

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Head-of-the-Harbor held a public hearing on the 15th day of April, 2015, at 7:00 P.M., at Village Hall, 500 North Country Road, St. James, New York, and duly adopted a Local Law as follows:

LOCAL LAW NO. #1 OF 2015

**A LOCAL LAW REPEALING VILLAGE CODE CHAPTER 20 AND
REPEALING OR AMENDING RELATED SECTIONS OF THE
VILLAGE CODE**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to repeal Chapter 20, Environmental Conservation Board and to repeal Village Code sections citing the Environmental Conservation Board.

SECTION 2. REPEAL OF VILLAGE CODE CHAPTER 20.

Chapter 20 of the Village Code is repealed.

SECTION 3. REPEAL OF VILLAGE CODE § 65-35.

Section 65-35 of the Village Code is repealed.

SECTION 4. AMENDMENT OF VILLAGE CODE § 81-15(B).*

Section 81-15(B) is amended to read as follows:

- B. For actions of the type stated in § 81-14B, the Planning Board shall be the responsible agency. The Planning Board shall coordinate review by [the

* Bracketed language is deleted; underlined language is new.

Environmental Conservation Board and] the Board of Architectural Review, which shall be afforded a reasonable time to investigate and submit a written report of their respective findings and recommendations. [The Environmental Conservation Board shall submit a timely report to the Planning Board as to the environmental effect and consistency with such portions of LWRP that do not relate to the protection of architectural resources.] The Board of Architectural Review shall submit a timely report to the Planning Board as to consistency with such portions of the LWRP as relates to the protection of architectural resources. The Planning Board shall thereafter issue its findings and determination as to [the environmental effect and] consistency with LWRP.

SECTION 5. AMENDMENT OF VILLAGE CODE § 81-15(D).

Section 81-15(D) is amended to read as follows:

- D. For actions of the type stated in § 81-14D, the Village Engineer shall provide [the Environmental Conservation Board and] the Board of Architectural Review with the information and forms which shall be required under Article VII, and said Boards shall assist the Board of Trustees in making findings as to environmental effect and consistency with the LWRP.

SECTION 6. AMENDMENT OF VILLAGE CODE § 81-18.

Section 81-18 is amended to read as follows:

§ 81-18. Advisory agencies.

In all cases [in which the Environmental Conservation Board is not the responsible agency it shall be an advisory agency in the making of a finding as to environmental effect; and in all cases] in which the Joint Village Coastal Management Commission is not the responsible agency it shall be an advisory agency in the making of a finding as to consistency with the LWRP, in accordance with the provisions of § 81-30.

SECTION 7. AMENDMENT OF VILLAGE CODE § 85-7.

Section 85-7 is amended to read as follows:

§ 85-7. Review and approval of building permits.

All building permits for construction in the designated areas must be approved by the Village Engineer[,] and the Board of Architectural Review [and the Environmental Conservation Board].

SECTION 8. AMENDMENT OF VILLAGE CODE § 85-13(C).

Section 85-13(C) is amended to read as follows:

- C. Because any erosion control structure may induce changes in natural coastal processes, such as shifts in tidal activity, silting or patterns of currents, and may have an impact upon wildlife habitats, the construction or modification of any such structure shall be regarded as a Type I action under the Village law providing for environmental quality review. [The submitted erosion protection structure plan must be approved by the Environmental Conservation Board of the Village, which shall not issue an approval until a written evaluation has been made of available nonstructural erosion protection measures at the site. Because nonstructural erosion management measures are to be preferred wherever practical, approval by the Environmental Conservation Board is dependent upon demonstration of the impracticability of such measures and that the mitigation of adverse impacts connected with the erecting of an erosion protection structure is provided to the greatest practicable extent.]

SECTION 9. AMENDMENT OF VILLAGE CODE § 85-26(B).

Section 85-26(B) is amended to read as follows:

- B. Any removal of sand, gravel or earth materials from any site shall require a special permit issued by the Building Inspector. In connection with the subdivision of land, such a permit must be approved by the Planning Board. In connection with site development, the permit must be approved by the Board of Architectural Review. In either case the special permit shall also require the signed approval of [both] the Village Engineer [and the Environmental Conservation Board].

SECTION 10. AMENDMENT OF VILLAGE CODE § 165-14.

Section 165-14 is amended to read as follows:

§ 165-14. Map of environmentally and historically significant areas.

A map showing environmentally and historically significant areas, prepared by the Village Engineer [and the Environmental Conservation Board], incorporating data supplied by the Suffolk County Planning Department and researchers into local history, is on file with the Village Clerk. It shows steep slopes, swales, dense forests, places where seasonal high water tables are less than three feet, tidal and freshwater wetlands, ponds, marshes, prime wildlife areas, historic buildings, accessory buildings, gates, cemeteries and other areas of environmental and historic significance.

SECTION 11. REPEAL OF VILLAGE CODE § 165-34.2(F)(3).

Section 165-34.2(F)(3) is repealed.

SECTION 12. AMENDMENT OF VILLAGE CODE § 165-74(A).

Section 165-74(A) is amended to read as follows:

- A. The Board shall coordinate its reviews and decisions with the Board of Architectural Review, [Environmental Conservation Board,] Building Inspector, Engineer, Clerk, Attorney and Treasurer on a regular basis.

SECTION 13. AMENDMENT OF VILLAGE CODE § 165-85(B).

Section 165-85(B) is amended to read as follows:

- B. In preparing such studies and plans, the Board shall involve and coordinate with the Trustees, the Board of Architectural Review [and Environmental Conservation Board], the Building Inspector, as well as the Village Historian, Engineer, Commissioner of Roads and Attorney.

SECTION 14. AMENDMENT OF VILLAGE CODE § 165-102(B).

Section 165-102(B) is amended to read as follows:

- B. In serving as the lead agency for site plan review, the Board shall involve, consult with and/or receive review input, as appropriate, from involved Village agencies, including the Board of Architectural Review [and Environmental Conservation Board]; involved

Village parties, including the Attorney, Engineer, Building Inspector, Historian and Commissioner of Roads; involved outside agencies, including the State Departments of Environmental Conservation, Health and Transportation, the County Department of Health, as well as the Joint Village Coastal Management Commission; and interested parties, including abutting residents and other municipal jurisdictions.

SECTION 15. AMENDMENT OF VILLAGE CODE § 165-110.

Section 165-110 is amended to read as follows:

§ 165-110. Filing of decision.

The decision of the Board shall be filed by the Board Secretary with the Village Clerk, with copies to the applicant, the Board of Architectural Review, [the Environmental Conservation Board,] the Village Engineer and the Building Inspector.

SECTION 16. SUPERSESSSION.

This Local Law shall supersede any inconsistent law, state or local. This declaration of supersession is made by authority of the Village's municipal home rule law powers, pursuant to §§10(1)(ii)(a)(14) and 10(1)(ii)(e)(3) of the Municipal Home Rule Law, §10(6) of the Statute of Local Governments, and Article 9, §2(b)(3) of the New York State Constitution.

SECTION 17. SEQRA.

This is a Type II action under 6 NYCRR 617.5(c)(27).

SECTION 18. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a

whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 19. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: March 24, 2015

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HEAD-OF-THE-
HARBOR

BY: Margaret O'Keefe,
Village Clerk