

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven will hold a public hearing on the 15th day of February 2022, at 5:00 P.M., location to be determined based on current COVID-19 safety measures in place at the time of the meeting (please call 631-725-1378 for updates), to consider the adoption of a Local Law as follows:

LOCAL LAW NO. _____ OF 2022

A LOCAL LAW ADDING TO VILLAGE CODE CHAPTER 163 ENACTING ARTICLE § XIII SECTIONS 163-97 through 163-99

SECTION 1. THE ADDITION TO THE VILLAGE CODE CHAPTER 163 - THE ENACTMENT OF ARTICLE XII - SECTIONS §163-97 THROUGH §163-99 §163-97 ENACTMENT/PURPOSE/DEFINITIONS

1.1 THE ENACTMENT OF THE VILLAGE CODE ARTICLE XIII BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN AS FOLLOWS:

1.2 Title. This local law shall be known as the Village of North Haven Shoreline Management Law.

1.3 Purpose. It is the purpose of this local law to:

a. Establish standards and procedures for minimizing and preventing damage from coastal flooding and erosion and to protect natural protective features and other natural resources. The village's shorelines are vital resources, provide scenic qualities, important habitat value, recreational opportunities, and are located within the Peconic Estuary which is a NY State listed Critical Environmental Area.

b. Regulate, in coastal areas subject to coastal flooding and erosion, land use and development activities so as to minimize or prevent damage or destruction to manmade property, natural protective features, other natural resources, and to promote public health and safety.

c. Regulate the construction of flood and erosion protection solutions, through the Planning Board review process, in coastal areas subject to serious erosion, to assure that when the construction of flood and erosion protection solutions is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features, and other natural resources.

1.4 Definitions

The following terms used in this local law have the meaning indicated, unless the context clearly requires otherwise.

BUILDING INSPECTOR--The local official responsible for administering and enforcing this local law. The powers and duties of this position are more fully described in Section §163-99 3.3.

BEACH--The zone of unconsolidated earth that extends landward from the mean low water line to the waterward toe of a dune or bluff whichever is most waterward. In cases where no dune or bluff exists, then the "beach" shall be all land lying between such body of water and the landward edge of beach grass or the upland vegetation if no beach grass is naturally occurring.

BLUFF--Any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water.

BLUFF CREST--The highest surface point on a sloped bank prior to the transition to flat or near-flat area landward.

BLUFF FACE--The area of the bluff between the crest and the toe.

BLUFF TOE--The lowest surface point on a slope face of a dune or bluff.

COASTLINE AND COASTAL WATERS--The lands adjacent to the Village's coastal waters is the coastline. Coastal waters are the Shelter Island Sound, Noyack Bay, Sag Harbor Cove, and their connecting water bodies, bays, harbors, shallows, creeks and marshes.

DUNE--A ridge or hill of loose, windblown, or artificially placed earth the principal component of which is sand.

EROSION--The loss or displacement of land along the coastline due to the action of waves, currents, wind-driven water, waterborne ice, or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff of surface waters, or ground waters, or groundwater seepage.

FLOOD AND EROSION PROTECTION SOLUTION--A structural solution or non-structural solution, specifically designed to reduce or prevent flooding and/or erosion. This definition shall be deemed to include a seawall, bulkhead, rock revetment, or a sloped revetment comprised of natural materials such as coir blocks/envelopes/logs and the placement of rocks or other materials in the nearshore or intertidal area (rock sills or breakwaters) for the purpose of reducing wave activity and/or creating a living shoreline.

EXISTING FLOOD AND EROSION PROTECTION SOLUTION--A structural solution or non-structural solution, and appurtenances in existence or one where construction has commenced or one where construction has not begun but for which a building permit has been issued prior to _____, 2022, which is the effective date of this local law.

GRADING--A redistribution of sand or other unconsolidated earth to effect a change in profile.

MEAN LOW WATER-- For each location, the most recent determination by the National Oceanic and Atmospheric Administration (National Ocean Survey). All references shall be to the nearest listed tidal bench mark.

NATURAL PROTECTIVE FEATURE--A nearshore area, beach, bluff, wetland, dune or marsh, and its vegetation.

NEARSHORE AREA--Those lands under water beginning at the mean low water line and extending waterward in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet, or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.

NON-STRUCTURAL SOLUTIONS--Shoreline stabilization approaches using only beach compatible sand fill material, vegetation, and natural materials (excluding rock) such as coir fibers or logs, designed and installed to mimic characteristics of natural features, but are created by human design, engineering, and construction to provide erosion or flood protection. This definition is intended to include, but not be limited to, vegetation management, slope or

bank grading, marsh restoration or creation, beach nourishment, and dune creation and restoration.

PERSON--Any individual, public or private corporation, political subdivision, government agency, public improvement district, partnership, association, firm, trust, estate, or any other legal entity whatsoever.

PLANNING BOARD--The legislative Board of the Village of North Haven responsible for reviewing and approving Shoreline Management applications.

REGULATED ACTIVITY--

1. The construction, modification, addition to, repair/restoration/replacement or placement of a flood and erosion protection solution
2. Any action or use of land which materially alters the condition of any natural protective feature, including grading, excavating, dumping, mining, dredging, filling, or other disturbance of soil including beach nourishment
3. Construction of elevated walkways or stairways for the purpose of providing access to the beach

REPAIR/RESTORATION/REPLACEMENT OF FLOOD AND EROSION PROTECTION SOLUTIONS--The in-kind, in-place repair, restoration or reconstruction of a solution without modification to location, dimensions or materials. A Shoreline Protection Permit is required for Repair/Restoration/Replacement of an existing flood and erosion protection solution.

MINOR REPAIR/RESTORATION/REPLACEMENT OF EXISTING ELEVATED WALKWAYS OR STAIRWAYS THAT ACCESS THE BEACH--The repair, restoration or reconstruction without modification of an existing elevated walkway or stairway that accesses the beach, the cost of which is less than 50 percent of the estimated full replacement cost of the structure at the time of restoration. Minor repair/restoration/replacement of an elevated walkway or stairway that accesses the beach does not require Planning Board review and approval but does require review and approval by the Building Inspector and a Building Permit.

MAJOR REPAIR/RESTORATION/REPLACEMENT OF EXISTING ELEVATED WALKWAYS OR STAIRWAYS THAT ACCESS THE BEACH--The repair, restoration or reconstruction without modification of an existing elevated walkway or stairway that accesses the beach the cost of which is greater than 50 percent of the estimated full replacement cost of the structure at the time of restoration. Major repair/restoration/replacement of an elevated walkway or stairway that accesses the beach requires Planning Board review and approval and a Shoreline Management Permit.

UNREGULATED ACTIVITY--Excepted activities which are not regulated by this local law include:

1. beach clean-up
2. planting beach compatible vegetation (listed on the Village of North Haven list of Recommended Native Plants) without irrigation, on existing Shoreline Types exclusive of any flood and erosion protection solution

defined in (j) and excluding any areas designated as official wetlands by a wetlands surveyor

3. maintenance of flood and erosion protection solutions when in compliance with a previously approved maintenance program;

all of the aforementioned activities should not require the use of heavy equipment or machinery to be brought onto the beach.

VEGETATION--Plant life capable of surviving and successfully reproducing in the area or region and which is compatible with the environment of the shoreline area.

VEGETATION MANAGEMENT - the targeted control and elimination of unwanted vegetation including weeds and other invasive species that pose a risk to infrastructure by manual, mechanical, biological and/or chemical means (herbicides). Examples include but are not limited to pruning, or removal of trees that threaten slope stability and seeding, planting or otherwise promoting desirable, stable low-growing plant communities that are compatible with the local environment and infrastructure.

§163-98 REGULATIONS

2.1 Regulated Areas. This local law applies to all waterfront properties in the Village of North Haven bounded by coastal waters. A map of regulated areas is attached to the Shoreline Management Permit application as Appendix A and also defines each property according to existing shoreline type.

2.2 Requirements. No person may engage in any regulated activity without first obtaining a Shoreline Management Permit. No Shoreline Management Permit is required for unregulated activities.

2.3 General Standards. A Shoreline Management Permit will be issued only with a finding by the Planning Board that the proposed regulated activity:

- a. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity qualifies for a shoreline protection solution.
- b. Is not likely to cause a measurable increase in erosion at the proposed site and at other locations.
- c. Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values, existing flood and erosion protection solutions, and natural resources.

2.4 Shoreline Protection Solutions Permitted by Shoreline Type. The following regulations will be taken into consideration by the Planning Board when reviewing applications for Shoreline Management Permits by Shoreline Type. Specific circumstances should be addressed in applications such as adjacent Shoreline Protection Solutions that may over-ride following the Regulations. Homeowners may reference Appendix A of the Shoreline Management Permit Application to understand how their property has been categorized according to Existing Shoreline Type.

Type	Existing Shoreline Types
1	High Bluff

2	Medium/Low Bluff
3	Marsh/Beach Shoreline

2.5 Shoreline Protection Solution Regulations.

a. High Bluff Areas

- (1) High bluffs along the North Haven shoreline consist of tall, steep bluffs, generally greater than 20 feet tall, that transition into a gradually sloped beach at the bluff toe. Some existing high bluffs have dense vegetation along their slope which acts as a natural erosion deterrent. However, other portions of high bluffs may be devoid of vegetation and may experience significant erosion. The majority of high bluffs exist along the western, northwestern, and southeastern shorelines.
- (2) The following activities are prohibited on bluffs:
 - a. Excavating or mining except when in conjunction with conditions stated in a Shoreline Management Permit issued for alterations in construction of a Shoreline Protection Solution or for provision of shoreline access.
 - b. All development unless specifically allowed by this section.
 - c. Installation of permanent irrigation systems. Temporary, above ground irrigation systems may be allowed for the period of two growing seasons only, when non-structural solutions are permitted with a Shoreline Management Permit.
 - d. Disturbance of active bird nesting and breeding areas unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the Department of Environmental Conservation of the State of New York or any other authorized regulatory agency.
 - e. Soil disturbance that directs surface water runoff over a bluff face.
- (3) Permitted Activities:
 - a. A two-tier design to stabilize both the face and crest of the bluff and the toe of eroding high bluffs. The first tier of the design along the toe of the bluff up to the wave runup and overtopping limit and the second tier of the design extending above the toe, along the face and the crest of the bluff.
Tier 1 - Along the toe of the bluff, the Village of North Haven will permit either structural solutions or non-structural, natural or nature-based erosion protection solutions.
Structural solutions for toe protection shall generally consist of sloping rock revetment. Vertical walls comprised of concrete, steel, timber, composite materials or stone are not permitted unless already existing at the site. The following materials are not permissible for use as structural solutions: wire basket gabions, concrete blocks, broken concrete rubble, railroad ties, tires, telephone poles, and pouring concrete over existing rock protection structures.

Non-structural solutions shall generally consist of stabilization approaches using only beach compatible sand fill material, vegetation, and natural materials (excluding rock) such as coir fiber or logs, designed and installed to mimic characteristics of natural features, but are created by human design, engineering, and construction to provide erosion or flood protection.

Tier 2 - Along the face and the crest of the bluff, the Village will permit reshaping (cut and/or fill to achieve a stable slope) of the bluff and non-structural solutions including geotextiles and vegetation.

- b. Restoration/replacement and repair of existing Flood and Erosion Protection Solutions shall require a Shoreline Management Permit.
 - c. Elevated walkways or stairways constructed for the purpose of providing access to the beach, shall require approval by the Planning Board before the issuance of a Shoreline Management Permit. The Planning Board shall require that beach access structures:
 - i. are designed and constructed in a manner which results in negligible destabilization of the bluff or diminution of the bluff's protective value;
 - ii. do not exceed four feet in width and are raised on posts or piling at least two feet above existing grade;
 - iii. do not diminish the bluff's role as a natural protective barrier against flooding and erosion; and
 - iv. To the extent construction disturbs any areas of vegetation that the disturbed areas be revegetated with appropriate native vegetation.
 - d. Minor Restoration/replacement and repair of existing elevated walkways or stairways constructed for the purpose of providing access to the beach, shall require review and approval by the Building Inspector before the issuance of a Building Permit.
 - e. Major Restoration/replacement and repair of existing elevated walkways or stairways constructed for the purpose of providing access to the beach, shall require review and approval by the Planning Board before the issuance of a Shoreline Management Permit.
- b. **Medium/Low Bluff Areas**
- (1) The majority of medium to low bluffs (generally less than 20 feet high) are found within the southeastern, western, and southwestern zones of the peninsula. In these locations, local vegetation may be found along the bluff face and crest. However, similar to unstable sections of high bluff, portions of medium/low bluffs may be devoid of vegetation and may have a steep eroding slope.
 - (2) The following activities are prohibited on bluffs:

- a. Excavating or mining except when in conjunction with conditions stated in a Shoreline Management Permit issued for alterations in construction of a Shoreline Protection Solution or for provision of shoreline access.
- b. All development unless specifically allowed by this section.
- c. Installation of permanent irrigation systems. Temporary, above ground irrigation systems may be allowed for the period of two growing seasons only, when non-structural solutions are permitted with a Shoreline Management Permit.
- d. Disturbance of active bird nesting and breeding areas unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the Department of Environmental Conservation of the State of New York or any other authorized regulatory agency.
- e. Soil disturbance that directs surface water runoff over a bluff face.

(3) Activities permitted under this section are:

- a. Non-structural erosion protection solutions along portions of the bluff which are subject to instability and erosion. Non-structural solutions shall generally consist of stabilization approaches using only beach compatible sand fill material, vegetation, and natural materials (excluding rock) such as coir fiber or logs, designed and installed to mimic characteristics of natural features, but are created by human design, engineering, and construction to provide erosion or flood protection.
Should the non-structural solution fail over time, an applicant is expected to document maintenance of the non-structural solution according to the maintenance plan established in §163-98 2.6 (d), and must establish a failure of the non-structural solution. (See Section §163-98 2.5e.).
If such triggers are met, structural solutions may be considered by the Planning Board for the subject property if the property owner chooses to submit an application for a structural solution.
- b. Restoration/replacement and repair of existing Flood and Erosion Protection Solutions are allowed pursuant to a Shoreline Management Permit.
- c. Elevated walkways or stairways constructed for the purpose of providing access to the beach, shall require approval by the Planning Board before the issuance of a Shoreline Management Permit. The Planning Board shall require that beach access structures:
 - i. are designed and constructed in a manner which results in negligible destabilization of the bluff or diminution of the bluff's protective value;
 - ii. do not exceed four feet in width and are raised on posts or piling at least two feet above existing grade;

- iii. do not diminish the bluff's role as a natural protective barrier against flooding and erosion; and
 - iv. To the extent construction disturbs any areas of vegetation that the disturbed areas be revegetated with appropriate native vegetation.
 - d. Minor Restoration/replacement and repair of existing elevated walkways or stairways constructed for the purpose of providing access to the beach, shall require review and approval by the Building Inspector before the issuance of a Building Permit.
 - e. Major Restoration/replacement and repair of existing elevated walkways or stairways constructed for the purpose of providing access to the beach, shall require review and approval by the Planning Board before the issuance of a Shoreline Management Permit.
- (4) Pre-Existing Non-Structural Solutions
- a. Non-structural solutions that pre-date the effective date of _____, 2022 of this local law, and are in the Medium/Low Bluff Shoreline Areas or Marsh/Beach Shoreline Areas and are experiencing failures must submit an application to the Planning Board for a structural solution if Bluff Failure Triggers are met (see section §163-98 2.5 f). If such triggers are met, structural solutions may be considered for the subject property.

c. Marsh/Beach Shoreline Areas

- (1) Marshes and beaches are common along portions of the shoreline which experience a low to moderate wave climate and can be found in the southwestern, northern, northeastern, eastern, and southeastern zones. Marshes and beaches have low crest elevations. Since the elevation of the crest is low, the toe, face, and crest of the marshes/beaches will be inundated, and erosional forces will be acting on the profile as a whole. As such, the design target shall be to stabilize the toe, the face, and the crest of the profile.
- (2) The following activities are prohibited on beaches:
- a. All development is prohibited on beaches unless specifically provided for by this local law.
 - b. Excavating, grading, or mining which diminishes the erosion protection afforded by beaches is prohibited.
 - c. Installation of permanent irrigation systems. Temporary, above ground irrigation systems may be allowed for the period of two growing seasons only, when non-structural solutions are permitted with a Shoreline Management Permit.
 - d. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within beach areas. Any beach replenishment will require a Shoreline Management Permit which shall only be issued for expansion or stabilization of beaches.
 - e. Disturbance of active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a

specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation. Permitted:

(3)

- a. The Village of North Haven will permit non-structural erosion protection solutions comprised of natural materials (excluding rock) along portions of marsh/beach. Non-structural solutions shall generally consist of stabilization approaches using only beach compatible sand fill material, vegetation, and natural materials (excluding rock) such as coir fiber or logs, designed and installed to mimic characteristics of natural features, but are created by human design, engineering, and construction to provide erosion or flood protection.

Should the non-structural solution fail over time, an applicant is expected to document maintenance of the non-structural solution according to the maintenance plan established in Section §163-98 2.6 (d), and must establish a failure of the non-structural solution. (See Section §163-98 2.5e).

If such triggers are met, structural solutions may be considered by the Planning Board for the subject property if the property owner chooses to submit an application for a structural solution.

i.

- b. Restoration/replacement or repair of existing Flood and Erosion Protection solutions are allowed pursuant to a Shoreline Management Permit.
- c. Coastal restoration projects (beach nourishment, marsh enhancement and living shorelines) are regulated activities that are allowed pursuant to a Shoreline Management Permit, which shall be issued only for expansion or stabilization of beaches. Clean sand or gravel of an equivalent or slightly larger grain size is the only material that may be deposited within beach areas.

d. Natural Shoreline Bounded by Existing Structural Solutions

If a naturally vegetated property is bounded by two structural solutions, and is experiencing erosion, the Village of North Haven will permit a structural solution if the property is located in a Medium/Low Bluff Shoreline Area or a Marsh/Beach Shoreline Area. It is not necessary for the homeowner to request a variance from the Zoning Board of Appeals.

e. Bluff Failure Triggers

Any one (not all) of the following criteria shall constitute failure of the non-structural solution and shall warrant consideration of a subsequent application for a structural solution. Following are conditions for consideration:

- One (1) foot of horizontal retreat of the top of the bluff measured from the final top of bluff position as documented in an "as-built" survey and by photographs after initial project

construction. Localized retreat at discreet point(s) (e.g. tree falls) along the top shall not be considered failure. One (1) foot shall be measured as the average retreat over at least 50% of the length of the top of bluff as demonstrated by a current survey as compared to the "as-built" survey

- Two (2) feet of horizontal retreat of the toe of bluff measured from the final toe of bluff position as documented in an "as-built" survey and by photographs after initial project construction. Localized retreat (e.g. scarp) at single point(s) along the toe shall not be considered failure. Two (2) feet shall be measured as the average retreat over at least 50% of the length of the toe of the bluff as demonstrated by a current survey as compared to the "as-built" survey.
- Destabilization of components of the non-structural solutions including displacement or undermining of 30% of the design after two (2) documented cases of damage and subsequent repairs as documented by before and after photographs and maintenance records.

f. Properties constructing Shoreline Protection Solutions will be required to implement a naturalized buffer consistent with Section §163-20 2.B6.

g. Replacement of Existing Bulkheads

A Shoreline Protection Permit is required for the repair/restoration/replacement of existing, non-conforming flood and erosion solutions including but not limited to bulkheads and seawalls. As the preference is for more natural solutions, where pre-existing, non-conforming solutions exist, applicants are requested to consider replacing the non-conforming structure with a flood and erosion protection solution permitted by this code for the shoreline type pertaining to the property (high bluff, medium/low bluff, beach/marsh). Natural flood and erosion protection solutions that are permitted by this code have a lessened erosional impact on the beach than vertical bulkheads.

2.6 Flood and Erosion Protection Solution Requirements.

The following requirements apply to the construction, modification, or repair/restoration/replacement of flood and erosion protection solutions:

a. The construction, modification, or restoration/replacement and repair of flood and erosion protection solutions must:

(1) Not be likely to cause a measurable increase in erosion at the development site or at other locations.

(2) Minimize, and if possible, prevent adverse effects upon natural protective features, existing flood and erosion protection solutions, and critical environmental areas.

b. All flood and erosion protection solutions must be designed and constructed according to generally accepted engineering principles which have demonstrated success, or where sufficient data are not currently available, a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable

probability of controlling erosion on the immediate site for at least 30 years.

c. All materials used in such solutions must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions for a minimum of 30 years. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.

d. A long-term maintenance program must be included with every permit application of construction, modification, or restoration of a flood and erosion protection solution. The maintenance program must include specifications for normal maintenance of degradable materials.

§163-99. ADMINISTRATION AND ENFORCEMENT

3.1 Shoreline Management Permits. A Shoreline Management Permit will be issued for regulated activities as defined above in Section §163-98 2.6, restrictions, and requirements of the applicable sections of this local law, providing the following is adhered to:

a. The application for a Shoreline Management Permit must be made upon the form provided by the Village and must include the following minimum information:

(1) A description of the proposed activity including coastal design parameters utilized in the design.

(2) A map drawn to a scale no smaller than 1:24,000, showing the location of the proposed activity.

(3) Project plans showing proposed conditions and typical cross-sections. Projects consisting of structural solutions must be signed and sealed by a Professional Engineer licensed in New York State.

(4) Design plans for structural solutions shall be signed and sealed by a Professional Engineer licensed in the State of New York and validated by best practices in coastal engineering including but not limited to guidelines by the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation (See Section §163-98 2.6).

(5) Any additional information the Planning Board may require to properly evaluate the proposed activity.

b. Each application for a Shoreline Management Permit must be accompanied by the required fee or fees as established by the Village Board of Trustees under separate resolution.

c. Applications for Shoreline Management Permits will be reviewed by the North Haven Planning Board in consultation, with any consulting professional the Planning Board deems appropriate under the circumstances of the application including but not limited to the Village Coastal Engineering Consultant, Village Environmental Consultant and the Village Engineer. The fees for the Village consultants will be paid by the applicants.

d. Upon approval by the Planning Board, Shoreline Management Permits will be issued by, and bear the name and signature of the Building Inspector, and will specify the:

- (1) Activity or operation for which the permit is issued.
- (2) Address or location where the activity or operation is to be conducted.
- (3) Name and address of permittee.
- (4) Permit number and date of issuance.
- (5) Period of permit validity. If not otherwise specified a permit will expire 1 (one) year from the date of approval.
- (6) The terms and conditions of the approval.

e. When more than one Shoreline Management Permit is required for the same property or premises under this local law, a single permit may be issued listing all activities permitted and any conditions, restrictions or bonding requirements. Revocation of a portion or portions of such consolidated permits will not invalidate the remainder.

3.2 Performance Bond

- a) Before the issuance of a Shoreline Management Permit, the Village Planning Board may require that the owner of record/applicant of the premises and/or representative execute and file with the Village Clerk a surety company bond approved by the Village Planning Board as to form and sufficiency and conditioned upon the faithful and punctual performance of the work required to be performed pursuant to the Shoreline Management Permit and for compliance with other conditions contained in the permit covering the operation.
- b) The bond shall cover the work to be done during the term of the permit.
- c) If a renewal of the permit is applied for, the Village Planning Board shall redetermine the amount of performance bond required for the renewal period.
- d) The amount of said performance bond shall be fixed by the Village Planning Board.
- e) The bond shall be forfeited upon failure to cure any default after 60 days' written notice, mailed to the owner and/or owner's representative at the address shown on the permit application.

3.3 Administrator. The authority for administering and enforcing this local law is hereby conferred upon the Building Inspector. The Administrator has the powers and duties to:

- a. Apply the regulations, restrictions, and standards or other provisions of this local law.

- b. Explain to applicants the map which designates the land and water areas subject to regulation and advise applicants of the standards, restrictions and requirements of this local law.
- c. Review and take appropriate actions on completed applications.
- d. Issue and sign all approved permits.
- e. Transmit written notice of violations and issue summonses to property owners or to other responsible persons.
- f. Prepare and submit reports.
- g. Perform compliance inspections.
- h. Serve as the primary liaison with the New York State Department of Environmental Conservation.
- i. Perform normal and customary administrative functions required by the Village, relative to this local law.
- j. Have, in addition, powers and duties as are established in, or reasonably implied from this local law as are necessary to achieve its stated purpose.

3.4 Variances and Appeals: Strict application of the standards and restrictions of this chapter may cause practical difficulty or unnecessary hardship. When this can be shown such standards and restrictions may be varied or modified.

- a. Zoning Board of Appeals: The Zoning Board of Appeals is hereby designed and has the authority to:
 - (1) Hear, approve, approve with modification or deny requests for variance of other forms of relief from the requirements of this chapter.
 - (2) Hear and decide appeals where it is alleged there are errors in any order, requirement, decision or determination made by the Planning Board or the Building Inspector in the enforcement of this chapter, including any order requiring an alleged violation or stop work order.
- b. Requests for variances: Any request for a variance must be in writing to the Zoning Board of Appeals and specify the standard, restrictions or requirement to be varied and submitted on standard forms prescribed by the Zoning Board of Appeals.
- c. Appeals: The Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Planning Board or Building Inspector, including stop work orders. The rules and procedures for filing appeals are as follows:
 - (1) Appeals must be filed with the Zoning Board of Appeals within 30 days of the date of the adverse decision.
 - (2) All appeals made to the Zoning Board of Appeals must be in writing on standard forms prescribed by the Board with the fee.
 - (3) All appeals must refer to the specific provisions of this chapter involved, specify the alleged errors, the interpretation thereof that is claimed to be correct and the relief which the appellant claims.

d. Fees: Each Variance request or Appeal must be accompanied by the required fee or fees as established by the Village Board of Trustees under separate resolution.

3.5 Interpretation. The provisions, regulations, procedures and standards of this local law will be held to be the minimum requirements necessary to carry out the purposes of this local law.

3.6 Conflicts. The provisions of this local law will take precedence over any other laws, ordinances, or codes in effect in the Village to the extent that the provisions of this local law are more stringent than such other laws, ordinances, or codes. A Shoreline Management Permit issued pursuant to this local law does not relieve the permit applicant from the responsibility of obtaining other permits or approvals as may be necessary nor does it convey any rights or interest in real property.

3.7 Severability. The provisions of this local law are severable. If any clause, sentence, paragraph, subdivision, section or part is adjudged invalid by a court of competent jurisdiction, the effect of such order or judgment does not affect or invalidate any other provisions of this local law or their application to other persons and circumstances.

3.8 Environmental Review. All regulated activities are subject to the review procedures required by the New York State Environmental Quality Review Act (SEQRA), Article 8 of the New York State Environmental Conservation Law. The applicant may be required to submit information necessary for compliance with SEQRA in addition to information required under this local law.

3.9 Violations and Penalties. A violation of this local law is hereby declared to be an offense punishable by a fine not exceeding \$250.00 or imprisonment for a period not to exceed six months or both. Each day's continued violation of this local law will constitute a separate additional violation. Nothing herein will prevent the proper local authorities of the Village from taking such other lawful actions or proceedings as may be necessary to restrain, correct, or abate any violation of this local law.

SECTION 2. 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 3, 2022

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

BY: Eileen Tuohy,
Village Clerk/Treasurer