine-related activities. Both the Harbor District and Outer Sag Harbor Cove areas contain full service boat yards. The waterfront also supports an excursion service from Connecticut and charter boat services as well as a locally significant shellfish industry.

The Village's history and waterfront have fashioned the Sag Harbor of today – a thriving summer resort and commercial center. With the decline of manufacturing, the summer resort industry and general business have become the main economic drivers of the Village; retail trade and construction are the second largest. The aesthetic character of the Village continues to attract new residents, with the predominant residential groups being (1) locally employed professionals; (2) retired individuals; and (3) second home residents and transient visitors. Sag Harbor's current vitality is based on the quality of its historic setting for both principal and second homes, and for the summer resort and tourism activity supported by its exceptional harbor, its attractive business center, and diverse public services.

The Village's Local Waterfront Revitalization Program, approved in 1986, numbered among the first in New York State. The LWRP identified the land and water uses that were essential to implementing the LWRP policies and contained a thorough analysis of existing and needed local laws to implement the LWRP. The Village went on to develop and adopt a harbor management plan in 1998, with State approval of that plan and U.S. Office of Ocean and Coastal Resource Management concurrence in 1999. Subsequent revisions to the harbor management plan in 2006 resulted in a fully-approved amendment to the LWRP. The revision to the harbor management plan included replacement of the plan's water

surface use map with a revised harbor management chart; revisions to the Village's Waterways Law (Chapter 53); and changes to the text of the harbor management plan to fully reflect these revisions.

### **Collaborations with NYS Department of State:**

The Village's partnership with the Department began in the 1980s and resulted in the Village beginning development of its Local Waterfront Revitalization Program. Department staff worked with the community to develop the program and the local laws to implement it, resulting in the Village's adoption of the local program on May 6, 1986; state approval on June 11, 1986; and federal concurrence with that approval on August 15, 1986. The partnership continued in 1994 with the Village's receipt of an EPF LWRP grant for \$37,500 to develop a harbor management plan. The partnership between the Village and Department continued through completion of the harbor management plan; State approval of that plan and federal concurrence; and a subsequent and fully approved amendment in 2006 to the harbor management plan and LWRP.

### **LWRP Monitoring Process:**

The Department's discussions with Sag Harbor officials regarding the Village's LWRP, as they have with others in the State, have allowed the Department to assess each community's consistency with its LWRP and to better understand the municipality's implementation activities and decision-making procedures related to the LWRP. Additionally, this process offered an opportunity for each community to highlight its successes and directly request from the Department technical or potential funding assistance for LWRP implementation activities.

The Department began the compilation of information for the Village of Sag Harbor LWRP monitoring report with a phone call to the Village Clerk to explain that the Village had been selected by the Department to participate in the LWRP monitoring project. A follow-up letter was sent which provided information on what the monitoring process would involve and a list of survey questions. The letter also indicated that a conference call would be scheduled between Department representatives and key municipal officials to answer the survey questions; that a follow-up site visit by Department staff would take place to review the Village's answers in response to the survey; and, following the site visit, that Department staff would prepare a written assessment of findings to identify areas of potential improvement, training, or potential needs for an LWRP amendment.

A conference call was held on 1 April 2011 that included Beth Kamper, the Village Clerk; Bruce Tait, a former Village of Sag Harbor harbormaster and a member in long standing of the Village's Harbor Committee; Rich Warren, a consultant to the Village's Planning Department; and Dennis Mildner, the Department's supervisor of the Long Island Unit. During the call, which lasted approximately an hour and a half, Village personnel provided substantive answers to the survey questions. The Village's answers to the survey questions were sufficiently detailed and informative to allow Department staff to develop a draft assessment.

## Department Findings:

### Local Waterfront Revitalization Program Administration

The Sag Harbor LWRP and related Coastal Assessment Form are posted on the Village's website. Paper copies of the documents are kept at the Village office, the Sag Harbor library, and are available at all Village meetings. Additionally, the LWRP is posted on the Department of State website

Overall, both the Village government and the community at large are enthusiastic supporters of the Village's LWRP. Additionally, there is broad awareness of the LWRP and its consistency provisions on the part of community members and consultants. The LWRP is discussed on many levels and by different boards and community groups throughout the Village.

Local agencies and officials are aware of the LWRP and the consistency requirement associated with it, although all individuals likely are not as familiar with them as they should be. This is due to the fact that Village staff is comprised of volunteers, and turnover of that staff is frequent. This creates a situation where newer staff members may not be completely familiar with the LWRP and consistency requirements for some time. But the Village's system for consistency review is seen as mostly effective.

Chapter 275 *Waterfront Consistency Review* establishes the framework for Village of Sag Harbor departments to consider the LWRP policies and purposes when reviewing applications for actions, or taking direct actions, proposed for within the Village's coastal zone to assure that such activities are consistent with said policies and purposes. The law applies to either Type 1 or unlisted actions as defined in SEQRA regulations, and does not apply to excluded or exempted actions as defined in SEQRA regulations.

The Village's Harbor Committee, established through Chapter 32 *Harbor Committee*, reviews and makes recommendations regarding the consistency of proposed actions with the LWRP's policy standards and conditions. An agency receiving an application on which it must act, or which anticipates making a direct action or funding decision, submits a coastal assessment form to the Harbor Committee. The Harbor Committee is responsible for consistency review and analysis, and forwards its recommendation through a consistency certification to the Village Trustees or other appropriate entity responsible for the proposed action. The authorizing agency then considers the consistency recommendation of the Harbor Committee in rendering its final decision. The LWRP has been especially effective in protecting the Village's tidal wetlands.

Village staff estimated that the Harbor Committee may receive one or two applications for consistency review on a monthly basis, but does not issue formal consistency certifications on a monthly basis. All consistency decisions are put in writing and kept on file. Analysis and decisions are made without the benefit of a geographic information system. The lack of available funding has precluded the Village to date from purchasing a geographic information system. Overall, the Harbor Committee conducts a thorough review of projects for consistency with their LWRP, although it is recognized that Harbor Committee members would benefit from consistency training sessions.

## **Local Waterfront Revitalization Program Implementation**

The Village has advanced numerous implementation projects over the years since its LWRP was adopted and approved by the State. While some projects are still in progress, others have been completed, including upgrades to the Village's wastewater treatment plant; storm water drainage improvements in coordination with the Town of Southampton; renovations at Havens Beach and water quality and public access improvements at associated street ends; and enhancements to local pump out operations. Some of the projects identified in the local program are no longer relevant, reflecting the overall age of the program, but the need to update the local program was not a need articulated by the Village. The Village has not, to date, availed itself of the Department's Environmental Protection Fund Local Waterfront Revitalization Program grants beyond a 1994 grant to draft a harbor management plan. As a result, the Village has had only limited interaction with Department staff over the years, and has not participated in the Department's EPF training program, although the Village anticipates that consistency review training would be a benefit to members of the Harbor Committee.

About two years ago the Village revisited its zoning and land and water use regulations and developed a new master plan, resulting in changes consistent with its LWRP to its zoning and land and water use regulations that related mostly to the Village's business district and not its waterfront. As a result of this effort, the land use map in Section IV of the LWRP could be updated to reflect these revisions; the water use map was largely unaffected by the review. As a result of this comprehensive review, the Village adopted new wetlands regulations and setbacks, a reflection of the seriousness with which the Village views its wetlands and their protection.

The Village is generally built out and sees very few proposals for new development. Of those that do come before the Village for consideration, developers have either consulted with the LWRP in advance or have worked with the Village Harbor Committee to assure the consistency of what they intend to propose. This approach has assured that there is a good working relationship among all parts of the Village waterfront, guided by the LWRP and facilitated by the Harbor Committee.

The Village has been diligent in its pursuit of what it sees as its highest priorities. Among these is the protection of its tidal wetlands, the protection and improvement of its surface water resources, and the protection of its scenic resources. Public access and scenic resources also have long been an important focus of the Village. Access is consistently supported through the LWRP, and the local program has been used to guide recreational improvements such as the HMP amendment and the preservation of public access on the east side of the Village. The Village also has enhanced dockage in its harbor. The Village is proud of its history of no losses of public access, only improvements to it.

Overall, the LWRP has been a strong, unifying strategic plan for the Village's waterfront area. It has been successful at coordinating local, State and federal agency actions, and especially has had a positive, guiding effect on the Village's work with the New York State Department of Environmental Conservation (NYS DEC) and the New York State Department of Transportation (NYS DOT). In light of the fact that the Village is, for all intents and purposes, built out, the Village feels there is no need to amend the LWRP at this time.

Grants Awarded

Title 11 Environmental Protection Fund Local Waterfront Revitalization Program

Village of Sag Harbor

Year	Amount of Grant	Project Description	Status
1994	\$37,500	<p>LWRP Amendment/HMP</p> <p>The project involved the development of a draft harbor management plan and the completion of an associated amendment to the Village of Sag Harbor's LWRP. The harbor management plan, developed in conjunction with a study of underwater lands ownership, examined existing federal, state, and local harbor management regulations, and existing Village-wide and geographically-specific harbor management regulations; and identified alternatives for waterfront and harbor use, and analyzed potential environmental impacts of harbor use and waterfront development.</p>	Closed