

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

A local law Creating a Moratorium on the demolition of or modification to any structure predating the Incorporation date of the Village of East Hills.

Language to be Added [underlined]

Language to be Removed [~~strikethrough~~]

Be it enacted by the

County

City

Town

Village Board of Trustees of the Incorporated Village of East Hills, as follows:

Chapter entitled, "Building Construction" is hereby amended by adding the following:

"Section 223-22. Moratorium on Demolition or Modification of Structures that predate Incorporation of the Village.

A. Findings and Intent: The Village of East Hills Board of Trustees desire to maintain, insure and preserve the special character of neighborhoods that contain unique or distinctive structures or architectures. In recent years numerous applications have been made to demolish or modify structures within the Village, some of which have historic or other architectural significance that are worth protecting or preserving. In addition, the Planning Board has received and accepted a Final Environmental Impact Statement in regard to an architecturally significant property which is slated for potential demolition as part of a requested site plan approval. The Village has also retained the services of a consultant to review the Village zoning and building codes towards potential modification thereof, in part, to protect the Village's architectural and historic heritage.

Inasmuch as property owners have applied or are contemplating applying for permits to demolish or modify existing structures within the Village, some of which are historic in nature, the Village Board of Trustees find that the continued demolition of such structures may run contrary to the general health, welfare, and environment of the Village, its residents in general, and of the neighborhoods that they reside in specifically.

The Village Board desire to preserve the status quo in regard to historic structures until it has prepared a survey of historic structures within the Village, and until recommendations with regard to identifying such structures as being worthy of preservation and protection are received and the

public has had opportunity to review and comment upon these reports. After review of such recommendations the Board may wish to leave the existing law as is, or amend the Village Code to create a method by which historic structures could be granted a protected status. The Village Board also wish to determine whether a general Historic Preservation Law is desirable and to provide, by this legislation, reasonable time to make that determination. Therefore, in accordance with the authority granted by the Village Law, and sections 96-a and 119-dd of the General Municipal Law, and in order to protect the general health, welfare, and environment of the Village and its residents under its police powers, the Village Board hereby declare:

B. That commencing immediately and continuing to June 30, 2021 (and for such other six-month extensions of this moratorium as are lawfully adopted) the Village of East Hills Building Inspector shall be and hereby is prohibited from issuing any demolition or building permit that would allow for the demolition, modification, or alteration of any portion of a structure or the entire structure, where any portion of the overall structure was built prior to the incorporation of the Village. This provision suspends the power of the Building Inspector, all employees of the Building Department, and any Code Enforcement Officer and their designees, as provided for in sections 223-7, 223-12, and 223-13 of the Village Code, and all other provisions of the Village Code that are in conflict with the intent, purpose, or provisions hereof, from issuing demolition or building permits affecting such structures. The Building Inspector shall be and hereby is directed to ascertain, or to require the provision of any information by an applicant, by any reasonable means he or she may determine, whether any structure proposed for demolition, modification, or alteration contains structural or architectural elements pre-dating the Village's incorporation date of June 24, 1931.

C. Contrary to any provision of Chapters 223 and 271 of the Village Code, and Article 7 of the New York Village Law, any person desiring relief from the provisions of this Moratorium may, without the necessity of obtaining a denial from the Building Inspector, file a direct petition with the Board of Trustees who shall consider said request after a public hearing, on reasonable notice, at which the petitioner shall have the right to be heard and to present evidence in support of the petition, and where members of the public shall have the right to be heard and present evidence in either support or opposition. Prior to or at the public hearing, or any reopened public hearing, the Board of Trustees may seek such information from the petitioner that they deem necessary. Upon their consideration of all information, evidence, and circumstances, the Board of Trustees may, in their discretion, grant relief herefrom as to any portion or the entirety of the project at issue or may deny such relief.

D. Pending the lapse or repeal of this Moratorium (or such six-month extension hereof as is lawfully adopted), the owner of any structure or structures, or the person or entity who performs demolition, modification, or alteration on any structure, contrary to the prohibitions contained herein shall be subject to an action for damages in the amount of the replacement value, in kind, of the structure or structures as of the date of its demolition, modification, or alteration.

E. In addition to any civil action that may be taken, violation of this section shall be and hereby is deemed to be a misdemeanor, and shall punishable by fine in the amount of \$10,000 for each violation hereof, or by imprisonment not exceeding one year, or both.

F. This Moratorium shall not affect any properties for which a valid demolition permit or building permit that includes the demolition of a structure otherwise regulated hereunder has been issued as of the date of this local law.”

This local law is adopted pursuant to the provisions of Municipal Home Rule Law § 10(1)(ii)(a) and the Statute of Local Governments § 10(1), and shall supersede any provisions of Article 7 of the New York Village Law that are inconsistent with the provisions hereof.

This local law shall become effective upon adoption and notwithstanding that it has not yet been filed with the Secretary of State.