

LOCAL LAW FILING

New York State Department of State
41 State Street, Albany, N.Y. 12231

(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.

Village of Centre Island

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

DEC 27 2004

Local Law No. 2 the year 2004

MISCELLANEOUS
& STATE RECORDS

A local law to amend Chapter 65 of the Village Code by adding a new Article V to give the Board of Trustees the authority to regulate the creation, accumulation, deposit, maintenance or display of visually offensive materials established pursuant to applicable provisions of NYS Law.

(Moratorium Upon Development of Ecologically Sensitive
Freshwater Wetland Areas in the Incorporated Village of Centre Island)

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

Village of Centre Island as follows:

VILLAGE OF CENTRE ISLAND

LOCAL LAW 2-2004

MORATORIUM UPON DEVELOPMENT OF ECOLOGICALLY SENSITIVE FRESH-
WATER WETLAND AREAS IN THE INCORPORATED VILLAGE OF CENTRE ISLAND

A Local Law adopting a Moratorium upon the issuance of building permits for the construction of buildings or structures and upon the issuance of subdivision approval, all within designated areas of the Village in order to allow the Board of Trustees the time and the opportunity to study issues relating to the conservation and protection of ecologically sensitive freshwater wetlands within the territorial limits of the Village to insure that the Village's zoning laws (i) fully protect said wetlands to the extent permitted by law (ii) are consistent with up to date conservation practices, and (iii) insure that any future alteration and development of said wetlands are compatible with and not in conflict with any update or future amendment to the Village's Zoning Code or other local laws resulting from said study.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Centre Island as follows:

SECTION 1. Adoption of moratorium upon development of ecologically sensitive natural freshwater wetland areas in the Incorporated Village of Centre Island.

ARTICLE I. Legislative Intent and Purpose:

The Board of Trustees hereby finds as follows:

(1) Since the preparation of the Master Plan for the Village and adoption of the comprehensive Zoning Ordinance, residential development has continued to intensify throughout Nassau County and the Incorporated Village of Centre Island; resulting in the development of remaining undeveloped spaces that, heretofore, have been considered not developable by reason of their low elevation and submerged or semi-submerged condition. This phenomenon presents a growing threat to the Village's fragile freshwater wetlands not adequately protected by the current Village Zoning Code.

(2) The possible adverse effects of such increased development and construction in the remaining environmentally critical wetland areas justify a current review of the existing Master Plan and the Zoning Code of the Village so as to make certain the Village,

through its home rule zoning powers, appropriately provides for the future preservation of freshwater wetlands - universally recognized as a vital and limited resource forming a threshold ecological link essential to animal and human habitat.

(3) The Board of Trustees of the Village has authorized the Mayor and Building Inspector to identify, and cause to be mapped on a preliminary basis, remaining undeveloped and currently unmapped freshwater wetland areas within the Village using published New York State DEC criteria for identification purposes.

(4) Pursuant to said authority, a map entitled "Preliminary Map of Freshwater Wetlands Inc. Village of Centre Island" dated October 15, 2004 was approved by the Board of Trustees on October 20, 2004. Thereafter, said "Preliminary Map" was submitted to the Village Engineers for preparation of a more formal map entitled "Tentative Map of Freshwater Wetlands Inc. Village of Centre Island" dated November 10, 2004.

(5) It is the purpose of this law to provide a temporary moratorium upon the construction in or alteration or subdivision of the remaining undeveloped freshwater wetlands in the Village as designated on the aforesaid map while a study is being conducted to insure unnecessary and irreparable destruction or damage to these wetlands in order to secure the health, safety and general welfare of the Village and the greater community of which it is a part.

(6) This moratorium shall prohibit the issuance of any permit from any agency of the Village for any construction, alteration or subdivision in or on those areas designated as freshwater wetlands on a certain map entitled "Tentative Map of Freshwater Wetlands Inc. Village of Centre Island" dated November 10, 2004 and it shall further prohibit any agency of the Village from accepting or approving any pending or future permit application for any construction, alteration or subdivision in or on those areas so designated. This will serve and accomplish the Village's goals to insure that future development, alteration and construction within or near these wetland areas are compatible and not in conflict with any update or future amendment to the Village's Zoning Ordinance or other local laws resulting from the study.

(7) This moratorium is not intended to affect so called man made freshwater wetlands.

ARTICLE II. Imposition of Moratorium.

SECTION 1. Effectively immediately and continuing for a period of six (6) months from and after the effective date of this law, the authority to review and issue permits for construction, alteration and subdivision within those areas designated as freshwater wetlands on a certain map entitled "Tentative Map of Freshwater Wetlands Inc. Village of Centre Island" dated November 10, 2004 shall be suspended and no completed permit application whether for construction, alteration or subdivision for areas so designated for construction, alteration or subdivision not approved and issued on or before October 20, 2004 shall be accepted, reviewed or granted by or on behalf of any agency of the Village.

SECTION 2. The Board of Trustees may, by resolution, terminate the moratorium prior to its expiration, or alternatively, extend the moratorium provided therein for two (2) ninety (90) day periods as the process of the Village's review may require.

SECTION 3. In the event that this local law causes a severe and substantial financial hardship to any property owner, an application may be made in writing to the Board of Trustees requesting an exemption from the provisions of this law. After due notice and a public hearing on such application, the Board of Trustees may grant such exemption and impose any conditions as may be deemed reasonable or necessary. No exemption shall be granted pursuant to this section, except upon a determination in the sole discretion of the Board of Trustees that severe and substantial financial hardship exists as a result of the application of the provisions of this law. Any property owner seeking relief under this section must demonstrate the existence of such financial hardship in the same manner and to the same extent as would be required to obtain a use variance from the Board of Zoning Appeals under the Village Law. During the term of this Moratorium and upon good cause shown, additional freshwater wetland designations may be added to the Tentative Map of Freshwater Wetlands by resolution of the Board of Trustees.

SECTION 4. Section 7-728 of the Village Law is hereby amended in its application to the Incorporated Village of Centre Island pursuant to Municipal Home Rule Section 10 to toll and suspend all time periods or limits imposed therein for the entire duration of this Moratorium.

ARTICLE III. Validity.

If any section or provision or part of this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the local law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

SECTION 5. Effective Date.

This Local Law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(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 thereto, designated as local law No. 2 of 2004 of the ~~(County)~~ ~~(City)(Town)~~ (Village) of Centre Island was duly passed by the Board of Trustees on December 8, 2004, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~(Repassage 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. 2 of 2004 of the ~~(County)~~ ~~(City)(Town)~~ (Village) of ~~Centre Island~~ was duly passed by the Board of Trustees on December 8, 2004, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 2004 and was deemed duly adopted on _____, 2004, 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. 2 of 2004 of the ~~(County)~~ ~~(City)(Town)~~ (Village) of Nassau, Incorporated Village of Centre Island was duly passed by the _____ on December 8, 2004, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 2004. Such 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 _____, 2004, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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. 2 of 2004 of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of _____ was duly passed by the _____ on _____, 2004, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 2004. Such local law was _____, 2004, in accordance with the applicable provisions of law.
(Name of Legislative Body)

*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 the 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.

~~(City local law concerning Charter...~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2004 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(36) 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 _____, 2001, 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 2004 of the County of _____ State of New York, having been submitted to the electors at the General Election of _____, 2004, 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.

Ann G. Vessalico
Clerk of the County legislative body, City, Town or Village Clerk
Or officer designated by local legislative body

ANN G. VESSALICO, Village Clerk

Date: 12/24/04

(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.

Stephen P. Conlon
Signature STEPHEN P. CONLON

Title VILLAGE ATTORNEY

~~County~~
~~City~~ of Centre Island
~~Town~~
Village

Date: 12/24/04