

Adopted February 19, 2019

**INCORPORATED VILLAGE OF GREAT NECK
BOARD OF TRUSTEES**

Local Law No.2 of 2019

**A LOCAL LAW TO SUSPEND
ALL APPROVALS RELATED TO
RESIDENTIAL SUBDIVISIONS**

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Great Neck, as follows:

Section 1. Legislative Intent and Findings.

The purpose of this local law is to suspend temporarily the processing or approvals of any subdivision for properties located within residential zoning districts of the Village of Great Neck. This temporary suspension is intended to provide the Village with the time and opportunity to consider potential changes to its zoning and land use regulations while preserving the status quo. The Board of Trustees is concerned that there exist certain properties in the Village's residential zones that could be subdivided, and that it is in the best interest of the Village, and the public health, safety and welfare of residents of the Village, to assure that such developments are consistent with: (a) the preservation of the unique community character of the Village; (b) the protection of the Village's environmental, aesthetic, recreational, cultural and natural resources; and (c) proper control of growth so as to not unduly impact traffic, utilities, infrastructure, community services and open space preservation. The Board of Trustees hereby finds and concludes that it is in the best interests of the residents of the Village of Great Neck, that a temporary moratorium be declared for a reasonable period of time with respect to the subdivision of any residential property in the Village. Such a moratorium would provide the Village a reasonable opportunity to review and amend its zoning regulations as may be appropriate. Such a moratorium also would prevent any person or property owner from acquiring vested rights to undesirable development during such review period and before any such amended zoning regulations could take effect.

Section 2. Moratorium.

From and after the effective date of this law, and continuing for a period of time as set forth hereinafter, no application shall be processed or accepted, and no permit or approval may be issued, by the Board of Trustees, Zoning Board of Appeals or Planning Board of the Village of Great Neck, or any other department, board or agency of the Village having jurisdiction over applications for construction or development of property, buildings or structures, (including, without limitation, any site plan approval, subdivision approval, building permit, special permit, zoning permit, variance, or other approval or permission) with respect to any proposed use or

development of any property that requires approval from the Village of Great Neck, or any of its departments, boards or agencies, that would permit an increase in the number of parcels or lots on any residential property. Except as otherwise excluded from the provisions of this moratorium, any subdivision of residential property subject to the land use and/or subdivision jurisdiction of the Village shall be prohibited during the period of the moratorium. Nothing in this moratorium shall be interpreted or applied to prohibit or prevent (a) processing of any applications, permits, and approvals related to any subdivision application pending before the Village Planning Board as of January 1, 2019, (b) the development of a lot that was being created pursuant to a previous approval by the Village Planning Board, and for which such approval, and any underlying variances related thereto, remains viable, (c) an application to alter existing lot lines between parcels of real property, provided that there is no increase in the number of parcels as a result of such lot line alteration, or (d) an application to legalize a previous transfer of tax lots without first obtaining subdivision approval where the total tax lots separately conveyed does not exceed four (4) lots.

Section 3. Duration of Moratorium.

(a) The moratorium established by this law shall be effective until and including six (6) months from the date of adoption of this law, unless sooner terminated as provided herein.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Board of Trustees, by resolution adopted by a majority of its members, may extend the duration of the moratorium provided for herein for not more than two periods of six (6) months each. Should the Board of Trustees elect to exercise the authority provided in this subsection, the Board will first refer the extension resolution to the Nassau County Planning Commission in the manner provided for under General Municipal Law § 239-m and include a status report summarizing the accomplishments achieved during the initial period of the moratorium and what is expected to be accomplished during the additional time required for the extension of the moratorium.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the Board of Trustees, by resolution adopted by a majority of its members, may terminate the moratorium enacted by this law at any time prior to the expiration, or expiration of any extension, thereof.

Section 4. Hardship; Exemptions.

In any case where a property owner demonstrates to the satisfaction of the Board of Trustees that the provisions of this law, or the effects of this law, have created a financial hardship to such person, and demonstrates the existence of such financial hardship in the same manner and to the same extent as would be required to obtain a use variance from the Board of Appeals, the Board of Trustees, after public hearing held and noticed in the same manner as provided for a public hearing before the Board of Appeals, may grant an exemption from the provisions of this law, and by such exemption permit one or more board(s) or agency(ies) of the Village to process

and/or consider any application, and in proper cases issue any particular approvals, which would otherwise have been subject to the provisions of this moratorium.

Section 5. This local law shall supersede and suspend any local law, ordinance, or resolution of the Village of Great Neck in conflict with this local law, to the extent of such conflict, for the duration of the moratorium. It is the stated intention of the Village of Great Neck that this local law shall supersede Village Law § 7-728 and § 7-730 pursuant to Section 10 of Municipal Home Rule, to the extent that this local law may conflict with applicable portions thereof, for the duration of the moratorium. Furthermore, the Village of Great Neck hereby provides notice that it is exercising its authority to supersede and amend pursuant to Section 22 of Municipal Home Rule.

Section 6. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law, and shall only be applicable to permit or other approval applications subject to this law for which an associated application for subdivision was filed with the Village Planning Board on or after January 2, 2019 through the end of the effective period of this law.