

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 26 2004

County
City of East Hills

Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 5 of the year 2003

A local law Amending Chapter 214 of the Code of The Incorporated Village of East
(Insert Title)

Hills to Impose a Moratorium on Certain Construction in

Residence Districts of the Village

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of East Hills

Town
Village

as follows:

see pages 1A-1B attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 03 of the (County)(City)(Town)(Village) of East Hills was duly passed by the Board of Trustees on December 16 20 03, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

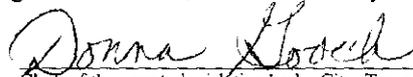
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

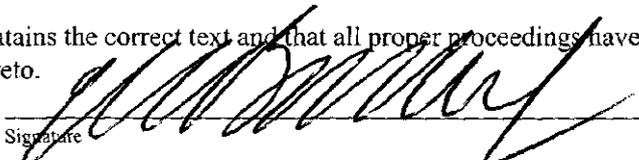
Date: January 9, 2004

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Nassau

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Village Attorney
Title

County
City of East Hills
Town
Village

Date: 1/23/2004

FIRST: Section 214 of the Code of the Village of East Hills is amended by adding a new section as follows:

ARTICLE XXV
Moratorium on Certain Construction in Residence Districts

- § 214-618: **Application of Article.**
The provisions of this Article shall apply in residence zone districts of the Village.
- § 214-619: **Moratorium on Certain Construction.**
Commencing upon the effective date of this local law, there shall be no applications accepted or approvals issued for a permit to demolish an existing home to enable construction of a new home on the same lot or for construction to expand an existing home if the contemplated construction involves a twenty (20) percent or greater increase of square footage of any existing building and/or a twenty (20) percent or greater increase of the lot coverage of all buildings on the property.
- This moratorium will be in effect for ninety days following the effective date of this local law. During this period the Village will not take any action on demolition and/or construction permits inconsistent with the moratorium established by this local law.
- § 214-620: **Purpose:**
The purpose of this moratorium is to enable the Village sufficient time to review, study, hold public hearings, and prepare and adopt a comprehensive plan concerning appropriate changes to the Zoning Code, if any, to maintain the character of neighborhoods and communities in East Hills and to protect the health, safety, and welfare of East Hills residents.
- § 214-621: **Prior Applications.**
Demolition and/or construction permit applications that have been submitted and approved prior to the effective date of this local law shall not be subject to this moratorium.
- § 214-622: **Exceptions.**
After the effective date of this local law, a resident seeking an exception to this moratorium may apply to the Board of Trustees to demonstrate, at a public hearing upon notice, good cause for a building permit to be issued inconsistent with the moratorium to avoid an unnecessary and undue hardship.

SECOND: Severability.

If any word, phrase, clause, sentence or section of this local law is adjudged to be invalid by any court of competent jurisdiction, the judgment shall not affect, impair, or invalidate any other part of this local law or its remainder.

THIRD. Effective Date.

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