

**VILLAGE OF NORTHPORT
NORTHPORT, NY 11768**

PLEASE TAKE NOTICE: A public hearing of the Village Board of Trustees will be held on Wednesday, November 6, 2024 at 6:00 p.m. in Village Hall, 224 Main Street Northport, NY 11768 and will also be available via Zoom.

Register in advance to attend by Zoom only:

<https://us02web.zoom.us/meeting/register/tZYoc-2hqzwsHNdDcoUqstJ2sk4w4c5iVDfM>

After registering, you will receive a confirmation email containing information about joining the meeting.

A Public Hearing to consider the following proposed local law of the code of the Village of Northport:

PROPOSED LOCAL LAW "B"
Environmental Protection Standards for Residential and Recreational Marine Structures
124-4 A 4 (b)
OF THE CODE OF THE VILLAGE OF NORTHPORT

THE VILLAGE HEREBY PROPOSES THE FOLLOWING LOCAL LAW

Local Law Introductory No. "B" §124-4 A 4 (b) Environmental Protection Standards for Residential and Recreational Marine Structures

The current Section 124-4 A 4 (b) is proposed to be amended as follows with proposed new material underlined as follows:

Chapter 124-4A 4(b)

(b) Upon referral from the Northport Village Board of Trustees, the Zoning Board shall review and act upon the application. The Zoning Board review shall include, but not be limited to, navigational safety issues; whether it will produce a detriment to the nearby properties; if the requested application to exceed the limits is substantial; if the proposed application adversely affects the physical and environmental conditions in the area and can the relief sought by the applicant be achieved by some other feasible method:

* * *

(1) The Village Board of Trustees hereby finds that for ecological, public use, navigation, aesthetic, public health and safety certain coastal areas within the Village of Northport must be monitored to protect their continuing use for all residents. The Board of Trustees intend that:

1. The New regulations are compatible with the preservation, protection and

enhancement of the present and potential value of water resources.

2. The regulations will protect the public health and welfare and shall limit dock installations to a parcel improved with a residence.
3. The regulations will maintain the integrity of the harbor for the visual enjoyment of the public.
4. The regulations will enable regulation of congestion and review applications for environmentally sensitive areas and regulate sprawl in the Harbor.
5. Various methods exist for property owners to access their boats, including private rowboats, skiffs, membership in various yacht clubs and launch services, public kayak and canoe racks, public mooring facilities in the Northport, Northport and Centerport Harbor complexes, commercial marine supply companies providing launch service and moorings and the Village of Northport dock. The area to be regulated herein shall extend from the western most shoreline to the Northport Harbor Zoning line as referred to on the Village Zoning Map and incorporated herein and as filed in the Office of the Village Clerk. The Board of Trustees or in an instance where the Board of Trustees refers the application to the Board of Zoning Appeals; such entity shall have full authority to hear the application and consider all aspects of the application including but not limited to environmental issues. Further, the reviewing Board may establish such internal rules as they deem advisable and same shall be filed in the Office of the Village Clerk. The Board hearing the application shall have the ability to retain an expert on any aspect of the application, the cost of which shall be borne by the appellant. Upon request of the Board an escrow will be established to be funded by the applicant and held in escrow by the Village Clerk. Billing shall be submitted on a monthly basis by the consultant on notice to all parties and if no objection thereto is filed, same shall be payable in 30 days. The Board may but is not obligated to accept the recommendations of the consultant. The Board shall have subpoena power.
6. Fixed pier, ramp, and floating dock(s). The following standards and regulations shall apply to the design, construction, and operation of a residential and/or recreational fixed pier, ramp and float as permitted under this chapter.
[Amended 4-20-2021 by L.L. No. 1-2021]
7. The maximum overall length of a fixed pier, ramp and float dock structure shall be limited to a distance not to exceed 100 feet extending from a mean high-water (MHW) mark to littoral property subject to the rights of the public to provide access for the use of underwater lands to obtain natural resources, including finfish and shellfish, and use of waterways for navigation, recreation, and swimming. Measurements shall be taken from mean high-water (MHW) line to extend seaward.

8. The underside of joists supporting a fixed pier that extends seaward shall be elevated no less than four feet above mean high water.
9. The deck of a Residential fixed pier shall have a maximum surface width of 48 inches. All proposed decking shall permit the passage of light and water to the area below, unless otherwise authorized by the New York State Department of Environmental Conservation (NYSDEC).
10. The areas of the fixed platform/deck shall not exceed 400 square feet. A dock shall not exceed 100 feet in length from a mean high-water (MHW) mark and shall not exceed four feet in width and shall be located within setbacks. Further, the applicant must demonstrate to the Board with documentary evidence that they have conducted soundings in at least three lateral locations from shore in order to demonstrate that their proposed dock location is in fact proposed in the deepest area off the property.

(a) Upon referral from the Northport Village Board of Trustees, the Zoning Board shall review and act upon the application. The Zoning Board review shall include, but not be limited to, other factors as defined herein and navigational safety issues; whether it will produce a detriment to the nearby properties; if the requested application to exceed the limits is substantial; if the proposed application adversely affects the physical and environmental conditions in the area and can the relief sought by the applicant be achieved by some other feasible method.

(b) In addition to the foregoing, no application for the relief sought hereunder shall be granted without New York State Department of Environmental Conservation and United States Army Corps of Engineers approval of the maritime structure. Further, if any other agency with jurisdiction offers a procedure to apply for a variance for any condition over which they have jurisdiction; the applicant must demonstrate to the Board that they have made such application and exhausted any appeals, on an intra-agency or a judicial basis; relative to the determination of that agency.

11. The seaward terminus of a fixed pier, ramp and float(s) structure shall not extend within a distance of 50 feet of any federally or locally designated channel, vessel accessway, fairway or anchorage.

12. No fixed pier, ramp or float(s) structure shall hinder or impede public use of the water, vessel navigation or adjacent littoral areas nor prevent lateral access along the shoreline below the MHW mark.

13. Float(s) may be oriented either in-line with the ramp or in an "L" or "T" configuration. No more than a total length of 40 feet of six-foot-wide floats shall be used at the terminus of the fixed pier or dock assembly.

14. Access structures. The following standards and regulations shall apply to the design and operation of a bulkhead wall and fixed platform access structure:

(1) A fixed platform shall be constructed of planking that shall run perpendicular or diagonal to the frame. Planking shall be spaced with one-half-inch gaps. No solid decks shall be permitted.

(2) a. Further factors for consideration and compliance with before any relief is granted:

A. Environmental. Regarding Floating Docks, they tend to impede the tidal and littoral flow of waters, causing the collection of flotsams and decaying marine and plant life on and above shoreline, where insects breed. The mooring of boats on docks results in increased near-shore dumping and oil and gas spillage; erosion of sand occurs between docks along with seaweed in and around the docks all of which interferes with the environmental quality of the waterfront; all of which should be considered before any grant is approved.

B. Pollution. The air becomes polluted by increased engine operation from the storing, running, idling and testing of boats alongside of docks. Further, air pollution results from rotting seaweed, grass and moss collected by docks, from pier and boat cleaning, from cooking on boats near the shore and from barnacles and mussels under docks and piers stored on the beach off-season. Noise occurs from people walking the pier and partying on boats and piers, and from rattling and banging of docks and floats. Water pollution occurs from gasoline spillage during fueling, from rotting seaweed and debris and from boat maintenance operations of soaping, applying detergents, cleaners, paint and oil. The proposed dock and the operation must fully comply with all aspects of Chapter 200 "Noise" under the Village Code.

C. Swimming. The foregoing referred to proliferation of debris, gas, oil and stagnant water caused by dock interference with water flow is hazardous to the health of those attempting to swim in the area. Docks can be a hazard to swimmers, as can dock anchors and moorings, including chains and cable tackle positioned just below waterline at various tides. Docks are obstacles to lateral swimming along the beach.

D. Navigation. Sailboats tacking to and from the beach have their movement controlled by docks, floats anchors and mooring lines. In addition, docks limit the movement of rowboats, canoes and small boats along the shore. Further, our community encourages kayaking and canoeing, which activities require the ability to navigate near shore without hinderance or obstruction. Further the Village actively

supports the right of all residents to access and use the waterways.

E. Aesthetics. Docks destroy the open beach vista, and dock sections piled up on the beach (and sometimes abandoned) during off-season are unsightly. Lights on docks shining shoreward at night disturb upland owners. The dock shall be designed and constructed of such materials and in such a manner as to minimize any adverse environmental effect on the waters of the area and to allow for adequate flow-through of waters while the dock is resting in the water, and to prevent a major part thereof from contacting the beach when tidal waters recede.

F. General. Unauthorized persons have access to and from waterfront homes by use of docks. Activity from those using docks and mooring boats thereon increases the need for police protection, causes neighbor's complaints and in general results in a higher cost to the Village. Hazards to children are created by the risk of their unattended walking on docks and falling into deep waters. High winds from storms can cause portions of docks to break loose and endanger vessels in the vicinity and structures on the neighboring shore.

G. Meetings; adoption of rules.

(1) All meetings of the Board handling the application must be public. An applicant must file all papers with the Village Clerk not later than ten days prior to the scheduled hearing date.

(2) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Board shall have the power to adopt, amend and repeal rules and regulation, not inconsistent with other laws or these provisions, governing its procedure and other transactions of its business and to approve or disapprove of applications for dock permits therefor in accordance with the provisions of this Article, with conditions as appropriate.

(3) Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall be in writing and filed in the office of the Village Clerk and shall be a public record.

H. Referral of applications for permits. Every completed application for a building permit for the construction, reconstruction or alteration of a dock shall be referred to the handling Board by the Village Clerk. The referral shall be made upon receipt by the Village Clerk of a completed application, provided that such application conforms in all

respects to all other applicable laws and ordinances. Unless and until a completed application is received; the application shall not be calendared. All procedural rules including but not limited to appeals and the taking of an appeal to the Court shall be governed by the Village Law and such local law as set forth for variance relief. Any Article 78 challenging the determination of the Board herein must be filed with the Court within THIRTY (30) days of the decision being filed in the Office of the Village Clerk.

I. Notice. Notice of every application referred to the Board pursuant to this Article in connection with a dock permit shall be mailed to each property owner in the area whose property borders on Northport Bay and is located within 500 linear feet of such property. The applicant shall be responsible for payment of the cost of such mailing and said cost shall be submitted to Village Clerk with the application. Failure to comply with this subsection shall result in the application being deemed incomplete and not placed in the calendar

J. Requirement of Permit.

15. Issuance of Permit. No dock shall be erected in the Village without the approval of a permit by the Board after approval of Permit issuance by the Building Department.

16. All Floating docks shall be removed from the water during the months of December through March.

17. Permit Application Fees, Rules and Procedures

1. Procedure. Before commencing work on any dock, the owner of the premises, or his or her authorized representative, shall apply for a Permit from the Board of Trustees or designated Board at the office of the Village Clerk. The application must contain all information as required in 124-24 and be accompanied by such of the following or other data and in such form as may reasonably be required:

(1) The application must be on a form prescribed by the Village Clerk and must be accompanied by any required valid Permits issued by the United States Army Corps of Engineers and the New York State Department of Environmental Conservation.

(2) An appropriate completed environmental assessment form and information required under the New York State Environmental Quality Review Act^[1] must accompany each application.

(3) A complete description of the proposed work, including a set of detailed plans showing the structure and the materials to be used must be provided; all plans shall be stamped with the seal of a licensed architect or professional engineer to the extent required by the Education Law of the State of New York.

(4) The plans must be accompanied by a survey showing location of the dock and dimensions of the affected premises less than five years old.

(5) The application must detail the method to be employed and the length of time required for the performance of the work.

(6) Fees. The fee established by the Board of Trustees shall be payable to the Village upon applying for a permit hereunder. This fee shall be in addition to the costs for the mailing of notices, which shall also be borne by the applicant. The Board of Trustees may also impose a fee upon the applicant at the time of making the application or thereafter, commensurate with any expense reasonably incurred or expected to be incurred by the Board in the consideration of such application, including the cost of retaining environmental and other consultants, as deemed necessary by the Board of Trustees.

The Village Board or Zoning Board, if assigned to the application, shall comply with all the provisions of the State Environmental Quality Review Act prior to the issuance of a Permit pursuant to this Article.

(7). Use Of Docks – Rules. The following rules shall apply with respect to the use and operation of docks within the Village:

A. No boat other than one belonging to the upland property owner and/or another resident of the Village may be moored at a dock, except that a guest of the owner may use such facility for a period of up to 48 hours. Dock space shall not be rented.

B. No mooring shall be placed on underwater land such as to cause a hazard to adjacent properties.

C. No gasoline or diesel fuel shall be stored on any dock

D. No floodlights shall be installed on any floating part of a dock and the dock in its entirety must conform to all provisions of Chapter 191 Lighting.

E. Floating docks shall not be stored during off-season on the beach of the upland owner and, if stored on the upland property, must be stored at least 30 feet upland from the higher of mean high-water line or the sea grass.

The Board approving the Dock Permit herein shall have continuing jurisdiction and compliance with all conditions of grants hereunder.

Possession of a Permit hereunder for the erection, expansion or substantial alteration of a dock, and the rules regarding use and operation of docks within the Village, shall be subject to supervision by the Harbor Master, with any violation thereof to be reported to the Village Clerk.

Any violation of this Article or any part thereof shall be punishable by a fine of not exceeding \$250 for each offense. Each day that a violation continues shall be deemed to be a separate offense.

October 3, 2024
Northport, NY 11768

Georgina Cavagnaro
Village Clerk