

Marked up Agenda with ROLL CALL

**Notice of Special Meeting
Village of Greenport
Board of Trustees**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Greenport will hold a Special Meeting on Friday, December 2, 2022 at 7:00 p.m. at the Third Street Fire Station, Third and South Streets, Greenport, New York, 11944.

The purpose of the Special Meeting is to discuss, accept public comment regarding, and to possibly take action regarding a proposed moratorium on development approvals and building permits within the Village of Greenport.

Dated: November 29, 2022

By order of the Village of Greenport Board of Trustees

Sylvia Pirillo, RMC
Village Clerk

December 1, 2022

BOARD OF TRUSTEES

VILLAGE OF GREENPORT

RESOLUTION ADOPTING LEAD AGENCY STATUS, PRELIMINARILY TYPING THE CONSIDERATION OF A PROPOSED LOCAL LAW AS AN UNLISTED ACTION AND SETTING A PUBLIC HEARING ON A LOCAL LAW OF 2022

CREATING SECTION 150-51 OF THE GREENPORT VILLAGE CODE SETTING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY AND THE ACCEPTANCE OF APPLICATIONS AND ISSUANCE OF APPROVALS FOR DEVELOPMENT IN THE CG GENERAL COMMERCIAL, WC WATERFRONT COMMERCIAL, AND CR RETAIL COMMERCIAL ZONING DISTRICTS OF THE VILLAGE OF GREENPORT

WHEREAS the Local Waterfront Revitalization Plan (“LWRP”) of the Village of Greenport is the planning document of the Village of Greenport and the LWRP has not been formally updated since 1996, and a revision and updating of the LWRP that was undertaken prior to 2014 has not been completed and is still pending; and

WHEREAS the zoning districts established by the Zoning Code of the Village of Greenport, Chapter 150 of the Greenport Village Code, and the uses prescribed in those districts have not been the subject of an overall comprehensive review or complete revision; and

WHEREAS the Board of Trustees finds that there have been significant changes in the nature of the development and uses of the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning districts of the Village of Greenport and that there continues to be, and is expected to continue to be, demands for development in those districts that is different from what was contemplated in the original formation of the districts and their uses, and the last adoption of a revision of the LWRP; and

WHEREAS those changes threaten to permanently alter the nature of the Village of Greenport from a waterfront dependent and working waterfront community and to permanently change the nature of the uses in those districts to uses that were not intended or planned; and

WHEREAS the Board of Trustees has determined that it is therefore necessary on an expedited basis to;

1. Provide for the future orderly development of the Village in a manner that is in the best interests of the Village;
2. Undertake planning discussions and to obtain public input from the stakeholders and various interests and affected people of the Village;
3. Develop meaningful and relevant changes in the LWRP that result in an updated LWRP document that protects the waterfront and waterfront dependent uses of the Village and that will be a significant planning document that is relevant to the needs of the residents and businesses and various stakeholders in the Village, or to coordinate with the development of a

comprehensive plan for the Village of Greenport, or to develop the LWRP in a manner to serve that purpose;

That the development in the aforementioned districts must be paused to give the Village Board the opportunity to study and undertake tangible measures to effect these goals in order to protect the Village from any further loss of the working waterfront and water dependent uses and any further haphazard or unplanned development in these districts that will irreversibly damage the future orderly development and unique qualities of the Village; and

The Board of Trustees hereby finds that in order for the Village of Greenport to achieve the aforementioned important goals it is necessary that a local law be adopted by the Board of Trustees establishing a moratorium on applications, approval and development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial Districts while a study of the zoning of the districts and the provided uses is reviewed, and final action is completed on potential amendments to the LWRP, completing the LWRP, and the possible amendments to the Greenport Village Zoning Code are also accomplished; and

The Board of Trustees being duly empowered to take certain preliminary actions for purposes of SEQRA and with regard to scheduling a public hearing on a proposed local law enacting the moratorium; IT IS THEREFORE

RESOLVED that the Board of Trustees of the Village of Greenport hereby adopts lead agency status with regard to the consideration and possible approval of the proposed Local Law of 2022 creating Section 150-51 of the Greenport Village Code establishing a moratorium on the accepting, consideration and approval of applications by the Planning Board, Zoning Board of Appeals or Historic Preservation Commission regarding properties that are located in the WC, CR or CG Zoning Districts, or the issuance by the Village of Greenport of building permits or certificates of occupancy for properties in those zoning districts (the "Local Law") with the exception of the issuance of a building permit in the event of emergency work that must be undertaken at the discretion of the Code Enforcement Official or for alterations that are later defined as exempt; and it is further

RESOLVED that the Board of Trustees of the Village of Greenport hereby determines that the consideration of the proposed Local Law of 2022 creating Section 150-51 is an Unlisted Action for purposes of SEQRA; and it is further

RESOLVED that the Board of Trustees of the Village of Greenport hereby schedules a public hearing on a proposed Local Law of 2022 creating Section 150-51 of the Greenport Village Code establishing a moratorium on the accepting, consideration and approval of applications by the Planning Board, Zoning Board of Appeals or the Board of Trustees regarding properties that are located in the WC, CR or CG Zoning Districts, or the issuance by the Village of Greenport of building permits or certificates of occupancy for properties in those zoning districts to be held on December 22, 2022 at 7:00 p.m. at the Third Street Firehouse located at Third and South Streets, Greenport, New York 11944 and such future adjourned dates as set by the Board of Trustees; and that pending the hearings and action on the consideration and adoption of the proposed Local Law;

1. There shall be a moratorium on the accepting, consideration and approval of

applications by the Planning Board, Zoning Board of Appeals or the Board of Trustees, regarding properties that are located in the WC, CR or CG Zoning Districts, or the issuance by the Village of Greenport of building permits or certificates of occupancy for properties in the WC, CR and CG Zoning Districts (with the exception of building permits for emergency work that must be undertaken at the discretion of the Code Enforcement Official), and that the Planning Board, Zoning Board of Appeals and Historic Preservation Commission shall not accept for filing or consideration, take any action or issue any approval on any application for a property in the WC, CR or CG zoning districts and the Village of Greenport shall not issue building or demolition permits or certificates of occupancy for development in those districts except as provided herein; and

2. The Board of Trustees may on the recommendation of the Code Enforcement Official of the Village of Greenport consider applications for, and the issuance of, building permits and certificates of occupancy on a case by case basis where the building or demolition permit or certificate of occupancy is to cure or remove a hazardous condition, prevent damage to or loss of property, or is for a minor alteration that will not change or expand the use of a property during the moratorium period created by this Resolution; and

3. The Board of Trustees shall act to engage the public and solicit public comment and involvement in the public hearings and the planning process during the moratorium; and

4. Village Management and the Village Attorney are directed to undertake the necessary actions for SEQRA review, and the referral of the proposed Local Law to the Suffolk County Planning Commission and any other required parties pursuant to the New York State General Municipal Law and Village Law; and

5. There shall be formed a Waterfront Advisory and Planning Committee which shall consist of seven members who shall be appointed by the Mayor of the Village of Greenport and approved by the Board of Trustees and who shall include the Mayor and a Trustee or, at the option of the Mayor, another trustee as an alternate in the place of the Mayor or the first Trustee, a member and alternate member of the Planning Board, Zoning Board of Appeals and Historic Preservation Commission; and two members who are full time residents of the Village of Greenport, at least one of which is a property owner. The alternate members of the Planning Board, Zoning Board of Appeals and Historic Preservation Commission shall attend, serve and vote when the member of those Boards is unable to attend a meeting of the Committee. The Mayor may appoint other nonvoting alternates to the Committee and the Committee shall meet with, and obtain advice from, the Village Attorney and such planning consultants as the Committee shall feel is in the best interests of the Village and the completion of the goals of the Committee.

6. The goals and purpose of the Committee shall be to review and recommend to the Board of Trustees changes in the LWRP and Chapter 150 of the Greenport Village Code consistent with the purposes of this Resolution and the Local Law creating the moratorium, which update of the LWRP and the changes in the Code will serve to protect and preserve the working waterfront of the Village, water dependent uses in the Village, the orderly development of the Village, and the protection and preservation of the character of the Village of Greenport. The Committee shall provide at least monthly reports to the Board of Trustees one week before each monthly work session and at such other times as the Committee shall decide.

Special Meeting on Friday
Dec 2, 2022

Motion by GH Seconded by MBP
This Resolution to set a public hearing is carried upon roll call as follows:

Mayor Hubbard	Yes
Deputy Mayor Martilotta	yes
Trustee Clarke	yes
Trustee Phillips	yes
Trustee Robins	Yes
Motion is approved	5 to 0 Unanimous

December 1, 2022

LOCAL LAW NO. OF THE YEAR 2022

A LOCAL LAW CREATING SECTION 150-51 OF THE GREENPORT VILLAGE CODE CREATING A SIX MONTH MORATORIUM ON DEVELOPMENT IN THE WC WATERFRONT COMMERCIAL, CR RETAIL COMMERCIAL AND CG GENERAL COMMERCIAL ZONING DISTRICTS OF THE VILLAGE OF GREENPORT

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF GREENPORT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,

- 1.1 Title of Local Law
- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Purpose and Intent of Local Law.

2.0 General Provisions

- 2.1 Creation of Section 150-51 of the Greenport Village Code

3.0 Severability

- 1.1 Title.

This Local Law shall be entitled “Local Law of 2022 A Local Law Creating Section 150-51 of the Greenport Village Code Creating a Six Month Moratorium on Development in the WC Waterfront Commercial, CR Retail Commercial, and CG General Commercial Zoning Districts of the Village of Greenport”.

- 1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York, the Incorporated Village of Greenport, County of Suffolk and State of New York, hereby enacts by this Local Law of 2022, a Local Law of the Village of Greenport.

- 1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its

December 1, 2022

approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4 Legislative Findings, Purpose and Intent of Local Law.

A. The Board of Trustees of the Village of Greenport hereby finds as follows:

i. That the Village of Greenport is unique in its location and resources being at the same time distant from other development but also located at the intersection of interstate travel and travel to Shelter Island and the South Fork of Long Island, bringing large numbers of people to the Village, and that the Village itself has become a destination due to its desirable aesthetics, resources, and waterfront.

ii. That the location of the Village of Greenport on the water has developed a historic reliance by the Village Community on the waterfront and water dependent uses for the character and economy of the Village and the Board finds for the future of the Village as well.

iii. That the Village of Greenport under New York State Law and the guidance of the New York State Department of State adopted a Local Waterfront Revitalization Plan (the "LWRP"), which was first created in 1996. The Village of Greenport determined that the LWRP should be the planning document for the future planning and development of the Village.

iv. That the Village of Greenport started an update of the LWRP in about 2010 which resulted in an updated version of the LWRP in 2014 ("2014 LWRP") which was based on input received from the community and information gathered between 2010 and 2012. The 2014 LWRP was never officially approved by New York State as the official Local Waterfront Revitalization Plan for the Village of Greenport, and therefore the current governing planning and zoning documents for the Village of Greenport are the 1996 Local Waterfront Revitalization Plan and the Greenport Village Zoning Code, which is Chapter 150 of the Greenport Village Code. While portions of the Greenport Zoning Code, have been revised, there has not been any major revision of the zoning districts or the uses prescribed in those districts in many years, and the growing trend of increased demand in the development of many different types of uses in the commercial districts of the Village has left the Village without guidance from an updated planning document or code to address the planning decisions to be made.

v. The moratorium on development in three zoning districts in the Village that are most affected by these considerations, is intended to allow the Village the time that is necessary to review and then adopt an updated LWRP and land use regulations to provide for the future orderly development and controlled growth that will not unduly impact the public welfare, community services, schools and infrastructure, to preserve and protect the commercial waterfront of the Village and the water dependent uses that remain, and to plan for a proper mix of residential and commercial development in the Village. The

December 1, 2022

overall purpose of this local law is to promote community planning values by regulating land development based on a carefully considered plan and to protect the public interest and welfare until an amended LWRP and revisions to the Zoning Code are adopted.

vi. The Board of Trustees shall by resolution create and appoint a Waterfront Planning and Advisory Committee to seek public input and update both the 2014 LWRP so that it may be submitted for approval to New York State and propose revisions to the Zoning Code of the Village to reflect the suggestions contained in the updated LWRP.

2.0 General Provisions.

2.1 Section 150-51 of the Greenport Village Code is hereby created to read as follows:

“Section 150-51 Moratorium on Development in the WC Waterfront Commercial, CG General Commercial, and CR Residential Commercial Zoning Districts;

150-51(A) Findings, Purpose and Intent

This Section adopts the Legislative Findings, Purpose and Intent of the creating legislation for this Section and further finds that the time created for the Village of Greenport to complete the updating of the LWRP and the revisions to the Village Zoning Code that the moratorium established by this Section and any extensions of that moratorium will provide, are the minimum steps necessary for the Board of Trustees to take in order to preserve and protect the waterfront areas of the Village, the water dependent uses still existing in the Village, the aesthetic qualities of the Village and its quality of life, the vibrant nature of the commercial districts of the Village of Greenport and their relation to the environment, views and waterfront vistas of the Village and to ensure the future orderly planning and development in the Village. This Section is intended to allow the Village to adopt an updated LWRP and land use regulations to provide for controlled growth that will not unduly impact the public welfare, community services, schools and infrastructure, to preserve commercial waterfront space, and to plan for a proper mix of residential and commercial development.

The Board of Trustees finds it essential that a moratorium on the issuance of building permits and certificates of occupancy, with some exemptions, review or approval of site plan applications (including, without limit, those relating to conditional uses), variances and variance applications, and subdivision applications affecting parcels of land within the CR, CG, and WC Zoning Districts be instituted for a period of six (6) months from the date of the adoption of this Section, during which time the Building Department, the Planning Board and the Zoning Board of Appeals shall be prohibited from issuing building permits or certificates of occupancy, deeming applications complete, proceeding to a public hearing, or issuing an approval of an application, except as specifically set forth herein.

December 1, 2022

§ 150-51(B) Moratorium on Applications and Approvals, and the issuance of Building Permits and Certificates of Occupancy in the WC Waterfront Commercial, CG General Commercial, and CR Residential Commercial Zoning Districts;

(1) For a period of six (6) months following the date of adoption of this Section, no application for the development of any property in the WC, CG or CR zoning districts shall be accepted or considered and no approval for the development of any property located in the WC, CG or CR zoning districts shall be considered or granted by the Planning Board, Zoning Board of Appeals, or if applicable the Board of Trustees, unless expressly exempted from this moratorium pursuant to this Chapter. The term "development" or "development approval" shall mean any application for an approval required for development, construction or operation of a business or use in the WC, CG or CR Zoning Districts of the Village, including, but without limitation, any building permit, approval of a subdivision, site plan, conditional use approval or variance application relating to such development, construction, or operation. Development approval does not include applications to the Historic Preservation Commission. No new applications for any development approval shall be accepted or processed by the Planning Board, Zoning Board of Appeals or Board of Trustees, unless expressly exempted from this moratorium pursuant to this Section. The moratorium created in this Section is binding on all Village boards, officers and employees and on all persons and property requiring a development approval within the Village.

(2) The moratorium created by this Section may be extended for two (2) three (3) month additional moratorium periods (total of six (6) additional months) by resolution of the Board of Trustees upon a finding by the Board of Trustees of the need for such extension or extensions.

§ 150-51(C) Planning Work to be Performed during Moratorium Period

(1) During the moratorium period, the Mayor and Board of Trustees shall establish the Waterfront Advisory and Planning Committee, and the Board of Trustees working with that Committee and the Planning Board of the Village of Greenport shall solicit public comment on the updating of the LWRP and the Greenport Zoning Code, through public hearings and other means, and endeavor to adopt an amended LWRP and planning and zoning regulations of development in the Village of Greenport through possible amendments to Chapter 150 of the Greenport Village Code, in order to address and accomplish the purpose and intent of the enacting local law of this Section and this Section.

§ 150-51(D) Exceptions to the Moratorium.

(1) The following approvals and actions shall be exempt from the moratorium and may proceed during the moratorium period.

(a) approval by the Zoning Board of Appeals of an application for an

December 1, 2022

interpretation;

(b) approval of an addition, alteration or reconstruction of an existing structure which results in no material change in such structure and which is not intended or designed to accommodate any new or different use of such structure or property on which it is located or which is made to cure or remove a hazard or to prevent a loss or further loss or damage to property;

(c) the issuance of a building permit or permits or a certificate of occupancy to a property that has received a site plan approval provided, however, that said property is under development at the time of the adoption of this law;

(d) approvals where the application involves minor additions or renovations, limited to structural repair or replacement occasioned by accidental damage, long-term deterioration or compliance with the requirements of health, safety or fire regulations and replacement of any signage that otherwise complies with the requirements of the Village Code, provided that none of the foregoing involve a change of use or an expansion of floor area devoted to the primary use of the premises.

(e) No application shall be accepted for review by the Village Planning Board of the Zoning Board of Appeals or the Village officers or employees on or after the date of adoption of this Section, except for an application seeking a development approval described as exempt in this Section.

(f) An approval that would otherwise be exempt under this Section shall not be granted unless the approved application complies with all zoning and other requirements in effect on the date of approval.

(d) An application for a approval that is not described as being for an exempt purpose under this Section shall not be accepted by the Planning Board, Zoning Board of Appeals, Board of Trustees, or the reviewing board or official during the moratorium. However, if a complete application was submitted and deemed complete, for such development approval, was submitted to the reviewing board or official prior to the date of introduction of this law, the applicant may request the Planning Board to continue review of the application, but such review shall be for SEQR purposes only and for no other purpose.

(e) This moratorium shall not prohibit the denial of an application.

§ 150-51(E) Administrative Relief from Moratorium based on Hardship

(1) The Board of Trustees of the Village of Greenport is authorized to grant limited relief from this moratorium pursuant to the standards and requirements contained in this Section. An applicant seeking such relief shall be required to establish a unique and pervasive hardship demonstrated by clear and convincing evidence, including credible dollars and cents proof, that the moratorium causes irreparable injury to the

December 1, 2022

applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium. Any relief granted by the Village Board shall be the minimum necessary and the Village Board may impose conditions on any relief granted. The authorization of the granting of this relief by the Board of Trustees shall not include the authority to grant variance relief from either area or use limitations of the Greenport Village Zoning Code. Notwithstanding any relief granted pursuant to this section, an approval under this subsection shall not be granted unless the approved application complies with all zoning and all other requirements in effect on the date of approval.

(2) In the event that the Board of Trustees of the Village of Greenport authorizes relief from the moratorium pursuant to this Section, any approval then granted by the Planning Board or Zoning Board of Appeals, if any, shall be limited to the relief that was granted by the Board of Trustees and no other relief, and subject to any conditions imposed by the Board of Trustees.

§ 150-51(F) Conflicts of Law and Application

No further action shall be taken by the Planning Board or the Zoning Board of Appeals on any pending application that was filed but has not been accepted as complete, and which is for the development of property within the scope of the moratorium, that is, located in the WC, CR or CG zoning districts. To the extent that any conflict arises between the provisions of this Section and the requirements of the New York State Village Law which provide time limitations on the review or processing by a planning board or zoning boards of appeals of applications for site plan, special exception use, variances and subdivision approvals, the stay of action under these provisions shall supersede those requirements of State Law to the extent provided by the New York State Municipal Home Rule Law and the provisions of the New York State Constitution relating to legislation by local government.

§ 150-51(G) Penalties

(1) Any owner, manager, agent, contractor or tenant of a property that perform construction or improvements in violation of or in an attempt to circumvent the moratorium established by the Section shall be liable for a fine of not less than one thousand dollars (\$1,000) and not more than two thousand five hundred dollars (\$2,500) and each and every day that a violation should exist shall be a separate violation with a separate fine.

§ 150-51(H) Severability

Should any part or provision of this Section be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Section as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.”

December 1, 2022

3.0 Severability

3.1. In the event that any provision of this Local Law should be deemed or determined to be invalid or unenforceable for any reason, then the remaining sections of this Local Law shall continue in full force and effect.

Sylvia Pirillo

From: Paul Pallas
Sent: Monday, November 28, 2022 11:10 AM
To: Sylvia Pirillo
Subject: FW: Moratorium Proposal

From: Julia Robins <jrobins@greenportvillage.org>
Sent: Monday, November 28, 2022 11:07 AM
To: George Hubbard <ghubbard@greenportvillage.org>; Jack Martilotta <jmartilotta@greenportvillage.org>; Mary Bess Phillips <mbphillips@greenportvillage.org>; Peter Clarke <pclarke@greenportvillage.org>
Cc: jwpgreenport@aol.com; Paul Pallas <pjpallas@greenportvillage.org>
Subject: Fw: Moratorium Proposal

Mayor and Board,

I am presenting my proposal to implement a moratorium.

In an effort to move this process along I have included a document based on some other moratorium laws in NY State.

I respectfully request that a resolution be added to tonight's agenda in order to publish a draft of this law and set a public hearing for the second week of December with the goal of having a Trustee vote by the end of December.

Proposed Resolution to implement a moratorium on the issuance of building permits certificates of occupancy and variance and site plan approvals in the WC and CR zones for a period of six months.

The Village Board of Trustees is implementing a moratorium temporarily suspending the Planning Board's issuance of building permits, certificates of occupancy and variance and site plan approvals in the CR, CG, and WC zones for a period of six months.

Exemptions:

-Building site plan approvals for repairs, signage changes and certificates of occupancy for projects currently under construction.

-A project that would satisfy the criteria for a use variance and is in the best interest of the Village.

The moratorium would allow the Village an opportunity to conduct a study and develop a Comprehensive Plan to update its zoning code, for this specific development area to prevent imminent over development of the area.

The zoning code has not been updated since 1975.

The comprehensive plan should use the LWRP to guide development within the Village

The plan should look to

-Preserve:

The character of the Village,

The working waterfront

Without further study, such redevelopment under the current Village Code could result in a patchwork of new buildings by property owners seeking to achieve maximum build-out irrespective of such construction's potential negative impact on the existing character of this important area of the Village community.

The Village Planning Board is in favor of the proposed moratorium and initiated the request that the Village Trustees conduct the proposed study of this specific area.

The Trustees seek to create a Waterfront Advisory Committee to begin work immediately to study the adequacy of existing regulations to protect the character of the Village and its downtown waterfront.

The committee should consist of community members, various stakeholder groups, Village officials and representation from the Village statutory boards.

The Village Board should hold and keep open a public hearing to seek public engagement and comment.

While the East End has been under tremendous development pressure for years, that pressure has increased dramatically in Greenport in recent years.

We must act now to pause or we will not recognize our historic Maritime Village in a few years.

DOCUMENT OF DRAFT LAW BASED ON SOME OTHER MORATORIUM LAWS IN NY STATE

SECTION 1. - FINDINGS AND OBJECTIVES. The Village Board of the Village of Greenport is undertaking the update and finalization of the 2014 draft of its Local Waterfront Revitalization Plan (the "2014 LWRP"). It should be noted that the 2014 LWRP is based principally on community input and information gathered between 2010 and 2012 and that only limited revisions have been undertaken since that time. The 2014 LWRP was never officially approved or adopted and the current governing planning document for the Village of Greenport is the 1996 Local Waterfront Revitalization Plan which is currently on file with the Department of State of New York State. Moreover, the Village of Greenport has not undertaken a comprehensive review of the Village Code and, in particular, Chapter 150 (Zoning) since its original adoption. This local law is intended to allow the Village to adopt an updated LWRP and land use regulations to provide for controlled growth that will not unduly impact the public welfare, community services, schools and infrastructure, to preserve commercial waterfront space, and to plan for a proper mix of residential and commercial development. This stop gap or interim measure is intended to preserve the status quo pending the adoption of an amended LWRP and amended planning and zoning regulations in accordance with the newly revised LWRP. The overall purpose of this local law is to promote community planning values by regulating land development based on a carefully considered plan. This local law prevents a "race of diligence" by those seeking to obtain approvals before the new comprehensive plan and regulations are in place. This local law will protect the public interest and welfare until an amended LWPR and zoning law are adopted.

The Village Board wishes to establish a Waterfront Advisory Committee to seek public input and update both the 2014 LWRP so that it may be submitted for approval to New York State and propose revisions to the Zoning Code of the Village to reflect the suggestions contained in the updated LWRP. The Waterfront Advisory Committee will be comprised of representatives of various stakeholder groups in the Village including residents, business owners, operators of commercial waterfront properties and Village Board members. The Waterfront Advisory Committee will examine new strategies for guiding the future growth of the Village within the study area while protecting: (i) the character of the Village, (ii) the remaining public water vistas, (iii) groundwater and natural resources, and (iv) community facilities relating to recreation. The intent of the study is to allow the Village to make any course corrections it believes may be necessary for the future. At the present time, there exist several privately owned properties within the CR and WC zones of the Village that are ripe for redevelopment including those that have become available for purchase after many years operating under the same ownership. Without further study, such redevelopment under the current Village Code could result in a patchwork of new buildings by property owners seeking to achieve maximum build-out irrespective of such construction's potential negative impact on the existing character of this important and centralized area of the Village's community. A significant number of community members and the Village Planning Board have expressed concern that current regulations are not working sufficiently to protect the Village's charm and character, which make it such a popular place to live and visit, making it evident a course correction within the Village's Zoning Code is necessary. While the eastern end of Long Island has been under tremendous development pressure for many years, that pressure has increased dramatically in the Village of Greenport in recent years and months. That fact makes it increasingly likely that approvals will be sought to re-develop properties within the study area. Therefore, many of the recommendations that may derive from the discussion and findings of the Waterfront Advisory Committee could be rendered moot if site plans (including in respect of conditional uses), variances and building permits are approved affecting such parcels of land before the update is complete and its recommendations have been carefully considered. For these reasons, the Village Board finds it essential that a moratorium on the issuance of building permits, review or approval of site plan applications (including, without limit, those relating to conditional uses), issuances of variances and subdivision applications affecting parcels of land within the CR and WC districts be instituted for a period of approximately six (6) months, or until June 1, 2023 during which time the Building Department, the Planning Board and the Zoning Board of Appeals shall be prohibited from issuing building permits and/or deeming such applications complete or proceeding to a public hearing or an approval on such applications or requests for variance except as specifically set forth herein.

SECTION 2. - CERTAIN REVIEW AND APPROVALS TEMPORARILY PROHIBITED. (a) For a period of six (6) months following the date of adoption of this local law, no development approval or building permit shall be granted in the Village of Greenport, unless expressly exempted from this moratorium pursuant to Section III below. The term "development approval" shall mean any application for an approval of a discretionary nature required for development, construction or operation of a business or use in any of the CR (Commercial Retail) or WC (Waterfront Commercial) districts of the Village, including, but without limitation, any building permit, approval of a subdivision, site plan, conditional use approval or variance application relating to such development, construction, or operation. "Development approval does not include any action by the Historic Preservation Commission. In addition, no new applications for any development approval shall be accepted and/or processed by any of the Village's boards, unless expressly exempted from this moratorium pursuant to Section 3 below. This local law is binding on all Village boards, officers and employees and on all persons and property requiring a development approval within the Village.

(b) This moratorium may be extended by two (2) additional periods of up to three (3) months by resolution of the Village Board upon a finding of need for such extension.

(c) During the period of the moratorium, the Village shall establish the Waterfront Advisory Committee and endeavor to adopt an amended LWRP and planning and zoning regulations of development in the Village.

Section 3. EXCEPTIONS TO MORATORIUM. (a) The following types of development approvals or building permits may be granted or conditionally granted during the moratorium: (i) approval by the Zoning Board of Appeals of an application for an area variance or interpretation, (ii) approval of a commercial development which the Village Board has determined, on a case by case basis, would satisfy the requirements for the granting of a use variance under New York State Law and is in the best interests of the Village Community, (iii) approval of an addition, alteration or reconstruction of an existing structure which results in no material change in such structure and which is not intended or designed to accommodate any new or different use of such structure, (iv) the issuance of building permits to a property that has received a site plan approval provided, however, that said property is under development at the time of the adoption of this law and (v) development approvals were the relevant application involves minor additions or renovations, including structural repair or replacement occasioned by accidental damage, long-term deterioration or compliance with the requirements of health, safety or fire regulations and replacement of any signage that otherwise complies with the requirements of the Village Code, provided that none of the foregoing involve a change of use or an expansion of floor area devoted to the primary use of the premise

(b) No development approval application shall be accepted for review by any of the Village's boards, officers or employees on or after the date of adoption of this local law, except for an application seeking a development approval described in Section 3(a) above.

(c) A development approval shall not be granted unless the approved application complies with all zoning and other requirements in effect on the date of approval.

(d) An application for a development approval that is not described in Section 3(a) shall not be accepted by the reviewing board or official during the moratorium. However, if a complete application for such development approval was submitted to the reviewing board or official prior to the date of introduction of this law, the applicant may request the Planning Board to continue review of the application, but such review shall be for SEQR purposes only.

(e) This moratorium shall not prohibit the denial of an application.

Section 4. ADMINISTRATIVE RELIEF FROM MORATORIUM. (a) In order to prevent an unlawful taking of property and to prevent irreparable harm, the Village Board is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence, including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property with any of the uses permitted in the relevant zoning district; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium. Any relief granted by the Village Board shall be the minimum necessary and the Village Board may impose conditions on any relief granted.

(b) All such applications shall be actions subject to SEQR. The Village Board may designate the Planning Board or the Zoning Board of Appeals, as the case may be, as lead agency for such applications if the Village Board deems it advisable. In the event relief from the moratorium is granted by the Village Board, the applicant shall proceed to other Village board(s) or officials to apply for required development approval(s). Notwithstanding any relief granted pursuant to this section, a development approval shall not be granted unless the approved application complies with all zoning and all other requirements in effect on the date of approval.

(c) The applicant or any other person aggrieved by a decision of the Village Board hereunder may apply to the state supreme court pursuant to article seventy-eight of the civil practice laws and rules.

Section 5. NOTICE TO APPLICANTS - CHANGE IN ZONING REQUIREMENTS. This section provides notice to all applicants that although an application authorized in Section 3 or Section 4 above may proceed through the Planning Board and/or ZBA review process, the applicant proceeds at its risk, because such application may be impacted or denied because of a change in zoning requirements. A development approval shall not be granted unless the approved application complies with all zoning and other requirements in effect on the date of approval

SECTION 6. - NEW YORK VILLAGE LAW SUPERSEDED. To the extent that any conflict arises between the provisions of this Local Law and the provisions of New York State Village Law which provide time limitations on the review or processing by building departments, planning boards or zoning boards of appeals of applications for building permits, site plan, special exception use, variances and subdivision approvals, and which establish time periods within which planning boards are required to decide such applications and file their decisions, this Local Law shall take precedence over and shall supersede those provisions of the Village Law. This declaration of precedence or supersession is made by authority of the Village's municipal home rule law powers, pursuant to §§10 (1) (ii) (a) (14) and 10 (1) (ii) (d) (3) of the Municipal Home Rule Law, §10 (6) of the Statute of Local Governments, and Article IX, §2 (b) (3) of the New York State Constitution.

SECTION 7. - SEVERABILITY. Should any part or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid. SECTION 8. - EFFECTIVE DATE. This Local Law shall take effect immediately

