

**NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven after holding a public hearing on August 17, 2021 adopted the following Local Law at their meeting on August 17, 2021:

**LOCAL LAW NO.7 OF 2021  
A LOCAL LAW INTRODUCING VILLAGE CODE CHAPTER 57 - SHORELINE  
PROTECTION**

A Local Law instituting a moratorium for a period of approximately six (6) months temporary suspending the Planning Board's authority, pursuant to Chapter 163 (Zoning), Article VIII (Site Plan Review) of the Village of North Haven Village Code and Sections 7-725-a of New York State Village Law, to grant site plan approvals affecting applications proposing development or construction activities related to shoreline hardening structures and to temporarily suspend development and construction activities related to shoreline hardening structures to allow the Village an opportunity to analyze the varying affects shoreline hardening structures have on the Village's shorelines, beaches, and surrounding properties depending on their location and to consider recommendations for Village Code modifications that may arise therefrom, all as more fully set forth in the text of the Local Law, and Local Law to read as follows:

CHAPTER 57 SHORELINE PROTECTION

Article I MORATORIUM

§ 57-1 Purpose.

The purpose of this Local Law is to identify actions that the Village can implement to address the varying affects shoreline hardening structures have on the Village's shorelines, beaches, and surrounding properties depending on their location, to ensure development within the Village protects against existing and potential erosion in a manner consistent with the character of the Village and beneficial to the community as a whole.

§ 57-2 Findings and Objectives.

- A. A Draft of a Comprehensive Shoreline Management Plan ("Plan") was presented to the Village Board in December 2020, as well as other plans from preceding years. The Plan analyzed the impacts of erosion on the Village's shorelines and presented recommendations to reinforce the Village's shorelines and protect against existing and potential erosion.
- B. The Village Board has determined that it is in the best interests of the Village to impose a moratorium on the approval of any site plan applications for development or construction related to shoreline hardening structures in the Village, as well as any development or construction activities related to shoreline hardening structures. Imposition of a moratorium will provide the Village and its consultants an opportunity to analyze the recommendations presented in the Plan and make appropriate modifications to the Village Code, if necessary, to protect the Village's shorelines against existing and potential erosion.
- C. Additionally, the moratorium will provide the Village an opportunity to seek further professional input regarding adopting and finalizing a comprehensive shoreline management plan.
- D. This Article also exempts certain applications and activities and provides a procedure to obtain an exemption from the moratorium under certain circumstances.

§ 57-3 Moratorium period.

This chapter shall apply for a period of six months from the effective date hereof. This chapter shall expire after the six-month period unless and until this time period is extended by the Village Board after adoption of a subsequent local law.

§ 57-4 Applicability.

- A. Prohibition on final approval of site plans. Except as otherwise provided herein, the powers of the Planning Board shall be limited with respect to any application for approval of a site plan affecting an applicant proposing development or construction activities related to shoreline hardening structures, such as revetments or bulkheads. The Planning Board shall not be authorized, empowered, or required to do, and shall not do, any of the following: (1) grant site plan approval pursuant to Chapter 163 Zoning, Article VIII Site Plan Review, of the Village Code and/or § 7-725-a of the New York State Village Law; or (2) determine any of the foregoing applications to be complete, or schedule or hold a public hearing on such application.
- B. Prohibition of development and construction activities related to shoreline hardening structures. Except as otherwise provided herein, no person shall engage in any development or construction activities related to shoreline hardening structures, such as revetments or bulkheads.

§ 57-5 Exemptions

Notwithstanding any other provision of this Local Law, the moratorium shall not apply to the following:

- A. In kind repairs or replacements of existing shoreline hardening structures, such as revetments and bulkheads.
- B. Existing approved projects.
- C. Projects under construction.
- D. Applications currently pending judicial review in the Supreme Court of the State of New York or the Appellate Division of the Supreme Court of the State of New York.
- E. An applicant may apply to the Village Board for an exemption from the moratorium. The Village Board shall

schedule a public hearing, upon notice, to consider such a request and may, in its discretion, grant or deny it after consideration of all the circumstances. Factors which may be considered by the Village Board include, but are not limited to, recommendations of the Village's consultants; availability of other reasonable alternatives to protect the structures; potential impacts to the environment, including adjacent properties, beach access, sand transport, and erosion of other properties.

§ 57-6 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 that provide time limitations on the review or processing by planning boards of applications for site plan approvals, and that 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.

§ 57-7 Effective Date.

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

August 18, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF NORTH HAVEN  
EILEEN TUOHY, VILLAGE CLERK/TREASURER