

INCORPORATED VILLAGE OF HEAD OF THE HARBOR
BOARD OF TRUSTEES

A LOCAL LAW AMENDING
CHAPTER 81 OF THE
VILLAGE CODE CONCERNING
ENVIRONMENTAL QUALITY
REVIEW

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Head of the Harbor, as follows:

Section 1. Enactment

Chapter 81 of the Village Code, entitled "Environmental Quality Review", is hereby amended as follows:

§ 81-13 Definitions and word usage.

DIRECT ACTION

An action of the type described in § 81-14DC or ED of this Part 2.

§ 81-14 Regulated actions.

The actions which shall be subject to the provisions of this Part 2 are the following:

- A. Actions requiring approval of the Planning Board.
- B. Actions requiring a building permit from the Building Inspector.
- CB. Actions brought before the Zoning Board of Appeals.
- DC. Physical actions proposed to be carried out or funded by the village.
- ED. Administrative or legislative actions proposed to be carried out by the village which may affect the environment or relate significantly to the LWRP, or both.
- FE. Actions proposed to be carried out or funded by agencies of other governmental entities or actions requiring permit or approval by agencies of other governmental entities which relate significantly to the LWRP.

§ 81-15 Designation of responsible agencies.

For any proposed action which is of a type listed in § 81-14, there shall be a responsible agency or agencies which shall make a finding as to the environmental effect and/or consistency with the LWRP of the proposed action, as follows:

- A. For actions of the type stated in § 81-14A, the Planning Board shall be the responsible agency and shall make findings as to environmental effect and consistency with the LWRP.
- ~~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 Board of Architectural Review, which shall be afforded a reasonable time to investigate and submit a written report of its findings and recommendations. 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 consistency with LWRP.~~
- GB. For actions of the type stated in § 81-14GB, the Board of Zoning Appeals shall be the responsible agency and shall make findings as to environmental effect and consistency with the LWRP.
- DC. For actions of the type stated in § 81-14DC, the Village Engineer shall provide the Board of Architectural Review with the information and forms which shall be required under Article VII, and said Board shall assist the Board of Trustees in making findings as to environmental effect and consistency with the LWRP.
- ED. For actions of the type stated in § 81-14ED, the Board of Trustees shall be the responsible agency and shall make findings as to environmental effect or consistency with the LWRP, or both, accordingly as the proposed action may affect the environment or relate significantly to the LWRP, or both.
- FE. For actions of the type stated in § 81-14FE, the Joint Village Coastal Management Commission shall be the responsible agency and shall make findings as to consistency with the LWRP.

§ 81-19 Findings of environmental acceptability and consistency required.

For actions of the types stated in § 81-14A, ~~B~~ and GB, no approval or permit shall be granted until findings of environmental acceptability and of consistency with the LWRP have been made on the proposed action by the responsible agency or agencies.

§ 81-20 Actions resulting in a determination of inconsistency.

For actions of the types stated in § 81-14DC and ED, no proposed action shall be funded or carried out until findings have been made in accordance with NYCRR 617.9.c and a determination of environmental acceptability and of consistency with the LWRP has been made on the proposed action by the responsible agency or agencies. Whenever a determination of inconsistency has been made, the action may be funded or carried out if the Board of Trustees makes a finding that:

- A. The action will result in an overriding community-wide, regional or statewide public benefit;
- B. The benefit cannot reasonably be obtained by another action which would be environmentally acceptable and consistent with the LWRP; and

- C. The action will be undertaken in a manner which will minimize the adverse environmental effects and inconsistencies.

§ 81-21 Actions subject to integrated review procedures.

For actions of the type stated in § 81-14FE, the procedures given in Section V(D) of the LWRP and Part 1, Integrated Municipal Review of Actions Within Coastal Area, of this chapter (Local Law No. 1 of 1990) shall be followed.

§ 81-24 Type I actions.

In addition to the Type I actions listed in NYCRR 617.12, the following unlisted actions shall be deemed to be Type I actions in the Village of Head-of-the-Harbor:

- A. The subdivision of land.
- ~~B. Any project or action which involves the physical alteration of land in any manner to affect natural drainageways or drainage patterns as indicated on the village drainage maps filed at the Village Office.~~
- ~~C. Any project or construction likely to generate more than 10 vehicle trips per hour or more than 25 vehicle trips in any eight-hour period.~~
- ~~DA. Any project, construction, development or action to be directly located in, adjacent to or adjacent within 300 feet of tidal wetlands, freshwater wetlands, floodplains, designated scenic areas, farmlands, steep-slope areas, watershed areas, beach, bluff and dune areas, significant coastal fish and wildlife habitats or any areas designated by the Board of Trustees as critical environmental areas, all of which locations are indicated on the inventory of resources maps filed at the Village Office.~~
- ~~EB. Any planned unit development.~~
- F. Any special use permits.
- ~~G. Any expansions of roads or construction of new roads.~~
- ~~HC. Any alteration of, addition to or demolition Demolition of any historic structure listed in the Inventory of Historic Structures of the Village of Head-of-the-Harbor or located in an historic district.~~
- ~~I. Any development, project or facility likely to have an impact upon any historic or prehistoric district, building, structure or site, as listed in the inventory filed at the Village Office.~~
- ~~J. Any development, or project or involving the permanent nonagricultural use of agricultural lands for which a permit is required.~~
- ~~K. Any construction in erodible soils (e.g., Carver), as indicated in the Suffolk County soil maps on file at the Village Office.~~
- L. Any removal from site of sand, gravel or earth materials.

Section 2. Severability

If a court of competent jurisdiction declares any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or 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, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date

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

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