

BOARD OF TRUSTEES
VILLAGE OF GREENPORT

RESOLUTION ADOPTING A LOCAL LAW OF 2023
CREATING SECTION 150-51 OF THE GREENPORT VILLAGE CODE SETTING A
MORATORIUM ON DEVELOPMENT IN THE WC WATERFRONT COMMERCIAL,
CR RETAIL COMMERCIAL, AND CG GENERAL COMMERCIAL
ZONING DISTRICTS OF THE VILLAGE OF GREENPORT

WHEREAS the Board of Trustees of the Village of Greenport by resolution adopted on December 2, 2022 (“Resolution”) proposed a Local Law of the Village of Greenport, which Local Law would create a new Section 150-51 of the Greenport Village Code (“Local Law”) which Section 150-51 would create a six month moratorium on development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning districts of the Village of Greenport, and further set a public hearing of the Board of Trustees on that Local Law to be held on December 22, 2022; and

WHEREAS the Board of Trustees in the adoption of the Resolution for the consideration and proposal of the Local Law found and determined that:

1. The zoning districts established by the Zoning Code of the Village of Greenport, Chapter 150 of the Greenport Village Code, and the uses prescribed in those districts have not been the subject of an overall comprehensive review or complete revision since the adoption of the sections of the code forming those districts and their uses was adopted; and
2. That there have been and continues to be significant changes in the nature of the development and uses of the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning districts of the Village of Greenport and there continues to be demands for development in those districts that is different from what was contemplated in the original formation of the districts and the original provisions regulating their uses; and
3. That the changes threaten to permanently alter the nature of the Village of Greenport from a waterfront dependent and working waterfront community and to permanently change the nature of the uses in those districts to uses that were not intended or planned; and
4. That in order to provide for the future orderly development of the Village in a manner that is in the best interests of the Village, that the development in the aforementioned districts must be paused to give the Village Board the opportunity to study and undertake tangible measures to effect these goals in order to protect the Village from any further loss of the working waterfront and water dependent uses and any further haphazard or unplanned development in these districts that will irreversibly damage the future orderly development and unique qualities of the Village; and
5. That in order for the Village of Greenport to achieve the aforementioned important goals it is necessary that a local law be adopted by the Board of Trustees establishing a moratorium on applications, approval and development in the WC Waterfront Commercial, CR

Retail Commercial and CG General Commercial Districts while possible amendments to the Greenport Village Zoning Code can accomplished; and

WHEREAS a public hearing on the Local Law as proposed on December 2, 2022 was held on December 22, 2022 and the public hearing was thereafter adjourned and then duly noticed and held at the January 26, 2023, February 23, 2023, March 23, 2023 and April 20, 2023 public meetings of the Board of Trustees of the Village of Greenport; and

WHEREAS by further resolution of the Board of Trustees adopted on December 22, 2022 and other actions, the Board of Trustees established a Waterfront Advisory and Planning Committee of the Village of Greenport, and appointments were subsequently made to that Committee and the subcommittees (Zoning, LWRP and Infrastructure) of the Committee, which Committee and subcommittees have been meeting and discussing potential changes to the Greenport Village Code and other recommendations to address the concerns of the Board of Trustees, and the completion of an amendment to the Local Waterfront Advisory Plan of the Village of Greenport; and

WHEREAS a final version of the Local Law was referred by the Board of Trustees of the Village of Greenport to the Planning Board of the Village of Greenport as required by the Greenport Village Code, and the final version was thereafter on January 10, 2023 referred by the Board of Trustees of the Village of Greenport to the Suffolk County Planning Commission and the other necessary parties as required pursuant to the New York State General Municipal Law and Village Law and other rules and regulations; and

WHEREAS the Suffolk County Planning Commission considered the referral of the Local Law at its February 1, 2023 public meeting and determined that the referral of the Local Law was incomplete and requested additional information from the Village of Greenport regarding applications made to the statutory boards of the Village of Greenport for the period of 2013 through 2022, which information was provided by the Village of Greenport to the Suffolk County Planning Commission on February 24, 2023; and

WHEREAS the Suffolk County Planning Commission thereafter at a public meeting of the Commission held on March 1, 2023 acknowledged the receipt of the additional information that was provided by the Village of Greenport, and determined that the Staff of the Suffolk County Planning Commission required additional time to consider the submission and to issue an updated staff report, and adjourned the consideration of the referral of the Local Law until the April 4, 2023 meeting of the Suffolk County Planning Commission; and

WHEREAS the Staff of the Suffolk County Planning Commission issued a Supplemental Staff Report on or about March 29, 2023, wherein the Staff reviewed the material that was submitted by the Village of Greenport in response to the request from the Suffolk County Planning Commission and data regarding population and housing changes in the Village of Greenport and the greater Greenport area of the Town of Southold independently obtained by the Staff; and

WHEREAS the analysis contained in the Supplemental Staff Report supported the findings of the Board of Trustees regarding the necessity of the moratorium and code changes, recognizing that 75% of the applications in the period of materials submitted by the Village were from a commercial use to food service use, and that there was a significant increase in population and housing units in the Village of Greenport and the areas surrounding the Village of Greenport from 2010 to 2020 and circumstances existing inside and outside of the Village resulting in development pressures which the Village could find supported the necessity of a moratorium and changes in the Village Code; and

WHEREAS the Supplemental Staff Report of the Suffolk County Planning Commission recommended the approval of the Local Law creating a moratorium by the Suffolk County Planning Commission on the condition that the period of the moratorium period be limited to three (3) months, and recommended that the adopting resolution contains findings supporting the statements of an increased demand in the development of many different types of uses in the commercial districts, and that the moratorium be detached from the adoption of a Local Waterfront Revitalization Plan by the New York State Department of State; and

WHEREAS the Suffolk County Planning Commission at its public meeting held on April 4, 2023 adopted a resolution whereby the Commission approved the Local Law of 2023 establishing a moratorium subject to a condition that the moratorium be limited to two (2) months; that findings of fact supporting the statement that “a growing trend of increased demand in the development of many different types of uses in the commercial districts of the Village” shall be edited into the moratorium local law or attached thereto; and (3) that the moratorium shall be detached from the adoption of the LWRP; and

WHEREAS the necessity and urgency of the adoption of the adoption of the Local Law creating a moratorium is supported by the findings of the Board of Trustees, and the Supplemental Staff Report and April 4, 2023 Resolution of the Suffolk County Planning Commission, which Report and Resolution recommended approval of the Local Law setting the moratorium; and

WHEREAS the time period of two (2) months that is contained as a condition in the April 4, 2023 resolution of the Suffolk County Planning Commission approving the Local Law and the moratorium is not even sufficient time to allow for the Village of Greenport to draft the changes requested by the Suffolk County Planning Commission to the Local Law and thereafter complete the procedural referral of an amended local law containing the conditions to the Suffolk County Planning Commission, the Village Planning Board and the other necessary bodies, and to then notify the public, conduct a public hearing and proceed on the adoption of those changes;

WHEREAS the Board of Trustees of the Village Greenport, and the Supplemental Staff Report and April 4, 2023 resolution of the Suffolk County Planning Commission determined that there is justification and support and cause for the adoption of the Local Law creating the moratorium, the Board of Trustees of the Village of Greenport therefore adopts the following:

FINDINGS and DETERMINATIONS:

1. The Board of Trustees adopts the Findings of the December 2., 2022 Resolution of the Board of Trustees setting the original public hearing on the Local Law which are stated above and which are included by reference and adopted in this Resolution; and
2. The Board of Trustees finds and determines that the Village of Greenport contains a unique setting of waterfront and water dependent and related properties and uses and that the continuation of the water dependent uses and orderly and protected development of the waterfront and proximately located properties is essential to maintaining the character and aesthetics of the Village of Greenport; and
3. The Board of Trustees finds and determines that as recognized by the Staff of the Suffolk County Planning Commission the commercial area of the Village of Greenport serves and exists as the “downtown” for the greater Southold area, and that there are significant development pressures existing in the commercial area of the Village of Greenport due to an increase in population in the Village of Greenport of 17.57% from 2010 to 2020, and an increase in the greater Southold area which the Village services of 8.03% from 2010 to 2020, and an increase in the housing stock in the Village of Greenport, and in the area outside of the Village from 2010 to 2020, and that these factors and other factors recognized by the Board of Trustees of the Village of Greenport and the Suffolk County Planning Commission as having and continuing to place significant development pressure on the commercial area of the Village of Greenport, which requires a review of the Zoning and other Codes of the Village of Greenport and necessitates a moratorium on development in the commercial districts of the Village; and
4. The Board of Trustees finds and determines that there are a number of waterfront properties currently with water dependent uses that are subject to loss or conversion to non-water dependent uses with irreversible changes and losses in the atmosphere and character of the Village of Greenport, and as determined by the Staff in the Supplemental Staff Report, based on the information on development and use applications made to the Village during the period of 2013 to 2022 which indicated that seventy-five percent (75%) of the applications were for food service or related uses, and that there has been a trend of changes in uses in the commercial zones of the Village of Greenport from the traditional uses of the Village of Greenport to tourist related uses that were not planned for in the current Village Code and that will continue absent amendments to the Zoning and other Codes of the Village of Greenport, which necessitates a moratorium on development in the commercial districts of the Village; and
5. The Board of Trustees finds and determines that the amount of time that is involved in having an updated LWRP prepared, submitted, reviewed and approved by the New York State Department of State and the other government agencies with jurisdiction exceeds the necessary time for a moratorium, and that the term of the moratorium should not be connected to or dependent on the preparation and submission or approval of an LWRP; and
6. The Board of Trustees finds and determines that the Board of Trustees sent the necessary notice to all required agencies on January 10, 2023 that the Board of Trustees intends on action as lead agency and adopting lead agency status for purposes of SEQRA, and no

response having been received, that the Board of Trustees finds that it is correct for the Board of Trustees to adopt lead agency status and that the consideration and adoption of the Local Law creating Section 150-51 of the Greenport Village Code creating a moratorium is a Type II under the regulations adopted under the New York State Environmental Quality Review Act, 6 NYCRR 617.5(c)(36), and that therefore no further SEQRA review is required; and

7. The Board of Trustees finds and determines that there is no “no action” or other alternative as mentioned in the Supplemental Staff Report and that a failure to adopt the Local Law and moratorium at this time would have the potential of significant negative impacts on the Village of Greenport; and

8. The Board of Trustees finds and determines it is legally, procedurally and technically impossible for the Village of Greenport to make changes to the Local Law and to then comply with the required procedure to adopt the local law in the limited term of a moratorium on which the Suffolk County Planning Commission conditioned the approval of the Local Law and that therefore the Board of Trustees should override that condition and adopt the Local Law with a six (6) month moratorium, but should not determine to not exercise the three (3) month extensions that exist in the Local Law; and IT IS THEREFORE

RESOLVED that the Board of Trustees as provided in the referral provisions of the New York State General Municipal Law, hereby for the good cause and proper basis existing and as stated herein overrides the condition of the Suffolk County Planning Commission in the April 4, 2023 approval of the Local Law that the moratorium should be limited to two (2) months, and the Board of Trustees resolves that the length of the term of the moratorium shall not be linked to or conditioned on the time that is necessary for the Village of Greenport to prepare and submit an LWRP or for New York State or any other body of government or agency to approve the LWRP and that the Board of Trustees shall work to avoid the use of the extension provisions under the Local Law; and it is further

RESOLVED that the Board of Trustees hereby adopts the Local Law of 2023 creating Section 150-51 of the Greenport Village Code, creating a moratorium on development in the WC Waterfront Commercial, CR Retail Commercial, and CG General Commercial zoning districts of the Village of Greenport for a period of six (6) months.

Village of Greenport
April 20, 2023

Motion by _____ Seconded by _____

This Resolution to adopt the Local Law of 2023 creating Section 150-51 of the Greenport Village Code is carried upon roll call as follows:

Yes

No

Trustee Brennan

Trustee Dougherty-Johnson

Deputy Mayor Phillips

Trustee Robins

Mayor Stuessi