

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Head-of-the-Harbor will hold a public hearing on the 18th day of August, 2010, at 7:00 P.M., at the Village Hall, 500 North Country Road, Head-of-the-Harbor, New York, to consider the adoption of a local law as follows:

**LOCAL LAW (Intro.) #4 OF 2010
A LOCAL LAW AMENDING VILLAGE CODE CHAPTER 73**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to relocate the text of Village Code, Chapter 73, Piers, consistent with legal requirements.

SECTION 2. REPEAL OF CHAPTER 73, PIERS.

Chapter 73, Piers, in its present text is hereby repealed.

SECTION 3. ENACTMENT OF § 165-34.2, PIERS.

The text of Chapter 73, Piers, as amended is re-enacted as § 165-34.2 as follows:

§ 165-34.2 Piers.

A. Findings and purpose.

Unregulated construction of private docks giving access to Stony Brook Harbor is not compatible with the

conservation and preservation of Stony Brook Harbor as an unspoiled embayment and prime wildlife habitat of statewide significance, as undertaken by the Village of Head-of-the-Harbor in its Coastal Management Plan pursuant to its Local Waterfront Revitalization Program.

B. Definitions.

As used in this section, the following terms shall have the meanings indicated:

CATWALK - Any stand-alone structure or an element of a structural assembly that includes stairs, a ramp, and a float, that provides access from the upland, through or across a vegetated or unvegetated tidally influenced area in Stony Brook Harbor.

FLOAT - Any platform floating upon and rising and falling with the tides, to which a vessel is commonly moored, docked or otherwise attached.

PIER - Any structure providing access to the waters of Stony Brook Harbor from land located within the Village of Head-of-the-Harbor, whether such pier was constructed for access by boat, for boat launching, for swimming, for fishing or for any other use, recreational or otherwise.

C. Applicability.

The regulations provided in this section apply to docks owned or built by individuals, corporations, clubs, cooperatives or any other agency. Cooperative construction and/or use by neighbor landowners is encouraged as a means of reducing the number of intrusions into Stony Brook Harbor and of mitigating adverse impact upon wildlife habitat areas.

D. Design and location.

- i. Docks shall be designed to reduce obstacles to navigation and to public use of the water to which they give access.
- ii. Docks shall be constructed in a location and in a manner which avoids the need for dredging

and which in no way interferes with navigability.

- iii. Docks shall be designed and constructed so that they do not impede the movement of water within Stony Brook Harbor nor interfere with the functioning of Stony Brook Harbor as a prime wildlife habitat and nesting area.
- iv. A pier must have a catwalk that provides a minimum clearance of four feet above the soil surface of marsh in vegetated areas to allow sunlight to reach ground and a maximum clearance of five feet above the soil surface. In unvegetated areas the catwalks are not to be elevated more than two feet above the beach or shoreline proper to avoid having the visual effects of elevated structures, but should be at least a few inches above the substrate. To limit interference with public access to the shore, the catwalk must allow passage under it or have steps on either side for passage over it. The float sections attached to the catwalk shall be constructed in such a manner so that the sections do not rest upon the bottom lands.
- v. Access to a dock must not encroach upon or disrupt a tidal wetland or marsh.
- vi. Expanded or reconstructed docks must comply with all regulations applicable to new docks.
- vii. Floats shall only be permitted in those locations where the rising and lowering of such floats will not have a significant impact upon vegetation, wildlife or wildlife habitat.
- viii. The pier, including floats and catwalks, in no case may exceed 75 linear feet seaward from the mean high water line, nor may the width exceed four feet. And, in no case may the seaward end of a pier extend beyond the point where the mean low water depth at such point exceeds two feet.

- ix. All floats are to be removed from the water during the months of November through March and stored onshore in such manner to avoid damage to wetlands and shoreline vegetation.

E. Materials.

Materials for use in pier construction or repair must be of a type that has been approved by the Department of Environmental Conservation of the State of New York.

F. Village permit requirements.

- i. A building permit must be obtained for the construction, reconstruction or expansion of a dock. Minor repairs entirely above the high-tide water level (e.g., docking) do not require a building permit but must be done with approved materials only.
- ii. A design plan must be submitted with the application for a building permit which includes specifications for all materials and which indicates the exact location of the proposed structure and the access to it from the land.
- iii. Notification of an application for a building permit for a dock shall be provided by the Building Inspector to the Environmental Conservation Board. A statement of acceptability of environmental impact shall be provided by that Board prior to the issuance of a building permit. In the event that the Environmental Conservation Board finds the probable impact unacceptable, an environmental assessment form (EAF) shall be filed and further determinations made according to Chapter 81, Environmental Quality Review.

G. State permit requirements.

Permits for building actions in tidal wetland areas are issued by the Department of Environmental Conservation of the State of New York. State permit requirements are not affected by this section, and no dock may be erected

within the Village of Head-of-the-Harbor for which state requirements have not been met. The obtaining of a permit from the Department of Environmental Conservation shall not be a substitute for a village permit issued in conformity with this section.

H. Removal.

Any dock constructed, reconstructed or extended after the passage of this section which does not conform to the provisions of this section shall be removed.

SECTION 4. SEQRA.

This is a Type II action under 6 NYCRR § 617.5(c)(20).

SECTION 5. 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 the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 6. 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: July 26, 2010

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF HEAD-OF-THE-HARBOR

BY: Margaret O'Keefe, Village Clerk