

**AGENDA
DECEMBER 6, 2011 - 6:00 P.M.
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING**

OPEN MEETING:

SALUTE TO THE FLAG:

ANNOUNCEMENTS:

PRESENTATIONS:

PUBLIC HEARINGS:

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 6th day of December, 2011, to consider the following proposed local law:

**PORPOSED LOCAL LAW "F" OF 2011
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 15 "HISTORIC REVIEW IN ALL ZONING DISTRICTS
EXCEPT CENTRAL BUSINESS A AND CENTRAL BUSINESS B ZONING
DISTRICTS" OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that preservation of the Village's heritage and character by making permanent a policy which will protect, enhance and perpetuate historic sites, structures and buildings will enhance the cultural, educational, economic and general welfare of the public, and ensure the harmonious, orderly and efficient growth and development of the Village consistent with its unique heritage and character.

Section 2. Statutory Authority and Supersession

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, General Municipal Law, Article 5, § 96-a, General Municipal Law §119-dd and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply to all lands situated within the boundaries of the Incorporated Village of Northport with respect to the amendment to Chapter 16 and to all lands situated within the boundaries of the Incorporated Village of Northport except those lands located within the boundaries of the Central Business A and B zoning districts with respect to the amendment to Chapter 15, as such district boundaries may be amended from time to time by the Board of Trustees of the Incorporated Village of Northport.

Section 4. Amendments

The code of the Incorporated Village of Northport shall be amended as follows:

CHAPTER 15: HISTORIC REVIEW IN ALL ZONING DISTRICTS EXCEPT CENTRAL BUSINESS A AND CENTRAL BUSINESS B ZONING DISTRICTS

~~§15-17~~ **Sunset Provision**

~~The provisions of this chapter shall lapse and cease to be of any force and effect on March 1, 2012 unless the Board of Trustees acts to extend or make permanent these amendments prior to that date.~~

* * *

CHAPTER 16: HISTORIC DISTRICTS

~~§16-6~~ **Sunset Provision**

~~The provisions of this chapter shall lapse and cease to be of any force and effect on March 1, 2012 unless the Board of Trustees acts to extend or make permanent these amendments prior to that date.~~

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

PUBLIC PARTICIPATION:

BOARD APPROVAL OF WARRANT:

Fiscal Year 2011/2012 General Fund bills in the amount of \$ 38,106.81
Fiscal Year 2011/2012 Capital Fund bills in the amount of \$ 2024.30

TREASURER REPORT:

COMMISSIONER REPORTS:

CHIEF OF POLICE REPORT:

ADMINISTRATOR'S REPORT:

NEW BUSINESS:

OLD BUSINESS:

CORRESPONDENCE:

1. Letter from Fred Richtberg outlining Main Street Happens for the 2012 season.
2. Executive session letter from the Fire Department.
3. Letter from Fire Department regarding center stone.

REQUESTS:

RESOLUTIONS:

RESOLUTION 2011-160 ~ APPROVAL OF THE NOVEMBER 15, 2011 MINUTES

WHEREAS: Copies of the minutes of the November 15, 2011, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

RESOLUTION 2011-161

WHEREAS: a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 6th day of December, 2011, to consider the following proposed local law:

**LOCAL LAW No. 5 OF 2011
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 15 "HISTORIC REVIEW IN ALL ZONING DISTRICTS
EXCEPT CENTRAL BUSINESS A AND CENTRAL BUSINESS B ZONING
DISTRICTS" OF THE CODE OF THE VILLAGE OF NORTHPORT**

RESOLUTION 2011-162 SET PUBLIC HEARING ON PROPOSED LOCAL LAW "G" OF 2011

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 20th day of December, 2011, to consider the following proposed local law:

Proposed Local Law "G" of the year 2011
Village of Northport, County of Suffolk

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law § 3-c

Section 1. Legislative intent

It is the intent of this local law to allow the Village of Northport to adopt a budget for the fiscal year commencing March 1, 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local governments governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent(60%) of said governing body.

Section 3. Tax Levy Override

The Village Board of Trustees of the Village of Northport, County of Suffolk , is hereby authorized to adopt a budget for the fiscal year commencing on March 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, section, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation to be clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION 2011 -163~PROPOSED LOCAL LAW "H" OF 2011

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the ___ day of December, 2011, to consider the following proposed local law:

**PROPOSED LOCAL LAW "H" OF 2011
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT TO AMEND
CHAPTER 306 ZONING OF THE CODE
OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that amending the code to allow certain uses to be located in the Marine Business District by special use permit subject to conditions authorized by the Board of Zoning Appeals after a duly noticed public hearing will allow for a reasonable expansion of uses that will benefit the residents of the Village and surrounding community and also provide needed revenue to the owners of property located within the Marine Business District. By approving these code amendments, the Board seeks to strike a balance between the economic needs of the property owners where such uses will be located on the one hand, and the burden of such uses upon nearby properties on the other hand. The expansion of uses in the Marine Business District also furthers the Board's desire to expand economic opportunities in the Village in a reasonable manner. In the past, the Village has adopted legislation approving outdoor sidewalk and private dining, outdoor street fairs and other such expansion of permitted uses and activities both on a permanent basis and also on a temporary, seasonal basis. The Board recognizes that there currently are severe limitations on the types of commercial uses within the Marine Business

District and believes the time has come to expand these uses in a way that gives due consideration to real and tangible impacts upon nearby properties. All of the expanded uses require a special use permit from the Board of Zoning Appeals, which is required to consider adverse impacts upon nearby properties and, if feasible, impose conditions which significantly mitigate those impacts. The BZA also is empowered to impose reasonable conditions upon any approval and to require property owners to return to the BZA on an annual basis to monitor compliance with these conditions. In sum, the Board finds that the legislation furthers the intent of the Board to allow expansion of uses in the Marine Business District in a manner that is consistent with the zoning policies of the Village and which will not have significant adverse impacts to area properties.

Section 2. Statutory Authority and Supersession

This Local Law is adopted pursuant to New York State Constitution, New York State Village Law, Municipal Home Rule Law and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply to all lands situated within the boundaries of the Incorporated Village of Northport which are located within the Marine Business District, as may be amended from time to time by the Board of Trustees of the Incorporated Village of Northport.

Section 4. Amendments

Chapter 306 of the code of the Incorporated Village of Northport shall be amended as follows:

Explanation of notations:

Existing text is reproduced in normal type.

Text to be added is indicated in Italics.

Text to be deleted is indicated by ~~strikethroughs~~.

* * * indicates existing text to remain unchanged.

§ 306-14. Marine Business District.

A. Permitted uses. In the Marine Business District, lands shall be used and buildings shall be erected, altered or used only for the following purposes:

* * *

(6) Such uses for which a special use permit has been granted by the Board of Zoning Appeals under section 306-39(2)(g) of this Chapter.

B. Prohibited uses. In the Marine Business District, no land shall be used and no buildings shall be erected, altered or used for any purpose whatsoever if such use is not permitted by Subsection A hereof. Additional, no use permitted by Subsection A shall be permitted if such use:

* * *

(5) ~~Is a restaurant or other eating establishment.~~ *Features outdoor live music or outdoor amplified music.*

(6) *Is primarily a tavern or nightclub; a bar is permitted only if accessory to a restaurant use that has been granted a special use permit by the Board of Zoning Appeals pursuant to section 306-39(2)(g) of this Chapter.*

(7) *Floating restaurant.*

(8) *Ferries.*

(9) *Party boats.*

* * *

§ 306-39. Jurisdiction.

The Board of Appeals shall have jurisdiction in the following matters:

* * *

B. Permits. To issue permits for any of the uses for which this chapter requires the obtaining of such permits from the Board of Zoning Appeals. Approval of special use permits shall follow the procedures set forth in Village Law § 7-725-b.

* * *

(2) Specific requirements. In considering application for the following specific permits, the Board of Zoning Appeals, as a condition to its issuance of such permits, shall first determine that all the requirements indicated in the following provisions for such permit have been or will be met upon the issuance thereof and the satisfaction of which requirements shall be a continuing condition of the validity and existence of such permit. In addition to the minimum requirements hereinafter indicated, the Board of Zoning Appeals is also empowered to impose any further requirements or conditions to any permit which, in its opinion, are reasonably designed to further the interest and purpose of this chapter and which are in harmony with the provisions hereof.

* * *

(g) *Marine Business District.*

- [1] *The following uses shall be permitted in the Marine Business District by special use permit subject to the conditions noted herein and any conditions imposed by the Board of Zoning Appeals which are designed to mitigate adverse impacts of the proposed use: (i) restaurants which serve alcoholic beverages but which do not feature outdoor music, either live or amplified; (ii) new and used boat sales and brokerage; (iii) insurance sales, provided that boat insurance is available; (iv) sale of marine parts and accessories, such as inflatable rafts, rowboats, outboard motors; boat and fishing equipment, water sports equipment, marine electronics and communication equipment, boat covers, marine hardware and boating accessories, (v) boater's clothing, footwear and swimwear; (vi) boat and marine engine repair and maintenance; (vii) seafood sales, wholesales and retails; (viii) food provisions store; (ix) outdoor live and amplified music for no more than four (4) special events, each such event on a single day, in any calendar year, for which a special use permit is obtained from the Board of Zoning Appeals; (x) such other uses which the Board of Zoning Appeals finds is harmonious with existing uses and not harmful to adjacent properties*
- [2] *Before granting a special use permit the Board of Zoning Appeals shall take into consideration the following: (i) the impacts upon neighboring properties; (ii) traffic impacts, including a consideration of the number of parking spaces provided on site to satisfy the anticipated parking demands for all uses; (iii) whether the floor area, seating or other physical attributes of a proposed use should be modified to mitigate adverse impacts; (iv) whether the specific location for the proposed use is appropriate; (v) whether the number of such uses should be limited due to impacts upon nearby properties; (vi) whether the proposed uses are in harmony with other uses on the subject property; (vii) all uses on the subject property must be legalized before an additional use is granted; (viii) impact on municipal services; (ix) environmental and physical impacts of the proposed use; (x) the Board of Zoning Appeals is authorized to grant special use permits of a limited time period and which require the owner and applicant to return to the Board of Zoning Appeals within a specified time period to monitor compliance with the BZA grant and to determine if any modifications are warranted due to the impacts within and upon abutting properties;*
(ix) Compliance with the general standards applicable to special use permits at code §306-39-B(1); (x) applicants requesting a waiver or variance from any permit requirement must set forth variance proof to support a grant of the requested relief and specify the nature of this request in the public notice posted on the property and mailed to adjacent property owners.
- [3] *Restaurant uses may be granted permission for outdoor dining subject to compliance with the following: no outdoor live or amplified music; all patrons outdoors must be at tables for the purpose of dining, where service of food and beverages, including alcoholic beverages, shall be by waiter/waitress service only; there shall be no congregating in*

outdoor areas for any other purposes; all outdoor areas shall be specifically designated and devoted to tables for diners without any other activities; outdoor seating prohibited after 10:00 p.m. Sunday through Thursday and after 11:00 p.m. Friday and Saturday; except for a service bar, no bar area where customers are served food or beverages directly or where any bar stools or seats are located may be located outside.

[4] *If live or amplified music is played indoors, then doors, windows or other openings must stay closed for the entire duration of such music, excepting such ingress and egress as is necessary for fire protection purposes.*

[5] *As to pending applications for relief relating to the subject matter of the amendments, the applicant and property owner are required to re-apply under the enacted provisions of this code amendment. Existing uses that enjoy a grant of approval from a Board of the Village will be required to re-apply under these code amendments if any change in or expansion of the use as previously approved is proposed or existing.*

[6] *If there are restrictive covenants in effect for a property that relate to the subject matter of these code sections for the Marine Business District, then these code sections and the Board of Zoning Appeals permits and variances granted hereunder shall supersede said restrictive covenants. The Board of Zoning Appeals is authorized to grant a modification of such covenants consistent with determinations it makes under this chapter.*

* * *

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

RESOLUTION 2011 -164~PROPOSED LOCAL LAW "I" OF 2011

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the ___ day of December, 2011, to consider the following proposed local law:

**PROPOSED LOCAL LAW “ I ” OF 2011
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 42 “OFFICERS AND EMPLOYEES”
OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that the longevity pay for certain employees of the Village should be increased to be consistent with longevity pay of other employees and that the service of the affected employees warrants this increase.

Section 2. Statutory Authority

This Local Law is adopted pursuant to New York State Village Law and Municipal Home Rule Law.

Section 3. Applicability

The provisions of this Local Law shall apply to those Village officials and employees as specified in the local law.

Section 4. Amendments

Explanation of notations:

Existing text is reproduced in normal type.

Text to be added is indicated in italics.

Text to be deleted is in ~~strikeout~~

* * * indicates existing text to remain unchanged.

**CHAPTER 42
OFFICERS AND EMPLOYEES**

* * *

ARTICLE II
Fringe Benefits

§ 42-3. Designation of employees to receive benefits.

The Village Board of Trustees herewith codifies the following existing fringe benefits which have been and shall be accorded to the incumbents of the indicated positions:

* * *

- C. Village Clerk, Deputy Clerk, Treasurer, Deputy Treasurer, Secretary of the Planning Board, Secretary of the Board of Zoning Appeals and full-time clerical employees, none of whom are members of a bargaining unit that is party to a collective bargaining agreement with the Village. A longevity award of ~~\$500~~ 800 shall be granted upon reaching 20 years of service, and an award of ~~\$250~~ 650 shall be granted upon reaching 15 years of service, effective within 30 days of the date of adoption of this resolution.

* * *

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. SEQRA

The Board of Trustees has determined that pursuant to §617.5(c) 20 and 27 of the SEQRA regulations this action of the Village of Northport is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action . . ." and therefore, the proposed action of the Village of Northport in this matter is a Type II action and requires no further action pursuant to SEQRA.

Section 7. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

RESOLUTION 2011- 165 ~ GRANTING THE APPEALS FOR ADJUSTMENTS OF

