

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. -- OF 2017**

**A LOCAL LAW IMPOSING A BUILDING MORATORIUM
IN THE WATERFONT BUSINESS DISTRICT (B-W).**

Section 1. Legislative Intent.

The Town Board of the Town of North Hempstead finds that it is in the best interest of the Town to impose a one hundred and eighty (180) day moratorium on the development of certain real property in the hamlet of Port Washington identified in Section 2 hereof, requiring the issuance of building permits, demolition permits, special permits, or any other discretionary approval. The moratorium will give the Town Board the opportunity to consider changes in Town zoning regulations to better support water dependent businesses, public access to the waterfront, and preservation of the Town's nautical heritage and history.

Section 2. Scope of Moratorium.

During a period of one hundred eighty (180) days from and after the effective date of this local law, the Town's Department of Building Safety, Inspection and Enforcement shall not issue any building permits, demolition permits, special permits or any other discretionary approval for any property within the Waterfront Business District (B-W), including the following properties, which are identified by reference to the Land and Tax Map of Nassau County:

Section 5, Block B, Lots 171, 46, 500

Section 5, Block C, Lots 9, 431, 2, 428, 427, 462, 463, 16, 429

Section 5, Block H, Lot 2 and 43

Section 3. Exceptions.

This local law shall not apply to the following:

- (1) Applications for residential subdivision, residential special permit, and/or residential site plan approval currently pending before any Town department or board, provided such application(s) has either received preliminary subdivision approval and/or a negative declaration and/or a findings statement pursuant to the State Environmental Quality Review Act (SEQRA) and the regulations thereunder on or before the effective date of this local law.

- (2) The continued development of any residential, commercial or industrial use for which a building permit has been issued by the Town prior to the effective date of this local law or for which a site plan has been approved by the Town Board.
- (3) Lot line adjustments where no new lots are being created and no additional dwelling unit(s) are being constructed.
- (4) The issuance of a building permit for structural repairs to existing buildings or structures, making existing structures or facilities accessible to persons with a disability, and interior renovations or alterations which do not result in new commercial or industrial uses not in existence on the date of enactment of this local law.
- (5) 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 4. Variances and Appeals.

Any appeal for a hardship variance related to a prohibition of this local law or a decision by the building inspector pursuant to this local law may be made to the Town Board. In reviewing such variance application, the Town Board shall apply the statutory standards for granting a use or area variance. Should a hardship variance be granted by the Town Board, the exempted development project shall be subject to all applicable provisions of the Code of the Town of North Hempstead.

Section 5. 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 Town Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Town Law and such local ordinances, laws or regulations, pursuant to the Town'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 (a) 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; and (b) Town Law § 267 and § 267-a through c, pertaining to the variance authority of the board of zoning and appeals.

Section 6. Penalties.

Any person, firm, corporation, or other entity, which shall construct, erect or install any building, improvement, or structure, or subdivide, or use land in violation of the provisions of this local law, shall be guilty of a violation, punishable by a fine of not less than One Thousand Dollars (\$1,000.00) or by imprisonment no exceeding fifteen (15) days, or by both, for each day that such violation shall exist. Nothing herein shall be construed so as to limit the authority of the Town to seek and obtain injunctive relief for any such violation or violations.

Section 7. Validity and Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this local law, or in its specific application.

Section 8. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State. As provided by law and shall remain in full force and effect for a period of one hundred and eighty (180) days from the effective date.