



INCORPORATED VILLAGE OF OCEAN BEACH

POST OFFICE BOX 457
OCEAN BEACH, NEW YORK 11770-0457
TEL: (631) 583-5940 FAX: (631) 583-7597
www.villageofoceanbeach.org

JAMES S. MALLOTT *Mayor*
MATTHEW M. BLAKE, *Deputy Mayor*
DAWN L. HARGRAVES, *Trustee*
CHRISTOPHER F. NORRIS, *Trustee*
BRIAN C. POWER, *Trustee*

STEVEN W. BRAUTIGAM, *Clerk/Treasurer*
KEVIN J. SCHELLING, *Superintendent of Public Works*

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Inc. Village of Ocean Beach Board of Trustees will be holding a Public Hearing on Saturday, July 13, 2019 at 11:30AM at the Ferry Terminal Boat House, Bayberry Walk & Bay Walk, Ocean Beach, New York, Suffolk County, to consider the following:

The Village of Ocean Beach Board of Trustees (the "Board") wishes to set a public hearing date to consider a moratorium on building/house construction.

The purpose of the hearing to consider building requirements, lot size and other factors related to the potential impacts on the safety and well-being of the Village residents.

All interested persons are welcome to attend.

Steven W. Brautigam,
Village Clerk/Treasurer

Dated: June 27, 2019

Posted: Village Office Bulletin Board
Inside Village Office Door
Post Office Bulletin Board
Village Green Bulletin Board
Website: www.villageofoceanbeach.org

LOCAL LAW NO. 4 OF 2019

**BOARD OF TRUSTEES
VILLAGE OF OCEAN BEACH**

A local law to establish a temporary moratorium on certain land use applications that are pending or may be subsequently filed with the Village of Ocean Beach.

Be it enacted by the Board of Trustees of the Village of Ocean Beach as follows:

Section One. Purpose, Intent, and Findings.

Recently, the Village of Ocean Beach has experienced an increase in applications to apportion or subdivide existing lots in residential zoning districts and to develop additional single-family homes on the newly created (smaller) lots. Applications have also involved the teardown of existing homes to make room for additional and/or larger houses. There has also been an increase number of applications to raise existing structures. These raised structures give the appearance of or are actually are being converted into three-story structures. The Village anticipates continuing to receive similar applications. Over time, the replacement of one single-family home with multiple and/or significantly larger single-family homes has the potential to impact negatively the Village's residents, the Village's character, infrastructure, and provision of services, and such impacts could be irreversible.

The Village's Board of Trustees believes it is in the best interest of the Village to enact a temporary moratorium applicable to the Village's zoning districts designated below on the acceptance, consideration, and approval of certain kinds of land use applications such as applications for subdivision, demolition permits, site plan approval, building permits, variances, and special permits. The Village will be consulting with professionals in the industry and local citizens to work with the Village on the preparation of a study and analysis of the zoning districts identified below in order to identify and address present and future development impacts and needs, especially with respect to the appropriate degree to which property divisions should be permitted in various zoning districts.

This moratorium is intended to ensure that no approvals of applications listed below are granted until the Village completes its planning studies and the Board of Trustees considers and enacts comprehensive zoning changes, as appropriate.

Section Two. Authority.

The Board of Trustees of the Village of Ocean Beach is authorized to adopt this local law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general police power vested with the Village of Ocean Beach to promote the health, safety, and welfare of all of the residents and property owners in the Village.

Section Three. Definitions.

For the purpose of this local law, unless specified below, all terms shall be as defined in the Zoning Law of the Village of Ocean Beach, New York (Chapter 164 of the Village Code), Rules of Procedure of Board of Appeals (Chapter A165 of the Village Code) and Special Permit Procedures (Chapter A166 of the Village Code).

Section Four. Affected Zoning Districts.

This local law is applicable to the following zoning districts only:

Residence R-4 District
Business C District
Oceanfront DD Dune District
Bayfront Recreation District

Section Five. Duration.

The provisions of this local law shall be in effect for a period of six (6) months from the effective date hereof unless earlier repealed, modified, extended, or supplemented by further local law of the Village of Ocean Beach.

Section Six. Moratorium.

1. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Ocean Beach shall accept for review, continue review, hold a hearing, or make any decision upon any application for a subdivision whether that subdivision application was submitted prior to or after the effective date of this law. This law applies to subdivisions as defined in Chapter 164 of the Village of

Ocean Beach Code. The state statutory and locally-enacted time periods for processing and making decisions and all aspects of subdivision approval (including, but not limited to, pre-preliminary, preliminary, and final subdivision plats) are suspended and stayed while this local law is in effect.

2. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Ocean Beach shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for site plan approval or special permit approval involving the demolition, lifting and/or raising, creation, or replacement of a dwelling unit, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for site plan approval and special permits as indicated are suspended and stayed while this local law is in effect.

3. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Ocean Beach shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for approval of a demolition permit for the demolition of all or any part of a one-family residential structure, except in connection with an interior renovation (which does not include a lifting and/or raising of the structure) in contemplation of continued use of the structure for residential purposes, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications involving such demolition are suspended and stayed while this local law is in effect.

4. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Ocean Beach shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for a variance from any state or local land use law that involves the demolition, creation, lifting and/or raising or replacement a dwelling unit, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for a variance(s) from any state or local land use law as indicated are suspended and stayed while this local law is in effect.

Section Seven. Exceptions.

This local law shall not apply to:

1. Lot line adjustments where no new lots are being created and no additional dwelling unit(s) are being or can be constructed.
2. An existing valid building permit and substantial construction having commenced in reliance thereon.
3. The issuance of a building permit required in connection with the ordinary repairs, maintenance, and/or interior renovations of a structure, and minor exterior changes such as a replacement of windows.
4. The issuance of a certificate of occupancy in connection with the completion of a project that obtained prior site plan approval or subdivision approval and for which building permits were issued and substantial construction commenced.

Section Eight. Appeal Procedures.

1. The Board of Trustees shall have the authority to vary or waive the application of any provision of this local law, in its legislative discretion, upon its determination that such variance or waiver is required to alleviate an unnecessary hardship affecting a lot. To grant such a request, the Board of Trustees must find that a variance or waiver will not adversely affect the purpose of this local law, the health, safety, or welfare of the Village of Ocean Beach, nor will it substantially undermine the land use planning and potential revision process under review. The Board of Trustees shall take into account the existing land use in the immediate vicinity of the property and the impact of the variance or waiver on infrastructure, neighborhood and community character, natural resources, government services, and other environmental issues. The development application must comply with all other applicable provisions of the Village's local laws and Village Code.
2. Any application for a variance or waiver shall be filed with the Village Clerk and shall include a fee of two hundred (\$200) dollars for the processing of such application. An application for a variance or waiver shall contain the complete details of the proposed improvement project. To the extent that the Board of Trustees requires a consultant to assist it in reviewing such application, it may also require the applicant to pay the reasonable costs of such consultant. Any consultant shall be selected in the sole discretion of the Board of Trustees.

3. In the sole discretion of the Board of Trustees, the Board may refer any application for a variance or waiver of this local law to any official, department, and/or land use board. The Board of Trustees shall not be bound by any recommendation of any official, department, or land use board and shall conduct a public hearing and make a final decision on the application, with or without conditions. The Board of Trustees shall render a decision on an application for a variance or waiver of this local law within forty five (45) calendar days of the Village Clerk's receipt of a complete application.

4. The Board of Trustees shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of this local law. In the event that the Board of Trustees determines to approve such application, the applicant may seek approvals from the relevant officials and/or land use boards under the terms set forth within the Board of Trustee's decision.

Section Nine. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Village Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Village Law and such local ordinances, laws or regulations, including but not limited to: the receipt, consideration of, and action on variance applications (§§ 7-712-a and 7-712-b of the Village Law, Article IX of Chapter 164 of the Code of the Village of Ocean Beach), site plan applications (§ 7-725-a of the Village Law, Chapter A166 of the Code of the Village of Ocean Beach), special use permit applications (§ 7-725-b of the Village Law, Chapter A166 of the Code of the Village of Ocean Beach), subdivision applications (§§ 7-728, 7-730, 7-732, 7-738 of the Village Law, Chapter 164, Article XI of the Code of the Village of Ocean Beach), and Building Department permit applications (New York State Uniform Fire Prevention and Building Code and Chapters 64 & 164 of the Code of the Village of Ocean Beach), pursuant to the Village's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent

that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes.

Section Ten. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Eleven. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State