

LOCAL LAW 6 of the Year 2013

**A SIX (6) MONTH MORATORIUM ON SUBDIVISION, SPECIAL PERMITS AND BUILDING AND DEMOLITION PERMITS FOR PARCELS LOCATED IN THE ENTERPRISE DISTRICT (E-1), A PARCEL IN THE COMMERCIAL-2 (C-2) ZONE, AND OTHER PROPERTIES AS SPECIFICALLY LISTED AND CONTAINED IN THIS MORATORIUM LAW.**

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Section 1. Legislative Finding and Intent.

A. The Board of Trustees recognizes the unique character of the Village of Manorhaven, which is created in substantial part by its proximity to Manhasset Bay. This unique geographical position and the current recognition that development on or near the waterfront in the Enterprise District (E-1), and development of an open parcel in the Commercial -2 zone (C-2), of the Thypin Property, of the former Eickson Steel Property, and the last open lot on Orchard Beach Blvd. are essential to the future well-being of the Village makes all these properties valuable assets which all of the Village residents share. Specifically, the disappearance of open space in the E-1 District and the development of the above parcels, the last major development areas in the Village, are of major concern to the Board. These parcels include (1) the entire Enterprise District (E-1); (2) the parcel in the Commercial-2 zone known as Shore Road, Port Washington, New York 11050, section 4, block 123 & lots 44C & 49; (3) the Thypin Property known as 5 Sagamore Hill Drive, Port Washington, New York 11050, section 4, block L, lot 153; (4) the former Erikson Steel Property known as 22 Sagamore Hill Drive, Port Washington, New York 11050, section 4, block 39, lots 1-10, 56 & 58; (5) the Orchard Beach Property known 59 Orchard Beach Blvd, Port Washington, New York 11050, section 4, block 59, lot 636.

B. The Board has recognized the recent development of parcels of land near the waterfront without regard to the effect of the development and the decrease of open space and permeable surface area could have on the future well being of the Village due to such parcels' proximity to Manhasset Bay. Such development has been occurring recently within the Village of Manorhaven. This Board believes that unregulated future development will inhibit or prevent the development and preservation of the unique character of the Village and could negatively impact the quality of life of the residents and the community which historically has relied on both visual and physical access to the waterfront as an intrinsic part of living in the Village. The Village also wishes to consider the most effective manner to preserve or expand

any structures or uses of any land which further advance the waterfront character of the Village.

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C. This Board is especially aware that a large part of the Enterprise District presently allows a very wide, almost unrestricted range of mixed use development and that some or much of that property may be changing from the present uses thereon to different uses which may or may not be consistent with the best interests of the Village, notwithstanding the fact that such different uses would be consistent with the existing zoning for the district within which such property is presently located.

D. Comprehensive review of waterfront properties is very important now because of recent Hurricane Sandy, its effects on the property along the waterfront, and the likelihood of future hurricanes. Also the Governor has made State funding available to help waterfront development but only for an 8 month period. Thus the time to study and resolve these development issues is now.

E. In order to allow this Board additional time to investigate and review the recommendations of the Village Building Department, the Building Codes Committee, New York State, and land use and environmental experts to determine whether any changes in the present zoning regulations are needed to protect the waterfront and nearby properties and Village's infrastructure, including its sewer system, road and traffic impact, water usage and ability to sustain the wide range of building currently permitted in the Enterprise District (E-1), and to enact any needed amendments to the Village's zoning regulations, this Board has determined to enact a six month moratorium of (1) all subdivisions of real property, (2) all Special Permit applications and approvals, (3) all site plan approvals, and (4) the issuance of demolition and/or building permits, for the real property described in the following section.

## Section 2. Scope of Moratorium.

A. This Moratorium shall be in effect for the period of six (6) months from the enactment of this local law.

B. The real property subject to this moratorium will be: the entire Enterprise District (E-1); the parcel in the Commercial-2 zone known as Shore Road, Port Washington, New York 11050, section 4, block 123 & lots 44C & 49; the Thy-pin Property known as 5 Sagamore Hill Drive, Port Washington, New York 11050, section 4, block L, lot 153; the former Erikson Steel Property known as 22 Sagamore Hill Drive, Port Washington, New York 11050, section 4, block 39, lots 1-10, 56 & 58; and, the Orchard Beach Property known 59 Orchard Beach Blvd, Port Washington, New York 11050, section 4, block 59, lot 636, (collectively the "Subject Properties").

C. No person shall subdivide any real property that is located within the Subject Properties.

D. Neither the Building Department, the Board of Zoning Appeals, nor the Planning Board of the Village of Manorhaven shall process any applications for the subdivision of real property within the Subject Properties.

E. No special permit application or approval, site plan approval, demolition permit, or building permit may be granted for any real property within the Subject Properties. Nor shall any applications for approval of permits for such real property be processed.

F. The provision of this Local Law shall apply to all public and private lands within the Incorporated Village of Manorhaven.

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### Section 3. Review and Approval Prohibited

A. The Village and any Board or Department thereof shall not accept as complete any new application as described herein nor shall it continue to process any such application under the moratorium during the period set forth herein.

### Section 4. Statutory Authority and Supersession

A. This Local Law is adopted pursuant to the Village Law, Municipal Home Rule and State Environmental Quality Review Act and its implementing regulations and expressly supercedes those provisions of the Village Code and New York State Law which would have required the Village, or any Board thereof, to accept process and approve applications involving subdivisions, special permits, site plans and demolition/building permits, within statutory time periods during the moratorium period.

### Section 5. SEQRA

A. The Board of Trustees has determined that pursuant to 6 NYCRR 617.5 (c) of the SEQRA regulations this action of the Village of Manorhaven is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" within the meaning of 6 NYCRR 617.5(c)(20); the "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action" within the meaning of 6 NYCRR 617.5(c)(27);

and a moratorium on land development and construction within the meaning of 6 NYCRR 617.5(c)(3) and therefore, the proposed action of the Village of Manorhaven in this matter is a Type II action and requires no further action pursuant to SEQRA.

Section 6      Severability

A. If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not effect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

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Section 7      Variances

A. In the event of extraordinary hardship as a result of this Local Law, an application for relief from this Local Law may be made to the Village's Zoning Board of Appeals pursuant to Village Code Section 7-712-b(2) for a use variance.

Section 8      Effect

A. This law shall take effect immediately.