

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven will hold a public hearing on the 16th day of March 2021, at 5:00 P.M., at the Village Hall, Ferry Road, North Haven, New York, via Zoom to consider the adoption of a Local Law as follows:

**LOCAL LAW NO. 1 OF 2021  
A LOCAL LAW AMENDING VILLAGE CODE CHAPTER 56 DOCKS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law amendment is to address the use and restriction of docks constructed within the Village, consistent with the character of the Village, and to insure the stabilization, protection, and preservation of aesthetic values of the natural shoreline located with the Village.

SECTION 2. AMENDMENT OF VILLAGE CODE §56-1 APPLICABILITY

No person shall undertake the construction or reconstruction or replacement or repair of any dock within 1,500 feet from the shoreline of the Village without first obtaining a special use permit from the Board of Trustees. Upon issuance of the special use permit from the Board of Trustees, the applicant must apply for a non-renewable building permit within ninety (90) days and such non-renewable building permit shall expire one (1) year from the date of issuance.

SECTION 3. AMENDMENT OF VILLAGE CODE § 56-2 SPECIFIC STANDARDS

For every special use permit, the Board of Trustees shall find and determine:

- A. Water depth. Docks, including floats or fixed structures, are only permitted in waters that maintain a minimum depth of 2.5 feet at Mean Lower Low Water, which is the average of the

lower low water height of each tidal day (MLLW) as determined by a New York State licensed surveyor. A Special Use Permit shall only be issued if floats or fixed structures where boats will be located shall maintain a minimum depth of 2.5 feet, at mean low low water (MLLW) as determined by a New York licensed surveyor. An applicant must also establish adequate depth of water to enable vessels to access the dock from the seaward side of the dock without causing damage to the sea bottom.

A special use permit will not be issued if there is not enough adequate depth in the surrounding waters of the proposed dock to safely operate a vessel.

B. Length. Newly constructed docks and piers including floats shall not exceed a length of 100 feet from MLLWMLW. Reconstructed or replacement docks shall not exceed the length of the preexisting lawfully constructed dock.

C. Preexisting docks. No preexisting dock shall be reconstructed or replaced unless it is functional. A dock shall not be deemed functional if by reason of any cause its structural integrity is compromised or if it is missing greater than 50% of its footprint.

D. Width. Docks and piers shall not exceed four feet in width.

No dock extensions shall be constructed parallel to the shoreline.

E. Height. The vertical distance separating the decking of a fixed elevated walkway to both the upland grade and the high-water elevation shall be at least four feet.

F. Projection of posts and pilings. Low profile construction will be utilized - post and pilings will not project above the deck until the end of the dock where the posts and pilings shall not project any higher than 34 inches above the deck of any deck or floating platform.

Mooring pilings are to be no more than 10 inches in diameter.

G. Size of floats. The size and length of any float shall be the minimum necessary to enable access in no event larger than six feet by 20 feet.

H. Grating. All docks shall utilize open grate decking allowing at least 50% open space, and any such open grate decking shall maintain a minimum separation of four feet above grade.

I. Piles. Piles shall be between four inches and 10 inches in diameter, and the use of a hydraulic jet to enable placement is prohibited.

J. Batter boards. Batter boards are prohibited between piles.

K. Treated wood. Treated wood shall not be used in the construction or reconstruction or replacement or repair of any dock.

L. Public access. No dock, whether new or a replacement or reconstruction, shall impede public access along the foreshore. Docks bisecting a beach shall be permitted only if it is not possible to maintain a distance of at least five feet between the landward most part of the dock and any bulkhead or bank, it being intended that public access be accommodated along the foreshore, and, in the event a stairs shall be approved, appropriate signs shall be maintained thereon announcing the authority of the public to pass and repass over said stairs and dock incident to traversing the foreshore.

M. Boat lifts and boat hoists. Boat lifts and boat hoists and other unnecessary features are prohibited.

N. Preservation of Shoreline. No dock, float, or fixed structure shall be constructed if the Board of Trustees determines either: (i) such structure will negatively impact the aesthetic values of the natural shoreline; (ii) such structures will harm or lower the value of an adjacent property; (iii) such structure may negatively impact the environment; or (iv) such structure may prevent the safe navigation of the surrounding waters.

O. Structures on Decking - No permanent structures shall be constructed on decking.

SECTION 4. AMENDMENT OF VILLAGE CODE § 56-3 General standards.

For every special use permit, the Board of Trustees shall find and determine:

~~A. Wave intensity areas. No new docks shall be located in high wave intensity areas, to wit, areas that experience wave heights greater than five feet during a fifty year storm.~~

B. Location. Docks shall be located as close to the center of the applicant owner's upland property as is possible and shall be prohibited if within ~~30 feet of the sidelines of the upland parcel as if extended seaward.~~ forty (40) feet from the adjacent property line extended into the water on the same axis as the property line runs onshore where it meets the water, or at a right angle to the mean high-water mark, whichever results in the greater setback.

C. Lights. Docks shall not be improved with lights except as required by any regulatory authority exercising jurisdiction over said dock and in all events except as approved by the Board of Trustees incident to an evaluation of public safety.

D. Accessory use. Any dock shall be prohibited unless said dock is located in waters contiguous with an upland parcel owned by the applicant and improved with a residence, and docks seaward of unimproved parcels or parcels other than residence parcels are prohibited.

E. Use variance. Any deviation from any of the specific or general standards herein shall be prohibited, and any variance shall be a use variance to be heard by the Zoning Board of Appeals.

F. Community and/or commercial docks. Docks accommodating more than one property owner and docks operated other than as a feature of a single-family residence are prohibited.

G. Suitable location. No dock shall be located along the shoreline of the Village unless, the Board of Trustees affirmatively finds and determines that the location is suitable in all relevant respects, sufficient in offshore and foreshore area, separated adequately from adjacent and nearby uses, including other docks, fairways, mooring sites, and channels, and not at risk of present or eventual danger to the person or property of others, and does not negatively impact the adjacent properties or hinder the preservation of the aesthetic values of the natural shoreline.

H. If eelgrass and/or shellfish resources are found and/or if the Village believes such resources exist in the proximity of any proposed dock structure, the Village, in the exercise of its discretion, may request that the applicant conduct an eelgrass and/or shellfish survey. If such surveys are requested, and it is determined that significant resources are present, then the proposed location of the dock shall be repositioned to maintain no less than 10 feet of separation from the inventoried resource. In the event an eelgrass and/or shellfish survey is required, it shall be conducted pursuant to guidelines available from the Village Clerk.

I. In no event shall any single upland parcel maintain more than one dock.

SECTION 5. AMENDMENT OF VILLAGE CODE § 56-4. Docks prohibited.

~~Docks are prohibited seaward and within Noyack Bay of all land parcels bounded on the north, by Suffolk County Tax Map, District 901 Section 2 Block 4 Lot 63 and on the south by Suffolk County Tax Map District 901 Section 6 Block 1 Lot 38, inclusive of all parcels in between.~~

SECTION 6. AMENDMENT OF VILLAGE CODE § 56-5. Consultant fees.

A. Fees: The Board of Trustees, in reviewing any application under this chapter, may refer the application to an environmental consultant or coastal engineer or scientist or land surveyor, or other professional, consultants, to enable an appropriate evaluation of the application. All charges and fees for such services shall be payable by the applicant.

B. Deposits. At the direction of the Board of Trustees, the Village Clerk shall send the application to the professional consultant(s) as required and solicit an estimate of the anticipated fees and shall then advise the applicant to deposit said sum with the Village. Said deposit shall be maintained as a Trust and Agency account and drawn down periodically as required to pay the consultant(s) for services rendered. The Village Clerk shall periodically account to the applicant with respect to the funds drawn down and, at the direction of the Board of Trustees, shall solicit the applicant's replenishment of the Trust and Agency account as need requires.

C. Condition to permit. No permit shall be approved or issued under this chapter unless all professional fees and

publication fees required to be paid under this chapter have been paid.

D. Refunds. Any fees prepaid and unexpended shall be refunded.

SECTION 6. AMENDMENT OF VILLAGE CODE § 56-6. Application procedure.

A. Application forms. Applications under this chapter shall be made on forms provided by the Village, accompanied by an application fee as determined from time to time by resolution of the Board of Trustees and supplemented upon direction of the Board of Trustees by a deposit on account of consultant fees as provided in § 53-5 above.

B. Other agency approvals. Applications under this chapter shall be accompanied by the approval documents required from any other regulatory agency with jurisdiction.

C. Public hearing and notice. Applications under this chapter shall require a public hearing. At the expense of the applicant and upon a finding and determination by the Board of Trustees that the application is complete, the Board of Trustees shall cause a notice of the time, date, place and nature of said hearing to be published in the official newspaper of the Village at least 10 days prior to any such hearing. The applicant shall send a copy of its complete application to the owners of record of each property touching or abutting the applicant's upland property, including the owners, if any, of any underwater land other than the State of New York. Such notice by the applicant shall be made by certified mail, return receipt requested, at least 10 days prior to the date of the public hearing, and an affidavit stating compliance, together with the postal receipts, shall be filed with the Village Clerk at least five days prior to any public hearing date.

D. Referral. If circumstances require, the Village shall comply with New York General Municipal Law § 238-m.

E. Continuing jurisdiction. The Board of Trustees shall maintain continuing jurisdiction over any application under this chapter.

F. Building Permit. In accordance with Section 56-1, if the applicant fails to apply for a building permit within ninety (90)

days of the issuance of the Special Permit the applicant will have to reapply for the Special Permit in accordance with this Section.

SECTION 7. AMENDMENT TO § 56-7. Continuing jurisdiction.

Where any provision of this chapter provides for continuing jurisdiction of the Board of Trustees, said Board shall retain the right to modify, suspend or revoke the approval it has given, or any term or condition thereof, or to impose thereon one or more new conditions, all on the following grounds:

A. False statements: false statements, misrepresentation or mistake of material fact in the application, supporting papers or supporting testimony.

B. Noncompliance with permit: failure of the applicant permittee to comply with any conditions or terms of the approval.

C. Noncompliance with time constraints for construction: failure of the applicant permittee to complete construction within one year of obtaining a building permit issued in connection with the special use permit.—special use permit.

D. Activity beyond permit: exceeding the scope of the activity, use or project as the same was described in the application.

E. Violation of other local rules: willful or continuing noncompliance by the applicant with any provision of the Village Code, or local agency regulations adopted thereunder, directly related to the approved activity, use or project.

F. Construction: Nothing in this section shall be construed as limiting the authority of the Building Inspector, or other local official with authority, to enforce any provision of this chapter at any time.

G. Penalties. Any violation of this Chapter or any part thereof shall be punishable by a fine not to exceed \$250.00 for each offense. Each day that a violation continues shall be deemed to be a separate offense.

SECTION 8. EFFECTIVE DATE.

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

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: February 24, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
NORTH HAVEN.

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BY: Eileen M Tuohy, Village  
Clerk/Treasurer