



236 THIRD STREET
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11944

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villageofgreenport.org

MAYOR
KEVIN STUESSI
EXT 215

TRUSTEES
MARY BESS PHILLIPS
DEPUTY MAYOR

PATRICK BRENNAN

LILY DOUGHERTY-
JOHNSON

JULIA ROBINS

TREASURER
ADAM BRAUTIGAM
EXT 217

VILLAGE CLERK
CANDACE HALL
EXT 214

February 27, 2025 at 6:00 PM
Mayor and Board of Trustees – Regular Meeting
Third Street Firehouse
Greenport, NY 11944

MOTION TO OPEN THE REGULAR SESSION MEETING

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Cathleen Mickaliger
David Peny Moore
Ronald Frank Zahra
Monica Susan "Sue" Lessard
Vernon "Jake" Jacobs
Anthony P. Dinizio
Helen S. Brush
Antone F. "Tony" Surozenski

ANNOUNCEMENTS

- The Village of Greenport will be hosting a joint meeting with Southold Town Board on March 20, 2025, at 5:00pm, at the Greenport Firehouse.
- Public Hearing for Chapter 103 entitled Rental Properties (Short Term Rentals) will be held on Wednesday, March 12, 2025, at the Old Schoolhouse at 6:00pm.
- The Village of Greenport annual tax sale is on March 12th, 2025.
- The Village of Greenport General Election is on March 18th, 2025.
- There will be two voter registration days at Village Hall
 - Thursday, March 6th, 2025 from 8:30am-5:00pm
 - Saturday, March 8th, 2025 from 11:00-5:00pm

BOARD DISCUSSION

- Rental Properties (Short Term Rentals) – Chapter 103
- Summer Paid Parking, Front & Main Streets
- Sewer Study and Moratorium Status
- Downtown Revitalization Grant & Sewer Funding, and other grants
- Ferry Queue & Jitney Project Update

- Carousel Update

PUBLIC COMMENT

RESOLUTIONS**RESOLUTION # 02-2025-1**

RESOLUTION adopting the February 2025 agenda as printed.

RESOLUTION # 02-2025-2

RESOLUTION accepting the monthly reports of the Greenport Fire Department, Village Administration, Village Treasurer, Village Clerk, Village Attorney, Mayor and Board of Trustees.

FIRE DEPARTMENT**RESOLUTION # 02-2025-3**

RESOLUTION approving the application for membership of Remi Droskoski to Standard Hose of the Greenport Fire Department, as approved by the Village of Greenport Fire Department Board of Wardens on February 19, 2025.

VILLAGE ADMINISTRATION**RESOLUTION # 02-2025-4**

RESOLUTION declaring as surplus, and no longer needed for municipal purposes as follows:

1997 FORD F-SERIES
1FDNF82C5WVA09231
2 DOOR
2 WHEEL DRIVE
V8 DEISEL AUTOMATIC TRANSMISSION
ALTEC ARIEL
MODEL # A0300
SN# 0397P1656
PLATFORM WORKING HEIGHT 36 FEET

VILLAGE TREASURER**RESOLUTION # 02-2025-5**

RESOLUTION authorizing Treasurer Brautigam to perform attached budget amendment #6483 to appropriate Electric fund reserves for phase 1 of the LED streetlight project, and directing that budget amendment #6483 be included as part of the formal meeting minutes of the February 27th 2025 meeting of the Board of Trustees.

RESOLUTION # 02-2025-6

RESOLUTION authorizing Treasurer Brautigam to preform attached budget amendment #6484 to appropriate general fund reserves for financial advisory services related to the 2025 bonding of the North Ferry, and directing budget amendment #6484 be included as part of the formal meeting minutes of the February 27th 2025 meeting of the Board of Trustees.

RESOLUTION # 02-2025-7

RESOLUTION authorizing Treasurer Brautigam to perform attached budget amendment #6485 to appropriate electric fund reserves to fund the monthly power invoice and directing budget amendment #6485 be included as part of the formal meeting minutes of the February 27th 2025 meeting of the Board of Trustees.

RESOLUTION # 02-2025-8

RESOLUTION authorizing Treasurer Brautigam to preform attached budget amendment #6488 to transfer funds from expense line A.3410.200 to expense line A3410.415, to fund the repair of the ladder truck and directing budget amendment #6488 be included as part of the formal meeting minutes of the February 27th 2025 meeting of the Board of Trustees.

RESOLUTION # 02-2025-9

RESOLUTION authorizing Treasurer Brautigam to preform attached budget amendment #6489 to transfer funds from expense line A.3410.200 to expense line A3410.415, to fund the repair of the Fire Department Boat and directing budget amendment #6489 be included as part of the formal meeting minutes of the February 27th 2025 meeting of the Board of Trustees.

RESOLUTION # 02-2025-10

RESOLUTION approving the attached worksheet, reflecting new fees for the Village of Greenport Building department.

RESOLUTION # 02-2025-11

RESOLUTION approving the attached worksheet, reflecting new fees for the Village of Greenport Planning, Zoning, and HPC.

RESOLUTION # 02-2025-12

Resolution approving the attached electric forms, reflecting new fees for new or upgraded services.

RESOLUTION # 02-2025-13

RESOLUTION approving the Village of Greenport to frontload accrued time to employee #0683 on an as-needed basis, not to exceed 4 weeks.

VILLAGE CLERK

RESOLUTION # 02-2025-14

RESOLUTION adopting the attached SEQRA resolution regarding the proposed local law 2 of 2025 to amend the Code of the Village of Greenport in relation to the imposition of fees by Board of Trustees resolution; adopting lead agency status, determining the adoption of the local law to amend the Code of the Village of Greenport, to be an unlisted action, determining that the adoption of the local law will not have a negative impact on one or more aspects of the environment and adopting a negative declaration for purpose of SEQRA.

RESOLUTION # 02-2025-15

WHEREAS, the Board of Trustees has been considering the adoption of a local law that provides for the imposition of fees by Board of Trustees resolution (Bill VOG 02-2025), and WHEREAS, the law enables the Board of Trustees to adopt various fees by resolution from time to time, and

WHEREAS, the law is not a zoning law subject to referral to the Suffolk County Planning Commission, and WHEREAS, the Board has determined that the proposed law is an Unlisted action under the State Environmental Quality Review Act and will not result in a significant adverse environmental impact, and WHEREAS, the Board held published and posted legal notice of a scheduled public hearing on the proposed law, and WHEREAS, the Board held a public hearing on the proposed local law on February 22, 2024, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Greenport hereby adopts the proposed law (VOG 02-25) as Local Law 2 of 2025, a local law local law to amend the Code of the Village of Greenport in relation to the imposition of fees by Board of Trustees resolution from time to time, and BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to file the law with the New York Secretary of State.

RESOLUTION # 02-2025-16

RESOLUTION approving the contract between the Kalmar Nyckel Foundation and the Village of Greenport for the provision of a berth at the Rail Road Dock from July 20, 2025 and depart on August 4, 2025 to include the provision of public visitation, educational tours and public sails as detailed in the attached contract.

RESOLUTION # 02-2025-17

RESOLUTION authorizing the solicitations of Bids for the Mitchell Park Marina Wave Attenuator (splash board) Replacement on the East Pier at Mitchell Park Marina and directing Clerk Hall to notice the Request for Bids accordingly.

RESOLUTION # 02-2025-18

RESOLUTION authorizing the solicitation of Bids for the extension of existing "Visitor's Dock adding 60 L.F. (6'x 60') to the existing fixed dock at the same height, and directing Clerk Hall to notice the Request for Bids accordingly.

RESOLUTION # 02-2025-19

RESOLUTION approving the Public assembly application was received from Helen Swiskey to host a celebration of Life and memorial bench dedication in honor of William Swiskey on May 10, 2025 (rain date: May 17, 2025) at 5th Street Beach from 1:00-3:00pm.

RESOLUTION # 02-2025-20

RESOLUTION approving the Public assembly application received from Brandi Hopkins on behalf of Greenport High School, Class of 2025 to host the annual graduation day parade on June 21, 2025. The parade will line up beginning at 8:30am on Broad Street, continue onto Main Street, to Front Street to the 6th Avenue to Oak Street, ending at the school.

RESOLUTION # 02-2025-21

RESOLUTION approving the Public assembly application from the Greenport BID to host the annual Egg Roll on Saturday, April 19, 2025 at Mitchell Park. The event will take place from 10:30am – noon. The BID is requesting a waiver of the application fee for their event.

RESOLUTION # 02-2025-22

RESOLUTION approving the Public assembly application received from Chandra Grant of the LGBT Network of Long Island to host the annual Pride Parade and Festival on June 22, 2025 from noon – 5:00pm. The parade portion of the event will line up on Broad Street and head onto Main Street to Front Street. The festival portion of the event will take place in Mitchell Park with set up beginning as early as 7:00am.

RESOLUTION # 02-2025-23

RESOLUTION authorizing the suspension of the open container law of the Village of Greenport, per Section 35-3B and 35-3C of the Greenport Village Code, within the parameters approved on the public assembly application of the New York LGBT Network Festival, from 12:00 PM through 5:00 PM on June 22, 2025.

RESOLUTION # 02-2025-24

RESOLUTION approving the attached SEQRA resolution regarding the approval of the Wetlands Permit Application from Applicants: Kathryn Sommo, as Owner, submitted by Sean Gilligan on behalf of Safe Harbor for the property located at 1410 Manhasset Avenue, Greenport, NY 11944, SCTM # 1001-3-1-1 adopting lead agency status, determining that the approval of the application is an Unlisted Action for purposes of SEQRA, and adopting a Negative Declaration determining that the approval of the Wetlands Permit Application will not have a significant negative impact on the environment.

RESOLUTION # 02-2025-25

RESOLUTION approving the Wetlands Permit Application from Applicants: Kathryn Sommo, as Owner, submitted by Sean Gilligan on behalf of Safe Harbor for the property located at 1410 Manhasset Avenue, Greenport, NY 11944, SCTM # 1001-3-1-1. (see attached resolution)

RESOLUTION # 02-2025-26

RESOLUTION approving the attached SEQRA resolution regarding the approval of the Wetlands Permit Application from Joyce Kearns, as owner submitted by David Bergen for the property at 300 Atlantic Avenue, Greenport, New York, 11944; SCTM # 1001-2-02-13 adopting lead agency status, determining that the approval of the application is an Unlisted Action for purposes of SEQRA, and adopting a Negative Declaration determining that the approval of the Wetlands Permit Application will not have a significant negative impact on the environment.

RESOLUTION # 02-2025-27

RESOLUTION approving the Wetlands Permit Application from Joyce Kearns, as Owner, submitted by David Bergen, as agent for the property located at 300 Atlantic Avenue, Greenport, NY 11944, SCTM # 1001-02-02-13. (see attached Resolution)

RESOLUTION # 02-2025-28

WHEREAS, the Board of Trustees has received and reviewed a copy of a proposed local law amending and restating Chapter 103 of the Code of the Village of Greenport and Section 150-112.2, in each case, to modify the regulations of rental properties (the "Proposed Law").

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees will hold a public hearing on Wednesday, March 12, 2025, at 6:00 p.m. at the Old Schoolhouse, Front and First Streets, Greenport, New York 11944, to hear all interested parties regarding the adoption of the Proposed Law, and directs the Village Clerk to post and publish notice as required by law.

RESOLUTION # 02-2025-29

WHEREAS, the Board of Trustees has received and reviewed a copy of a proposed local law to amend Chapter 65 of the Code of the Village of Greenport, to add provisions regulating plumbing and electrical work performed in the Village of Greenport (the "Proposed Law").

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees will hold a public hearing on Thursday, March 27, 2025, at 6:00 p.m. at the Third Street Fire Station, Third and South Streets, Greenport, New York 11944, to hear all interested parties regarding the adoption of the Proposed Law, and directs the Village Clerk to post and publish notice as required by law.

RESOLUTION # 02-2025-30

WHEREAS, the Board of Trustees has received and reviewed a copy of a proposed local law to amend Chapter 65 ("Fire Prevention and Building Construction") of the Code of the Village of Greenport, to repeal a provision of law relating to Building Inspector duties (the "Proposed Law").

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees will hold a public hearing on Thursday, March 27, 2025, at 6:00 p.m. at the Third Street Fire Station, Third and South Streets, Greenport, New York 11944, to hear all interested parties regarding the adoption of the Proposed Law, and directs the Village Clerk to post and publish notice as required by law.

RESOLUTION # 02-2025-31

WHEREAS, the Board of Trustees has received and reviewed a copy of a proposed local law to amend Section 65-10 of the Code of the Village of Greenport, to amend the penalty provisions with respect to violations of Chapter 65 (the "Proposed Law").

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees will hold a public hearing on Thursday, March 27, 2025, at 6:00 p.m. at the Third Street Fire Station, Third and South Streets, Greenport, New York 11944, to hear all interested parties regarding the adoption of the Proposed Law, and directs the Village Clerk to post and publish notice as required by law.

MAYOR AND BOARD OF TRUSTEES

RESOLUTION # 02-2025-32

RESOLUTION adopting the attached SEQRA resolution regarding the proposed local law 3 of 2025 to amend the zoning map of the Village of Greenport, to reclassify property designated as District 1001, Section 4, Block 8, Lot 28 from the R-2 One and Two-Family Residence District to the CR Retail Commercial District, ("Zoning Map Amendment Law") in the Code of the Village of Greenport; adopting lead agency status, determining the adoption of the local law to amend the Code of the Village of Greenport, to be an unlisted action, determining that the adoption of the local law will not have a negative impact on one or more aspects of the environment and adopting a negative declaration for purpose of SEQRA.

RESOLUTION # 02-2025-33

WHEREAS, the Board of Trustees has been considering the adoption of a local law to amend the zoning map of the Village of Greenport, to reclassify a portion of District 1001, Section 4, Block 8, Lot 28 (the "Premises") from the R-2 One-and Two-Family Residence District to the CR Retail Commercial District, and WHEREAS, the contract vendee of the property has made application to the Board of Trustees to consider such local law, and

WHEREAS, the Board referred the proposed local law to the Suffolk County Planning Commission and the Commission recommended that the Board take action as it deems appropriate, and WHEREAS, the Board has referred the proposed local law to the Village Planning Board and the Planning Board issued a report (a) advising that both the existing zoning district and the reclassification of the zoning district of the property to permit the proposed use of the subject tax lot for parking, loading, unloading and as a buffer area in conjunction with the existing Greenporter property (District 1001, Section 4, Block 8, Lots 29-31) would be consistent with competing policies of the Village's comprehensive plan and (b) recommending that the Board of Trustees incorporate certain conditions if the Board determines to reclassify the premises from the R-2 One-and Two-Family Residence District to the CR Retail Commercial District, and WHEREAS, the Board has conducted a comprehensive environmental review of the proposed local law and determined that the proposed law is an Unlisted action under the State Environmental Quality Review Act and will not result in a significant adverse environmental impact, and WHEREAS, the Board published, posted and distributed notice to adjoining municipalities of the public hearing,

NOW, THEREFORE, BE IT RESOLVED that, subject to the following conditions, the Board of Trustees of the Village of Greenport hereby adopts the proposed law as Local Law 3 of 2025, a local law amending the zoning map of the Village of Greenport, to reclassify the Premises from R-2 One-and Two-Family Residence District to the CR Retail Commercial District:

. As a predicate to the rezoning, the owner and contract vendee of the Premises must obtain merger approval from

the Village Zoning Board of Appeals in accordance with Village Code §118-15,

The Premises be utilized only for parking, loading, unloading and ingress/egress to the abutting lots used by the Greenporter Hotel (tax lots 29, 30 and 31), which use shall be subject to approval by the Planning Board,

The owner of the Premises shall execute and file with the Suffolk County Clerk's office a declaration of covenants and restrictions, in a form approved by the Village Attorney, providing for the aforesaid restriction on the use of the Premises,

The rezoning of the Premises shall become effective upon the completion construction of additional parking and loading/unloading and a related landscaping buffer zone in accordance with a site plan and conditional use approval from the Planning Board in respect of the Greenporter and any related expansion by December 31, 2026 (subject to permitted extensions granted by the Planning Board for not more than 12 total months), failing which completion the Premises shall remain and/or revert to the R-2 Zoning District, and

The owner of the Greenporter property shall enter into arrangements or covenants or otherwise provide assurances satisfactory to the Planning Board that ensure it will provide affordable year-round housing for not less than 8 employees within the Village of Greenport or the area that comprises the Greenport Union Free School District, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to file the law with the New York Secretary of State, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to publish a copy, summary or abstract of this local law in the official paper of the Village, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to prepare a revised zoning map to reflect the changes in Local Law 3 of 2025.

RESOLUTION # 02-2025-34

RESOLUTION adopting the attached SEQRA resolution regarding the proposed local law 4 of 2025 to amend the zoning map of the Village of Greenport, to reclassify property designated as District 1001, Section 4, Block 8, Lot 29 from the R-2 One and Two-Family Residence District to the CR Retail Commercial District, ("Zoning Map Amendment Law") in the Code of the Village of Greenport; adopting lead agency status, determining the adoption of the local law to amend the Code of the Village of Greenport, to be an unlisted action, determining that the adoption of the local law will not have a negative impact on one or more aspects of the environment and adopting a negative declaration for purpose of SEQRA.

RESOLUTION # 02-2025-35

WHEREAS, the Board of Trustees has been considering the adoption of a local law to amend the zoning map of the Village of Greenport, to reclassify a portion of District 1001, Section 4, Block 8, Lot 29 from the R-2 One-and Two-Family Residence District to the CR Retail Commercial District, and

WHEREAS, the owner of the property has made application to the Board of Trustees to consider such local law, and WHEREAS, the Board referred the proposed local law to the Suffolk County Planning Commission and the Commission recommended that the Board take action as it deems appropriate, and WHEREAS, the Board has referred the proposed local law to the Village Planning Board and the Planning Board issued a report recommending reclassification to "clean up" the existing split zone condition of the property within the R-2 One-and Two-Family Residence District and the CR Retail Commercial District to a single zoning district – the CR Retail Commercial District consistent with its historical use and character, and WHEREAS, the Board has conducted a comprehensive environmental review of the proposed local law and determined that the proposed law is an Unlisted action under the State Environmental Quality Review Act and will not result in a significant adverse environmental impact, and WHEREAS, the Board published, posted and distributed notice to adjoining municipalities of the public hearing,

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Greenport hereby adopts the proposed law as Local Law 4 of 2025, a local law amending the zoning map of the Village of Greenport, to reclassify the portion of property designated as District 1001, Section 4, Block 8, Lot 29 from R-2 One-and Two-Family Residence District to the CR Retail Commercial District, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to file the law with the New York Secretary of State, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to publish a copy, summary or abstract of this local law in the official paper of the Village, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to prepare a revised zoning map to reflect the changes in Local Law 4 of 2025.

RESOLUTION # 02-2025-36

RESOLUTION designating the area in the Village known as Sandy Beach as a Historic District (see attached).

VOUCHER SUMMARY**RESOLUTION # 02-2025-37**

RESOLUTION approving all checks per the Voucher Summary Report dated February 25, 2025, in the total amount of \$ 935,509.67 consisting of:

- o All regular checks in the amount of \$853,239.02, and
- o All prepaid checks (including wire transfers) in the amount of \$82,270.65.

Resolution Designating the area in the Village known as Sandy Beach as a Historic District

WHEREAS, residents in the Sandy Beach area sought to become a Village historic district, and

WHEREAS, the request for such consideration was submitted to the Village Historic Preservation Commission (HPC), and

WHEREAS, the area considered for such designation is known as Sandy Beach and consists of the following tax lots as designated by the Suffolk County Tax Assessor and as reflected on the Suffolk County Tax Map, each of which is located in District 1001, Section 3, Block 3:

Lots 4.1, 5, 6, 7.3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19.1, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33.1, and 33.3 (the "Sandy Beach Area"), and

WHEREAS, the HPC has authority in accordance with Village Code §76-4 to recommend designation of a group of properties as an historic district upon a determination that the proposed district contains properties that meet one or more of the criteria for designation of a landmark and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district, and

WHEREAS, the criteria applicable to designation of a landmark includes a site which possesses significant character or historic or aesthetic interest or value as part of the maritime , architectural, economic or social heritage of the Village, because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the Village, and/or by being part of or related to the Village Waterfront or other distinctive area, should be developed or presented according to a plan based on an historic, cultural, maritime or architectural motif, and

WHEREAS, Village Code §76-4 provides that an area with such historical significance may be recommended by HPC for designation as an historic district if it meets one or more of the prescribed criteria, and

WHEREAS, in support of the historic district designation, a document compiled and written by Elsie Ketcham Drosihn, entitled "A HISTORY OF SANDY BEACH Greenport, Long Island" (the "History of Sandy Beach") was provided to the HPC; and

WHEREAS, the History of Sandy Beach provides a unique story and view of the significance of Sandy Beach as an historic area, and

WHEREAS, the HPC members considered the History of Sandy Beach and various documents and photographs depicting the Sandy Beach area and homes, and

WHEREAS, the HPC made the following findings:

1. Sandy Beach is a peninsula separating Greenport Harbor from Stirling Basin.
2. Previous to 1886, Sandy Beach contained scallop shops used in connection with scallop harvesting in the waters along the Greenport Waterfront. Because of its unique location along the deep waters of Greenport Harbor, it became a scallop shucking enclave.
3. In or around 1886, local residents turned the area into a summer resort and the shacks were converted to cottages and bungalows.
4. Sandy Beach is the only known intact example of an enclave with wonderful little buildings that are an essential part of Greenport's maritime history.
5. The nature of life on Sandy Beach, including the use of the area in support of scalloping and clamming for both business and recreational purposes, the simple living, and the picturesque quality of this area remaining somewhat lost in a previous era are included in the History of Sandy Beach in "family histories".
6. The picturesque tranquility of the area remains intact today.
7. Based on the "family histories" and the HPC observations, the HPC finds that Sandy Beach represents a unique element of the maritime character and antiquity and uniqueness of the Village, which makes Sandy Beach a distinctive heritage of the Village.
8. The HPC finds that conservation and preservation of this area to retain its allure and cultural heritage as part of the Greenport waterfront and maritime history is important to maintain Greenport's historic, maritime and cultural heritage.
9. The HPC finds that Sandy Beach possesses significant character and historic interest as part of the maritime, architectural, economic and social heritage of the Village.
10. The HPC finds that Sandy Beach is in a unique location and a distinctive area that represents an established and familiar visual feature that helps define the Village and should be protected as part of the Village's heritage, and

WHEREAS, the HPC concluded that the Sandy Beach Area qualified under the criteria for designation as an historic district in that it meets the criteria in Village Code §76-4(C)(2), (5) and (6) and recommended that the Village Board of Trustees approve the designation of the Sandy Beach Area as the "Sandy Beach Historic District", and

WHEREAS, the Board received the recommendation and held a public hearing to consider the designation of the Sandy Beach Area as the Sandy Beach Historic District and the Village Clerk provided notice of the public hearing in accordance with Village Code §76-4(E), and

WHEREAS, the Board held a public hearing to consider such designation,

NOW, THEREFORE, the Board hereby finds and concludes:

1. The Board of Trustees is the Lead Agency with respect to environmental impact review of the Zoning Map Amendment Law as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and the proposed designation is an Unlisted Action under SEQRA.

2. The Board has considered the historic district designation in view of potential environmental impacts under SEQRA and, in so doing, has considered the

following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

- a. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
- b. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
- c. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
- d. the proposed action would not conflict with the community's current plans or goals as officially approved or adopted;
- e. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- f. the proposed action would not result in a major change in the use of either the quantity or type of energy;
- g. the proposed action would not create a hazard to human health;
- h. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- i. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- j. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
- k. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- l. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

- m. the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;
- n. the proposed action would not have a significant adverse environmental impact;
- o. no further environmental review is required with respect to the proposed action, and

3. For the reasons set forth above, the Sandy Beach Area contains properties which meet one or more of the criteria for designation of a landmark and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

4. The Sandy Beach Area constitutes a distinct section of the Village.

5. The Sandy Beach Area is hereby designated as the Sandy Beach Historic District in accordance with the provisions of Village Code Chapter 76.

6. The Village Clerk shall forward notice of the tax lots within the Sandy Beach Historic District to the office of the Suffolk County Clerk for recordation.

7. The boundaries of the Sandy Beach Historic District shall be specified in detail and shall be filed, in writing, in the Village Clerk's Office for public inspection. The designation shall identify all landmarks and all neighboring properties in public view within the historic district.

VILLAGE OF GREENPORT**Budget Adjustment Form**

Year: 2025 Period: 2 Trans Type: B2 - Amend Status: Batch
Trans No: 6484 Trans Date: 02/06/2025 User Ref: ADAM
Requested: A. BRAUTIGAM Approved: Created by: ADAM 02/06/2025
Description: TO FUND FINANCIAL ADVISORY SERVICES RELATED TO 2025 BONDING AND Account # Order: No
MOODYS INVESTORS SERVICES Print Parent Account: No

Account No.	Account Description	Amount
A.5990	APPROPRIATED FUND BALANCE	9,135.00
A.1325.433	BOND COUNSEL/ FINANCIAL ADVISOR	9,135.00
Total Amount:		18,270.00

VILLAGE OF GREENPORT**Budget Adjustment Form**

Year: 2025 Period: 2 Trans Type: B2 - Amend Status: Batch
Trans No: 6485 Trans Date: 02/14/2025 User Ref: ADAM
Requested: A. BRAUTIGAM Approved: Created by: ADAM 02/14/2025
Description: TO APPROPRIATE LIGHT FUND RESEVES TO FUND MONTHLY POWER INVOICE Account # Order: No
Print Parent Account: No

Account No.	Account Description	Amount
E.5990	APPROPRIATED FUND BALANCE	37,989.42
E.0721	POWER PURCHASED	37,989.42
Total Amount:		<u>75,978.84</u>

VILLAGE OF GREENPORT**Budget Adjustment Form**

Year: 2025 Period: 2 Trans Type: B1 - Transfer Status: Batch
Trans No: 6489 Trans Date: 02/25/2025 User Ref: ADAM
Requested: A. KERILLIS Approved: Created by: ADAM 02/25/2025
Description: TO TRANSFER FUNDS FROM EQUIPMENT EXPENSE TO REPAIR AND MAINTENANCE EXPENSE FOR REPAIRS TO THE FIRE BOAT
Account # Order: No
Print Parent Account: No

Account No.	Account Description	Amount
A.3410.200	FIRE DEPT.EQUIPMENT	-5,000.00
A.3410.415	FIRE.REPAIR & MAINT - TRANS EQUIP..	5,000.00
Total Amount:		0.00

Village of Greenport		
Current Fees	Fee	Proposed Fees
Foundations		
Foundations constructed under existing building	\$200	1.25% of the estimated cost of construction for residential, but not less than \$400
		1.5% of the estimated cost of construction for commercial, but not less than \$400
		1.25% of the estimated cost of construction for residential, but not less than \$500
Relocated buildings:	\$200 and \$0.15 for each square foot in excess of 300 square feet of floor area.	1.5% of the estimated cost of construction for commercial, but not less than \$500
Swimming Pools		
		1.25% of the estimated cost of construction for residential, but not less than \$300
In-ground swimming pools, together with required enclosure fencing:	\$300	1.5% of the estimated cost of construction for commercial, but not less than \$600
aboveground swimming pools, together with required fencing.	\$100	Flat \$300
Demolition		
		\$1 per square foot of demolition
Demolition and removal	minimum of \$75 and \$0.15 for each square foot in excess of 300 square feet of floor area	
Signs		
		Flat \$150
All signs, except signs permitted by § 150-15	\$1 for each square foot of sign area; minimum of \$75.	
Certificate of Occupancy		
Commercial	\$100	\$100
New construction and additions	\$75	\$100
Accessory/alteration, pool, shed	\$60	\$100
Preexisting (new)	\$75	\$200
Vacant land	\$40	\$100
Updated certificate of occupancy	\$100	\$100 (no change)
Temporary certificate of occupancy	\$25	\$100
Copy	\$10	\$10 (no change)

Village of Greenport

Current Fees		Proposed Fees		Example	Current Fee	New Fee
One- and Two-Family Dwelling Any application	Fee none		\$150	Building dept reviewing documents for 1-2 hours	\$0	\$150
	New dwelling, additions, alterations and repairs to existing dwelling	\$250 plus \$0.30 for each square foot of total floor areas in excess of 500 square feet.	1.25% of the estimated cost of construction, but not less than \$500.	1. addition of space (bedroom and bathroom 480 sq) costing \$100,000 2. new windows costing \$20,000 3. new roofing/ siding @ \$70,000	\$250 \$250 \$250	\$1,250 500 (minimum) \$875
	Accessory building, decks, fences, additions and alterations to existing accessory building:	\$150 plus \$0.30 for each square foot of floor area in excess of 500 square feet.	\$2 per SQFT with a minimum of \$150	1. new detached garage @ 576 sq (24x24)	\$172.80	\$1,152
Multiple-family dwelling: hotel, motel, multiple dwelling and business, industrial and all other buildings	Fee					
	New building and additions and alterations to existing building:	\$500 plus \$0.30 for each square foot of floor area in excess of 500 square feet.	1.5% of the estimated cost of construction, but not less than \$1500	1. \$80,000 for upgrading kitchen (1,000 SQFT) 2. additional floor at 8,000 SQFT (\$3M total cost of project)	\$650 \$2,750	\$1,500 (minimum) \$45,000
	Accessory building and additions and alterations to existing accessory buildings:	\$150 plus \$0.30 for each square foot of floor area in excess of 500 square feet.	1.5% of the estimated cost of construction, but not less than \$1500	1. commercial property wants to add additional structure for retail costing \$750,000 (2000 SQFT)	\$600	\$11,250

Discription		Current Fees	Proposed Fees	Proposed CHANGE
PLANNING BOARD FEES				
SITE PLAN AND SEQRA		\$600	\$750	
SITE PLAN REVIEW WHEN SITE IT LARGER THAN 2 ACRES		additional \$1000	additional \$1250	change from 2 acres to 1 acre
IF TOTAL SQ FOOTAGE OF THE BUILDING OR BUILDINGS EXCEEDS 10,000 SQ		additional \$1000	additional \$1250	
IF ANTICIPATED COST OF THE PROJECT WHEN COMPLETED EXCEEDS \$500,000		\$1,000	1% of project cost, minimum \$200	change \$500,000 to \$50,000
SIGNIFICANT APPLICATION WITH PRESUBMISSION CONFERENCE		\$0	\$2,000	
entertainment permit		\$250	\$250 no change	
ESCROW/ DEPOSIT		\$1,000	\$2,000, or a otherwise determined	
Discription		Current Fees	Proposed Fees	
ZONING (AREA VARIANCE)				
RESIDENTIAL		\$400	\$600	
COMMERCIAL		\$500	\$1,000	
EACH ADDITIONAL VARIANCE REQUESTED		\$100	\$200	
PROPERTY DIVISIONS		\$500 INITIAL, PLUS \$1,000 PER LOT	\$1,500 INITIAL, PLUS \$2,000 PER LOT	
RESIDENTIAL ESCROW		\$200	\$250	
COMMERCIAL ESCROW		\$1,000	\$1,500	
Discription		Current Fees	Proposed Fees	
ZONING (USE VARIANCE)				
STANDARD FEE		\$600	\$750	
RESIDENTIAL DEPOSIT		\$200	\$500	
COMMERCIAL DEPOSIT		\$1,000	\$1,250	
Discription		Current Fees	Proposed Fees	
HPC				
RESIDENTIAL		\$75	\$100	
COMMERCIAL		\$75	IF PROJECT EXCEEDS \$50,000: \$250	
			\$200	
			IF PROJECT EXCEEDS \$50,000: \$500	



Village of Greenport
Building Department 631-477-0248
Electric Department 631-477-0172

COMMERICAL SERVICE

COMMERCIAL/INDUSTRIAL JOB NOTIFICATION CHECKLIST/LOAD LETTER

MAXIMUM SERVICE FOR OVERHEAD IS 400 AMP SINGLE PHASE OR THREE PHASE

PREFERRED MAXIMUM SERVICE SIZE 320 AMP IN PLACE OF 400 AMP SERVICE FOR SINGLE PHASE

CUSTOMER

Name: _____
Phone: (____) _____
Address: _____
Town: _____
Email: _____

ELECTRICIAN

Name: _____
Phone: (____) _____
Address: _____
Insurance policy: _____
License: _____
Email: _____

Service type - Overhead Y – N Underground Y - N

Service Size _____ Amps.

Service type ☐ 1 ϕ ☐ 3 ϕ .

Voltage ☐ 120/240 ☐ 120/208 ☐ 277/480

Total Connected Load (kw) _____

Total Calculated Load (kw) _____

Load Information (Total Load by Category)

Lights _____

Motors _____ HP _____

Communal area load, including hall lighting, elevators, etc.

Air Conditioning _____

Refrigeration _____

Computers _____

Miscellaneous Equipment _____

Electric Heating _____

TOTAL _____ Kw

PLEASE INCLUDE THE FOLLOWING INFORMATION:

- A. Proposed/Existing Subsurface Facilities
- B. One line drawing for utility to load center
- C. Proposed Transformer / Meter Location

FEES- check what applies

() SERVICE UP-GRADE \$200.00 - PER ELECTRIC METER / METER SOCKET
() NEW ELECTRIC SERVICE \$300.00 - FOR EACH METER SOCKET
() PHOTOVOLTAIC SYSTEM \$250.00
() GENERATOR \$175.00

TOTAL PERMIT FEE \$ _____

SIGNATURE _____ DATE _____

RECEIVED BY _____ DATE _____

NOTE** Must provide a TEMP certificate and a final Electrical Inspection Certificate upon completion of work.



Village of Greenport
Building Department 631-477-0248
Electric Department 631-477-0172

RESIDENTIAL SERVICE

REQUEST FOR ELECTRIC SERVICE UP-GRADE, NEW SERVICE, PHOTOVOLTAIC SYSTEM AND GENERATORS

MAXIMUM SERVICE SIZE FOR RESIDENTIAL IS 320 AMPS SINGLE PHASE (OVERHEAD AND UNDERGROUND)

1. ELECTRICIAN WILL NOT DISCONNECT OR RECONNECT THE ELECTRIC SERVICE TO PERFORM ANY WORK, YOU MUST CALL GREENPORT ELECTRIC DEPARTMENT FOR THIS SERVICE
2. METER IS NOT TO BE RE-INSTALLED BY ELECTRICIAN, ONLY TO BE DONE BY GREENPORT ELECTRIC DEPARTMENT
3. NEW METER LOCATION WILL BE SET BY THE ELECTRIC DEPARTMENT

Contractor to Complete All Information Below
ELECTRICIAN

CUSTOMER

Name: _____
Address: _____
Phone: _____
Town: _____ Zip _____
Email: _____

Name: _____
Address: _____
Phone: (____) _____
License#: _____
Insurance Policy: _____
Email: _____

SERVICE INFORMATION

Existing Service (Check one): APPLIES TO OVERHEAD AND UNDERGROUND SERVICES
YES NO

Single Family Dwelling..... () () IF NO, STOP AND CALL GREENPORT ELECTRIC
Single Phase..... () () IF NO, STOP AND CALL GREENPORT ELECTRIC
200 Amp or 320 Amp service..... () () IF NO, STOP AND CALL GREENPORT ELECTRIC
Existing Socket Meter..... () () IF NO, STOP AND CALL GREENPORT ELECTRIC

FEES- check what applies

() SERVICE UP-GRADE \$100.00 -- PER METER SOCKET
() NEW ELECTRIC SERVICE \$100.00 -- PER METER SOCKET
() PHOTOVOLTAIC SYSTEM \$150.00
() GENERATOR \$100.00
TOTAL PERMIT FEE \$ _____

SIGNATURE _____ DATE _____

RECEIVED BY _____ DATE _____

Must provide a TEMP certificate and a final Electrical Inspection Certificate upon completion of work.

Negative Declaration Pursuant to
New York State Environmental Quality Review Act

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of Bill 2 of 2025, a proposed local law to amend the Code of the Village of Greenport in relation to the imposition of fees by Board of Trustees resolution; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form prepared with respect to the proposed law,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of proposed bill 2 of 2025 as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and

¶ . the proposed adoption of Bill 2 of 2025 is an Unlisted Action under SEQRA;

¶ . the Board has considered the adoption of Bill 2 of 2025, a local law to amend the Code of the Village of Greenport in relation to the imposition of fees by Board of Trustees resolution;

¶ . the Board has thoroughly reviewed the Short Environmental Assessment Form and the supplemental description of the proposed action;

¶ . the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

- . the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
- . the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

- . the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
- . the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
- . the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- . the proposed action would not result in a major change in the use of either the quantity or type of energy;
- . the proposed action would not create a hazard to human health;
- . the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- . the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- . the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
- . the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- . the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- . the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;

□ . the proposed action would not have a significant adverse environmental impact;

□ . no further environmental review is required with respect to the proposed action,
and

□ . the Mayor, or his designee, is authorized to execute the Short EAF in a manner consistent with the foregoing findings concluding that the proposed action will not result in a significant adverse environmental impact.

Bill VOG 02-25.

A local law to amend the Code of the Village of Greenport in relation to the imposition of fees by Board of Trustees resolution.

Section 1. Intent. The Village Code provides for various fees to be adopted by resolution and others are provided by fee amounts established by local law. The Board intends to create a uniform method of establishing fees in all instances. Each of the Code provisions that currently provides for a fee amount is hereby amended to authorize the Board of Trustees to establish fees from time to time.

Section 2. The following sections of the Code of the Village of Greenport are amended, to read as follows:

“§61-7. Fee. Every application for determination under this Chapter shall be accompanied by a fee in an amount as determined from time to time by resolution of the Board of Trustees. In addition, an applicant shall be responsible for fees for consultants, in accordance with Part 617 of Title 6 of the New York Codes, Rules and Regulations. Where the village must prepare a final environmental impact statement, the fee charged shall be the actual cost incurred by the Village.

§63-6(A). Fee. The fee for a filming permit (for a period of three days or less) shall be a nonrefundable fee in an amount as determined from time to time by resolution of the Board of Trustees, payable in cash or check at the time of submission of the film permit application.

§65-7. Building Department Fee Schedule. The fee to file an application for a building, construction, demolition or sign permit, certificate application or any other Building Department application shall be in an amount as determined from time to time by resolution of the Board of Trustees. No application shall be deemed filed and no permit shall be issued until required fees have been paid and all other pertinent requirements have been met.

§68-11(B). Fees. All applications for a floodplain development permit shall be accompanied by a fee in an amount as determined from time to time by resolution of the Board of Trustees. In addition, the applicant shall be responsible for reimbursing the Village of Greenport for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

§76-10. The fee for a certificate of appropriateness and for the preparation and publication of any required notice shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§103-11. The biennial permit fee for a rental permit or a renewal rental permit, including the fee for an owner of a rental property found by any court of competent jurisdiction to have violated this

chapter within a two-year period preceding the date of the commencement of the renewal period, shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§105-40(A). The application fee for a new sewer connection shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§105-40(D). Inspection fees for new services and for disconnection of sewer services shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§105-40(E). Upfront connections fees outside of the Village limits shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§112-6. The application fee for a dumpster permit shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§115-13(C). A road opening permit fee shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§118-14. The fee for Planning Board applications for subdivisions, mergers or as otherwise required by this Chapter shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§136-4(I). Only devices deemed acceptable by the New York State Department of Health are acceptable. Plans and installations must conform to New York State Health Department of Health guidelines. Failed installation inspections that are required by this Chapter will necessitate a charge to be billed to the customer's water account based on the size of the service line in an amount as determined from time to time by resolution of the Board of Trustees.

§142-7. Wetland Permit Application Fees. The fee for a wetland permit application, any other applications required by this Chapter, and any required hearing notice shall be in an amount as determined from time to time by resolution of the Board of Trustees. The applicant is separately responsible for payment to the Village of all consulting and professional fees incurred by the Village in reviewing the application.

§150-15(I). Businesses which are not located on Front Street, Main Street or Third Street. south of Front Street may have one or more directional sign(s) on either Front Street, Main Street or Third Street, south of Front Street. Applications for such off-street business directional sign(s) must be approved by the Planning Board. Such off-street business directional sign(s) shall be limited to 8 inches x 24 inches in size. The sign(s) shall only be installed by the Greenport Public Works Department for a fee in an amount as determined from time to time by resolution of the Board of Trustees. The sign(s) shall be licensed for a period of two years, and such license(s) shall be renewed upon expiration. When the business is discontinued the sign(s) will be taken down."

Section 3. The following sections shall be added to the Code of the Village of Greenport, to read as follows:

“§150-27(L). The fee for applications to the Board of Appeals shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§150-29(H). The fee for a conditional use permit application shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§150-30(E). The fee for a site plan application shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§150-30.1(F). The fee for a curb cut application shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§150-50(C). The fee for a SWPPP application shall be in an amount as determined from time to time by resolution of the Board of Trustees.”

Section 4. Severability. If a court determines that any clause, sentence, 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 affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the 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.

Negative Declaration Pursuant to
New York State Environmental Quality Review Act
Wetlands Permit Application from Kathryn Sommo, as Owner submitted by Sean Gilligan on behalf of Safe Harbor for the
property located at 1410 Manhasset Avenue, Greenport, New York, 11944
SCTM # 1001-3-1-1.

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the obligations of the Village of Greenport with respect to the wetlands permit application from Kathryn Sommo, as Owner submitted by Sean Gilligan on behalf of Safe Harbor for the property located at 1410 Manhasset Avenue, Greenport, New York, 11944 SCTM # 1001-3-1-1; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form prepared with respect to the Wetlands Permit Application,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of the wetlands permit application from Kathryn Sommo, as Owner submitted by Sean Gilligan on behalf of Safe Harbor for the property located at 1410 Manhasset Avenue, Greenport, New York, 11944 SCTM # 1001-3-1-1; as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and

- A. the wetlands permit application submitted by from Kathryn Sommo, as Owner submitted by Sean Gilligan on behalf of Safe Harbor, as agent is an Unlisted Action under SEQRA;
- B. the Board has considered the adoption of the proposed resolution;
- C. the Board has thoroughly reviewed the Short Environmental Assessment Form and the supplemental description of the proposed action;
- D. the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:
 - i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
 - iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;

- V. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;
- vii. the proposed action would not create a hazard to human health;
- viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- X. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
- xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- xiii. the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;
- E. the proposed action would not have a significant adverse environmental impact;
- F. no further environmental review is required with respect to the proposed action, and
- G. the Mayor, or his designee, is authorized to execute the Short EAF in a manner consistent with the foregoing findings concluding that the proposed action will not result in a significant adverse environmental impact.

Negative Declaration Pursuant to
New York State Environmental Quality Review Act
Wetlands Permit Application from Joyce Kearns, as Owner submitted by David Bergen, as agent for the property located at 300
Atlantic Avenue, Greenport, New York, 11944
SCTM # 1001-02-02-13

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the obligations of the Village of Greenport with respect to the wetlands permit application from Joyce Kearns, as Owner submitted by David Bergen, as agent for the property located at 300 Atlantic Avenue, Greenport, New York, 11944 SCTM # 1001-02-02-13; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form prepared with respect to the Wetlands Permit Application,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of the wetlands permit application from Joyce Kearns, as Owner submitted by David Bergen, as agent for the property located at 300 Atlantic Avenue, Greenport, New York, 11944. SCTM # 1001-02-02-13; as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and

- A. the wetlands permit application submitted by from Joyce Kearns, as Owner submitted by David Bergen, as agent is an Unlisted Action under SEQRA;
- B. the Board has considered the adoption of the proposed resolution;
- C. the Board has thoroughly reviewed the Short Environmental Assessment Form and the supplemental description of the proposed action;
- D. the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:
 - i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
 - iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;

- v. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;
 - * vii. the proposed action would not create a hazard to human health;
 - viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
 - x. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
 - xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
 - xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
 - xiii. the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;
- E. the proposed action would not have a significant adverse environmental impact;
- F. no further environmental review is required with respect to the proposed action, and
- G. the Mayor, or his designee, is authorized to execute the Short EAF in a manner consistent with the foregoing findings concluding that the proposed action will not result in a significant adverse environmental impact.

A local law amending and restating Chapter 103 of the Code of the Village of Greenport and Section 150-112.2, in each case, to modify the regulations of rental properties.

Section 1. Chapter 103 of the Village Code is hereby amended in its entirety, to read as follows:

CHAPTER 103 (RENTAL PERMITS)

103-1 Legislative intent.

- (A) The Board of Trustees of the Village of Greenport hereby finds that it is in the public interest to provide for an orderly process for identifying, registering and regulating rentals within the Village and to ensure that such rentals (i) meet applicable federal, New York State, county and local laws, including the Uniform Code, (ii) do not adversely affect the residential and community character of the Village and (iii) do not create or cause adverse quality of life issues to the surrounding neighborhood due to unreasonable noise, the creation of public health and safety issues associated with traffic and parking congestion or any other nuisance conditions.
- (B) The Board of Trustees of the Village of Greenport recognizes that in some instances the existence of short-term rentals does provide economic support for full-time Village residents who benefit from rental income and that short-term rentals provide lodging options for visitors to the Village that support the local economy. However, the Board of Trustees hereby also finds that the proliferation of short-term rentals in the Village of Greenport has had a significant negative impact on the Village of Greenport community, including, among other things: (i) contributing to a shortage of full-time residential housing in the Village and an increase in market rental rates, (ii) incentivizing property owners to keep rooms and dwelling units vacant for large periods of the calendar year, (iii) leading to the eviction or displacement of long-term residential tenants in order to convert units that have historically provided full time rental housing into short-term rentals, (iv) adversely impacting the amount of housing available to full-time residents of the Village and persons working in the Village, thereby reducing the number of available volunteers for such functions as emergency workers, board members, scouting leaders and athletic coaches, among others, in the Village, (v) reducing the number of bed and breakfast facilities operating within the Village, (vi) adversely impacting the community character of the Village by introducing a revolving circuit of transient occupants who are not invested in the community and (vii) introducing incompatible commercial activity into residentially zoned districts of the Village.

- (C) This chapter is intended to adequately address the foregoing findings and to protect the public health, safety, and welfare of the Village of Greenport.

103-2 Applicability.

This chapter shall apply to all rentals of any dwelling unit (or any portion thereof) in the Village of Greenport. A dwelling unit shall be presumed to be, or contain, a rental if said dwelling unit (or any portion thereof) is not occupied by one or more owner occupants or is located in a building or structure or on a lot that contains more than one dwelling unit.

103-3 Relation to other laws and regulations.

The provisions of this chapter shall be deemed to supplement applicable state and local laws, codes and regulations. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies or existing requirements of any other provision of state or local law or code or regulation. The issuance of any permit or the filing of any form under this chapter does not make legal any action or state of facts that is otherwise illegal, unlawful or nonpermitted or is otherwise in contravention of any other applicable law, code, rule or regulation.

103-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BED AND BREAKFAST FACILITIES

Any building or property being operated lawfully as a bed and breakfast facility in accordance with section 150-7(B)(7).

BEDROOM

A room in any building or structure designed or used primarily for sleeping or, as in the case of a studio apartment, a common room used for sleeping purposes which otherwise complies with the requirements of the Uniform Code and any other applicable New York State laws in respect of the use of a room as a bedroom or for sleeping quarters. Rooms having other purposes, such as dens, kitchens, living rooms or hallways, are not to be interpreted or used as a bedroom.

BUILDING INSPECTOR

One or more persons that have been appointed by the Board of Trustees for purposes of enforcing the New York State Fire Prevention and Building Code and regulations of the Village, including this chapter and Chapter 150 pursuant to Section 53-3 of the Code.

DOMESTIC PARTNER

With respect to any natural person, another natural person with whom such person

has a long-term committed personal relationship and as to which the following conditions are satisfied:

- (A) such persons are not related by blood closer than would bar marriage in the State of New York;
- (B) neither such natural person is married to any other person;
- (C) both persons are 18 years of age or older;
- (D) each such person shall declare that they are the other person's sole domestic partner;
- (E) both such persons live together in the same dwelling unit as their primary residence and declare they intend to do so for the indefinite future; and
- (F) both such persons declare that they are in a relationship of mutual support, caring and commitment and are responsible for each other's welfare and are financially interdependent. For these purposes "mutual support" means that they contribute mutually to each other's maintenance and support.

DWELLING UNIT

Any building or other structure or entirely self-contained portion thereof which has a separate means of ingress and egress and provides complete independent living facilities for one or more persons, including facilities for living, sleeping, eating, cooking and sanitation, and whether in a principal building or an accessory building or structure, including any apartment, house, condominium or residential cooperative, but excluding in all cases any bed and breakfast facilities, hotel or motel that has otherwise been approved pursuant to, and is operating in accordance with, Chapter 150. Any apartment in any condominium or residential cooperative shall be considered a dwelling unit for purposes of this chapter.

KITCHEN

Any assembly of cabinets, appliances (including a refrigerator, dishwasher, range, oven and/or microwave), countertops or plumbing used in connection with the storage, preparation or cooking of food.

LISTING AGENT

Any person who lists or advertise or provides leasing, rental or booking services in respect of any dwelling unit (or any portion thereof), including, without limitation, any natural person that works as a real estate agent or any legal entity that provides a

service whether on-line, through a website application or otherwise which is in the business of offering or providing a list of available options for lodging, rentals (including short-term rentals) and/or vacation or temporary stays, including, without limitation, such websites and applications as Airbnb, VRBO, Tripadvisor, Booking.com, Vacasa, Hometogo or other similar website and applications. For the avoidance of doubt any “booking service” as defined in N.Y. Real Prop. Law §447-a constitutes a “listing agent for purposes of this Chapter.

LONG-TERM RENTAL PERMIT

Any rental permit issued pursuant to this chapter in respect of a dwelling unit other than a transient rental permit.

MULTIFAMILY PROPERTY

Any property or lot on which there are more than two (2) dwelling units whether located in one or more buildings located on such property or lot. For purposes of this Code, properties which contain more than two (2) apartments or which are structured as a residential cooperative or condominium shall be deemed to be a multifamily property.

OCCUPIED

With respect to an Owner Occupant, means used and inhabited on a continuous basis as the person’s principal domicile.

OWNER

With respect to any dwelling unit or portion thereof, any person (including any legal entity) who alone, or jointly with others, has legal title to such dwelling unit, including a mortgagee in possession or with maintenance responsibility due to a foreclosure or other proceeding. The general partner of a partnership, director of a corporation and member of a limited liability company or any person with a beneficial interest in such entities shall be deemed to be an owner for purposes of this chapter. If the by-laws, charter, operating agreement or other constituent document governing any applicable legal entity provides that a member, partner or other person has an interest in the applicable legal entity only for the period of occupancy or use of a dwelling unit (or a portion thereof) such person shall not constitute an owner in respect thereof.

OWNER OCCUPANT

With respect to any dwelling unit (or portion thereof), (a) an owner of such dwelling unit, (b) the spouse or domestic partner of an owner of such dwelling unit, (c) any person that is the natural born child, adopted child, step-child, foster child or child through any other legal arrangement of an owner of such dwelling unit or the spouse or domestic partner of an owner thereof or (d) any parent (whether by blood, adoption or through any other legal guardianship arrangement) of an owner of such dwelling unit or the spouse or domestic partner of an owner thereof.

OWNER REPRESENTATIVE

With respect to any dwelling unit, a duly appointed natural person with the legal capacity to act on behalf of the owner of such dwelling unit.

PERSON

Any natural person, association, firm, syndicate, company (including any limited liability company), trust, partnership, corporation, department, bureau or agency or any other entity recognized by law.

PRINCIPAL DOMICILE/RESIDENCE

With respect to any dwelling unit or property and person, such person maintains such dwelling unit or property (or a portion thereof) as the person's principal domicile for not less than 270 days in any calendar year and, as to which, whenever absent therefrom, such person intends to return. A person may have only one principal domicile. A written certification by such person that it intends to be resident on and living at the applicable dwelling unit or property for not less than 270 days of any calendar year, accompanied by evidence of two or more of the following shall be deemed to constitute reasonably satisfactory evidence that a property constitutes a person's principal domicile:

- (A) The applicable person claims such property or dwelling unit as its domicile for purposes of voter registration.
- (B) The applicable person claims such dwelling unit or property as its domicile for purposes of the issuance of a valid New York state identification card (including a driver's license).
- (C) The applicable person has filed their most recent federal and New York State tax returns with such dwelling unit indicated as the person's home address on such returns.
- (D) Pay stubs issued within the prior six-month period to the applicable person show the applicable dwelling unit as the address of record for such person.
- (E) Evidence that social security, worker's compensation, unemployment, pension or other similar benefit payments are paid to such person at the address of such dwelling unit.
- (F) In the case of an owner of the property, the property is entitled to a Basic or Enhanced STAR exemption for purposes of Southold and Village of Greenport real property taxes.
- (G) A written certification by such person that such person (i) has not been required to file a State income tax filing in any State other than New York State

as a resident of such State in the prior two (2) year period and (ii) does not intend to, or reasonably believe that it shall be required to, file a State income tax filing in any State other than New York State as a resident of such State in the future.

RENTAL

Occupancy or use for habitation or residential use of any dwelling unit (or any portion thereof) by a tenant.

RENTAL PERMIT

With respect to any dwelling unit or portion thereof, a permit issued by the Building Inspector to the owner of such dwelling unit to expressly permit the use or occupancy of such dwelling unit or portion thereof as a rental unit.

RENTAL UNIT

A dwelling unit or any portion thereof that is a rental.

RESIDENTIAL ZONE, RESIDENTIAL DISTRICT OR RESIDENTIALLY ZONED DISTRICT

Any district or zone in the Village that is principally zoned for, and restricted to, residential use pursuant to Chapter 150 from time to time; as of **the date of adoption of Local Law __ of 2025** properties located in the R-1 One-Family Residence District and the R-2 One- and Two-Family Residence District are the only residential zones or residually zoned districts. Zones in which residential uses are permitted but where other commercial uses are generally permitted shall not be considered to be “residential zones” or a “residentially-zoned district” for purposes of this chapter; as of **the date of adoption of Local Law __ of 2025**, properties located in the CR Retail Commercial District, CG General Commercial District and the WC Waterfront Commercial District shall not be considered to be residential zones or residually zoned districts.

SHORT-TERM RENTAL

The rental of any dwelling unit (or any portion thereof) for a term of less than fourteen (14) consecutive days. Hotels, motels and bed-and-breakfast facilities that are being operated in accordance with Chapter 150 shall not constitute a short-term rental.

SINGLE-DWELLING PROPERTY

Any property or lot located in a residential zone on which there is a single (1) dwelling unit.

SPOUSE

With respect to any natural person, another natural person to whom such person is joined in a lawful union that is recognized as a marriage under New York State law.

TENANT

With respect to any dwelling unit, or any portion thereof, any person that is not an owner occupant in respect of such dwelling unit and who has the right to occupy such dwelling unit or portion thereof overnight in exchange for compensation (whether in the form of rent, provision of services or other forms of compensation) to, or on behalf of, or as directed by, the owner or owners of such dwelling unit.

TWO-DWELLING PROPERTY

Any property or lot located in a residential zone on which there are two (2) dwelling units (but not more than two (2) dwelling units).

TRANSIENT RENTAL.

The rental of any dwelling unit (or any portion thereof) for a term of more than fourteen (14) consecutive days but less than thirty (30) consecutive days that is subject to regulation as a “short-term residential unit” under (and as defined in) New York Real Property Law Article 12-D.

TRANSIENT RENTAL PERMIT.

Any rental permit issued in accordance with this chapter in respect of any dwelling unit or portion thereof that is intended to be rented as a Transient Rental from time to time.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code and any related rules or regulations adopted by New York State or New York State agencies or departments in respect thereof as in effect from time to time.

The following terms shall have the meaning set forth for such term in Section 150-2 of the Code: “Accessory Building or Structure”; “Apartment”; “Building”; “Basement”; “Condominium”; “Hotel”; “Lot”; “Motel”; “Multifamily Dwelling”; “Principal Building”; “Residential Cooperative” and “Structure”.

103-5 Short-Term Rentals. The short-term rental of any dwelling unit or any portion thereof is prohibited in the Village of Greenport and no person (whether an owner, owner representative, listing agent, tenant or otherwise) shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent any dwelling unit or any portion thereof (whether located in a principal building, an accessory building or structure or otherwise) located within the Village of Greenport as a short-term rental. Any person acting as an owner or an owner’s representative or a person with authority to permit use or occupancy of a dwelling unit or portion thereof who permits such dwelling unit or portion thereof to be used as a short-term rental in contravention of this Section shall be guilty of a violation of this chapter.

103-6 RENTAL PERMIT REQUIRED.

- (A) The rental of any dwelling unit or any portion thereof is prohibited in the Village of Greenport unless a rental permit is in full force and effect in respect of such dwelling unit. No person (whether an owner, owner representative, listing agent, tenant or otherwise) shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent any dwelling unit or any portion thereof (whether located in a principal building, an accessory building or structure or otherwise) located within the Village of Greenport as a rental unless such use is expressly permitted pursuant to this chapter and a valid and effective rental permit is in full force and respect in respect thereof. Any person acting as an owner or an owner's representative or a person with authority to permit use or occupancy of a dwelling unit or portion thereof who permits such dwelling unit or portion thereof to be used as a rental in contravention of this Section shall be guilty of a violation of this chapter.
- (B) It shall be unlawful and a violation of this chapter for any person to cause to be publish any advertisement for the rental of any dwelling unit or any portion thereof in the Village of Greenport without including the applicable rental property registration number for the rental permit applicable to such dwelling unit.
- (C) A rental permit (including any transient rental permit) issued under this chapter shall only be issued to the owner(s) of the applicable dwelling unit proposed to be used as a rental unit. The owner or owner(s) of the applicable dwelling unit shall in all cases be responsible for ensuring that any rental of such dwelling unit complies with the requirements of this Chapter.

103-7 APPLICATION FOR RENTAL PERMIT.

- A. An application for a rental permit in respect of any dwelling unit required by this chapter shall: (i) be made in writing by an owner of such dwelling unit to the Building Inspector, on a form provided therefor by the Village, (ii) be accompanied by the payment of the fee required under Section 103-11 and (iii) include at least the following information:
 - (1) The address, zoning classification of, and Suffolk County Tax Identification number of the property on which the applicable dwelling unit is locate and whether the applicable dwelling unit or any portion thereof is intended to be utilized as a Transient Rental.
 - (2) The name, physical address, mailing address and other contact details (phone and email) of the owner applicant and, if there is more than one

owner of the applicable dwelling unit, the name and address of each other owner of the applicable dwelling unit, including a description of the legal form of ownership of such dwelling unit and whether the dwelling unit is proposed to be professionally managed by an owner representative, together with a copy of the deed for the applicable dwelling unit or other satisfactory evidence of ownership of such dwelling unit. To the extent the owners of the applicable dwelling unit is a legal entity, the applicant shall also provide a copy of the relevant constituent documents (i.e. operating agreement, trust agreement, partnership agreement or other similar agreement) governing such legal entity and the name, address and contact information in respect of each natural person with a direct or indirect ownership interest in such legal entity including all individuals who have an interest in any entity with an interest in an entity owner. The constituent documents provided pursuant to this clause (2) may be redacted in respect of private and confidential information in a manner reasonably satisfactory to the Building Inspector. For the avoidance of doubt, no such readaction shall include include the name of any person (including any natural person or entity) with a direct or indirect ownership interest in the applicable property.

- (3) A floor plan of the applicable dwelling unit, including the total square footage of the applicable dwelling unit and identifying: (i) any kitchen located within the applicable dwelling unit, (ii) any bathroom facilities located within the applicable dwelling unit, (iii) each bedroom located within the applicable dwelling unit and indicating whether such bedroom is intended to be made available for occupancy by a tenant or tenants and (iv) identifying the maximum number of persons anticipated to be accommodated as a tenant or tenants.
- (4) Latest survey of the property showing the size and location of the lot and all buildings and structures thereon.
- (5) A statement of the number of parking spaces on the property on which such dwelling unit is located that satisfy the requirements of Section 150-16 of the Code (including, Section 150-16(A)(2) and 150-16(A)(3)).
- (6) To the extent that more than one dwelling unit exists on the property on which the applicable dwelling unit is located: (i) the total number of dwelling units located on such property, (ii) a description of whether each

such dwelling unit is proposed to be used as a rental unit or is otherwise intended to solely be occupied by an owner and/or one or more owner occupants and (iii) a description of the location of each such dwelling unit on the property, including any applicable identifying number or letter or other identification used in respect of such dwelling unit.

- (7) Copy of a valid certificate of occupancy with respect to the applicable dwelling unit or a letter from the Village of Greenport Building Department certifying that no certificate of occupancy is required to permit such dwelling unit to be used or occupied for residential purposes.
- (8) A summary of any open building permits in respect of the applicable dwelling unit including an indication of whether such open building permit relates to active construction at such dwelling unit.
- (9) Evidence of liability insurance coverage for the applicable dwelling unit, including proof that such coverage shall remain in effect notwithstanding the proposed rental of the applicable dwelling unit (or portion thereof). To the extent that the dwelling unit or any portion thereof is intended to be used as a transient rental property, such evidence of insurance shall demonstrate compliance with the requirements set forth in N.Y. Real Prop. Law §447-b(f).
- (10) A signed and notarized affidavit by the owner or owners of such dwelling unit certifying as to the following matters:
 - (i) To the best knowledge of such owner, the applicable dwelling unit is safe and fit for human habitation.
 - (ii) To the best knowledge of such owner, the property is in compliance with applicable provisions of the Code, including Chapter 150 and the Uniform Code and either a valid certificate of occupancy is in place in respect of all existing buildings and structures on the property on which such dwelling unit is located or that the Village Building Department has certified that no such certificate of occupancy is required.
 - (iii) That: (a) at least one functioning smoke detector is in each bedroom in such dwelling unit, (b) there is at least one functioning smoke detector in one other room on each floor or level within the

dwelling unit, (c) there is a functioning fire extinguisher in the kitchen and in each other room of the dwelling unit that has an open flame source and (d) there is at least one carbon monoxide detector in such dwelling unit on each floor or level.

- (iv) The exterior doors of such dwelling unit are operational and all passageways to such exterior doors are clear and unobstructed.
 - (v) Electrical systems in the dwelling unit are serviceable with no visual defects or unsafe conditions.
 - (vi) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces are vented and properly installed and flues have been cleaned within twelve months of the application for such rental permit.
 - (vii) The use of such dwelling unit as a rental will otherwise comply with all other applicable requirements of this chapter.
 - (viii) To the best knowledge of such owner, the information otherwise contained in the rental permit application is true and correct in all material respects.
- (11) With respect to any application for a transient rental permit, the following:
- (i) evidence that such dwelling unit has been registered with New York State as a “short-term residential rental unit” (as defined in in New York. Real Property Law §447-a) in accordance with, and when required by, New York Real Property. Law §447-c;
 - (ii) a signed and notarized affidavit by the owner or owners of such dwelling unit certifying as to the following matters: (a) such dwelling unit has been registered with New. York State as a “short-term residential rental unit” in accordance with the requirements of N.Y. Real Prop. Law Article 12-D, (b) no portion of such dwelling unit is used to provide single room occupancy as defined N.Y. Multiple Residence Law §4(ff) or N.Y Multiple Dwelling Law §4(16), (c) such dwelling unit or any portion thereof that is intended to be utilized as a transient rental property includes a conspicuously posted evacuation diagram identifying all means of egress from

the unit and the building in which it is located, (d) such dwelling unit or any portion thereof that is intended to be utilized as a transient rental property includes a conspicuously posted lists of emergency phone numbers for police, fire and poison control, (e) any portion of such dwelling unit that is intended to be available as a transient rental property has a working fire-extinguisher, (f) such dwelling unit is not subject to the 1974 emergency tenant protection act, the 1996 rent stabilization law, the emergency housing rent control law, the local emergency housing rent control act or is otherwise regulated or supervised by a federal, state or local agency pursuant to any other law or rule or an agreement with such federal, state or local agency, (g) such dwelling unit is in compliance with the Uniform Code, the Village Code and any and all other health and safety requirements established by the Village from time to time in respect of residential dwelling units and (h) the owner of such dwelling unit has otherwise complied with and will continue to comply with all requirements set forth in N.Y. Real Prop Law Article 12-D in respect of the use of such dwelling unit or portion thereof as a “short-term residential rental unit”;

- (iii) a list of all proposed methods for advertising and/or listing the applicable dwelling unit as available for rental, leasing or lodging, including (a) the identification of any listing agent intended to be used in connection therewith and (b) if an independent website is to be used for purposes of advertising such rental, the web address/url for such website.

- (12) A waste management plan demonstrating compliance with Section 103-15(K) and information in respect of persons required to be designated as contacts for the rental of such dwelling unit pursuant to Section 103-15(D).
- (13) Such other information as may be reasonably be required by the Building Inspector to determine whether the applicable dwelling unit is entitled to the issuance of the applicable proposed rental permit pursuant to the terms of this chapter.

- B. The owner of rental property or a dwelling unit shall apply for a rental permit before the property or dwelling unit is advertised for rent or if the vacancy is not advertised then such permit shall be obtained before the premises are leased or used by one other an owner. The rental permit number shall be noted on all advertisements.
- C. If ownership of rental property is transferred to a new owner, the new owner shall apply for a rental permit within thirty (30) days of the closing of title if any portion of the property is rented or leased at the time of closing. If an application is not filed as required by this article there shall be a presumption that the property is being utilized as rental property by the new owner(s) in violation of law.

103-8 REVIEW OF APPLICATION; ISSUANCE OF RENTAL PERMIT.

- (A) The Building Inspector shall review each application for a rental permit in respect of any dwelling unit for completeness and accuracy as well as compliance with the other provisions set forth in this chapter, shall assure that any inspection or certification, as required pursuant to Section 103-12, shall have been completed by the Village or submitted to the Village and shall issue the applicable rental permit or provide a written denial of the application with a reasonable explanation for such denial within 60 days of the filing of a complete application for a rental permit.
- (B) An application for a rental permit or a renewal may be denied for one or more of the following reasons:
 - (i) The information or documentation required for the application was not submitted or the permit fee was not included with the application.
 - (ii) There are violations pending against an applicable owner or owners in respect of violations of the Code in respect of the applicable dwelling unit and/or related property, including violations of this chapter or Chapter 150.
 - (iii) A rental permit for the applicable dwelling unit has been revoked within the past year unless the owner of the applicable dwelling was not an owner of the applicable dwelling unit at the time such rental permit was revoked.

- (iv) The rental property, or parts thereof, is determined to be unfit for human habitation or occupancy or a hazard to the public because of the failure of the owner or occupant to comply with notice(s) or order(s) issued by the Village, or due to a prolonged lack of maintenance or owner failure.
- (v) The rental property, or parts thereof, contains unsafe equipment, wiring, pipes or other conduit or installation, or lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.
- (vi) The rental property, or parts thereof, is damaged, decayed, dilapidated, unsanitary, unsafe or infested in such a manner as to create a hazard to the health and safety of the occupants or the public.
- (vii) The rental property, because of its location, general condition, state of the premises, number of occupants or other reason, is unsanitary, unsafe, hazardous, overcrowded or for other reasons is detrimental to the health and safety of the occupants or the general public in whole or part.

The existence of any other condition or circumstance which, in the opinion of the Village Building Department is dangerous, illegal, unsafe or jeopardizes the health, welfare and safety of the general public or occupants.

- (C) Issuance of a rental permit pursuant to this chapter shall not be construed as permission for, or approval, of the use of such dwelling unit for any occupancy or residential purpose that would otherwise be in violation of a lease, cooperative bylaws, condominium association rules and regulations or any other applicable contractual agreement, law or regulation.

(D)

Basis for denial. Any application for a rental permit, including the renewal or transfer of a permit, can be denied for the reasons set forth in § **103-8(B)**. If an application is denied, notice of denial shall be given in writing and served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. If the notice is returned by the Post Office as undeliverable for any reason, as long as it was properly addressed, service of the notice shall be valid.

- (E) Notice of denial. The notice of denial shall set forth the grounds therefor and contain a statement that the applicant may appeal such denial by filing a written request for an appeal thereof with the Greenport Village Clerk within twenty (20) days of receipt of the notice of denial, together with payment of two hundred (\$200) dollars or such other fee as determined from time to time by resolution of the Board of Trustees to cover the costs of processing the appeal. The notice shall also contain a statement that the applicant may submit written objections to the denial, and any other information the applicant deems advisable or necessary. The Village Clerk shall forward a copy of the appeal to the Village Attorney for further processing.
- (F) Notice of hearing. Notice of the date, time and place of the appeal hearing shall be given in writing and served by registered or certified mail, return receipt requested to the applicant at the address shown on the application. The notice shall contain a statement that (1) the applicant is entitled to be represented by legal counsel at the hearing and may present the testimony of witnesses and such other evidence in his or her own behalf as may be deemed relevant or necessary, and (2) if the applicant fails to appear for the hearing, the denial shall remain in full force and effect and be final.
- (G) Conduct of hearing. The hearing shall occur before the Board of Trustees of an administrative hearing officer (Hearing Officer) appointed by the Board of Trustees, and may be adjourned by the Board or Hearing Officer only upon good cause shown. At the hearing the applicant shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. The applicant may present the testimony of witnesses, experts and other evidence in his or her own behalf as he or she deems advisable. The code officer or other witness may appear and give testimony or submit evidence in support of the determination to deny a permit, or to deny the transfer or renewal of same, as deemed necessary by the Village. All hearings shall be recorded.
- (H) The Board or Hearing Officer shall consider the evidence presented and shall submit findings in writing within thirty (30) days of the close of the hearing or sooner. A copy of the Hearing Officer's determination shall be filed with the Building Department and the Village Clerk, and served on the applicant or applicant's attorney in the same manner as the original notice. The Hearing Officer's determination shall be final as to the Village of Greenport.
- (I) Once an application has been denied, no reapplication for a permit, or a renewal or transfer of a permit, shall be accepted for filing until the applicant has

remedied the conditions that formed the basis for denial to the satisfaction of the Village Building Department.

103-9 TERM OF PERMIT; RENEWAL.

- (A) All rental permits shall have a term of two (2) years.
- (B) An application for the renewal of a rental permit shall be signed by the owner or owners of the applicable dwelling unit and shall be completed and filed with the Building Inspector in accordance with the requirements set forth in Section 103-7 and shall be processed in accordance with Section 103-8.
- (C) A rental permit is not transferable to a new owner or owners of an applicable dwelling unit. In such cases, such new owner or owners shall be required to file a new application for a rental permit in respect of such dwelling unit within 30 days of their acquisition of such dwelling unit. Notwithstanding the foregoing, a rental, other than a short-term rental, of a property that is the subject of new ownership shall continue to be permitted for a period of 75 days following the new owner's acquisition of the applicable property in order to permit such owner to apply and receive a rental permit in accordance with the terms of this chapter so long as the new owner meets the predicate requirements herein and provides the Village with contact information.

103-10 REGISTER OF PERMITS.

Upon approval of any rental permit, the Building Inspector will assign a registration number in respect of the applicable rental property. The registration number of any rental permit must be included in any listing or advertisement in respect of any rental, whether in print or online. The Village shall maintain a registry of all rental permits, including the address of the applicable dwelling unit, contact details of the owner or an owner representative in respect thereof, the type of rental permit issued for such applicable dwelling, the total number of bedrooms available for tenancy within the applicable dwelling unit, the total number of persons allowed to occupy the applicable dwelling unit and the applicable registration number. Such registry shall be available for inspection by the public upon reasonable request and notice.

103-11 FEES.

The fees applicable to the filing and issuance of any rental permit shall be as follows:

- (A) Application for, and issuance of, any long-term rental permit: \$250 or such other amount as may be determined from time to time by resolution of the Board of

Trustees. Said fee shall be due and payable in full without rebate at the time of filing for an application for such rental permit regardless of whether a rental permit is ultimately issued in respect of the proposed application.

- (B) Application for, and issuance of, a transient rental permit: \$500 or such other amount as may be determined from time to time by resolution of the Board of Trustees. Said fee shall be due and payable in full without rebate at the time of filing for an application for such rental permit regardless of whether a rental permit is ultimately issued in respect of the proposed application.
- (C) A late charge equal to two times the amount of the permit fee, prorated for the period of delay, shall be charged to owners and/or managing agents who fail to apply for a rental permit or renew their permits on a timely basis.

103-12 **INSPECTIONS.**

- (A) No rental permit or renewal thereof shall be issued unless the applicable property (including any structures located thereon) is in compliance with all the provisions of the Code of the Village of Greenport, and meets the requirements of all applicable county, state and federal laws, codes, rules and regulations.
- (B) No rental permit or renewal thereof shall be issued unless the property owner submits a certification from an independent professional engineer or registered architect, other than the property owner, licensed in the State of New York and containing their seal, or the certification of a Village Building Department official, or of an independent state certified code enforcement official, attesting that the property at issue is in compliance with the Village Code and Uniform Code, and meets the requirements of all applicable county, state and federal laws, codes, rules and regulations. Nothing in this article, except in the case of an emergency pursuant to §103-17 and in accord with federal law, shall be deemed to authorize the Village to conduct an inspection of any property without the consent of the owner, if the dwelling unit or units are unoccupied, and if occupied, upon the consent of the occupant or owner of the property in the absence of a warrant duly issued by a court of law.
- (C) In lieu of an inspection of an applicable dwelling unit by the Building Inspector, an applicant may provide a written certification from a licensed architect or engineer dated no more than 30 days prior to the filing of an application for a rental permit for such dwelling unit which certifies that the applicable dwelling unit and related property fully complies with the provisions of the Uniform Code,

Chapter 150 of this Code and any other provisions of this Code that apply to the use of such property for residential purposes or as a rental property.

- (D) No rental permit shall be issued unless and until the inspection contemplated by clause (A) above has been completed or the certificate contemplated by clause (B) or (C) has been received by the Building Inspector and the Building Inspector has confirmed to its reasonable satisfaction that the applicable dwelling unit and related property fully comply with the provisions of the Uniform Code, Chapter 150 of this Code and any other provisions of this Code that apply to the use of such property for residential purposes or as a rental property.

103-13 **REVOCATION OF PERMIT**

- (A) The Building Inspector may revoke a rental permit, under the following circumstances and in accordance with the procedure herein, if at any time there exists and remains open any violation of any provision of this chapter or any other provision of the Village Code or the Uniform Code in respect of such dwelling unit for a period of more than 14 consecutive calendar days after written notice has been provided to the owner or owner representative of such dwelling unit by mail, certified mail or hand delivery. Violations for which a rental permit may be revoked include, among other things:
 - (i) a material misstatement by an applicant in an application for a rental permit;
 - (ii) a failure by any person to comply with any provisions of this chapter applicable to such person in respect of the applicable rental unit, including those requirements set forth in Section 103-15;
 - (iii) any condition exists on the premises of any property on which a rental unit is located that constitutes a public nuisance; or
 - (iv) the removal, disabling or disrepair of any safety device required to be maintained on any rental property pursuant to the terms of this chapter.
- (B) An appeal from any revocation of a rental permit pursuant to this Section 103-13 may be made in writing by the owner of the applicable dwelling unit to the Board of Trustees within 30 days from the date of such revocation. The Village Board of Trustees shall hold a public hearing on such appeal within 30 days after receipt of a written notice of such appeal and, after such hearing, shall make in

writing a decision either sustaining such permit revocation or reinstating such rental permit within 30 days after the close of such public hearing.

- (C) If a rental permit is revoked, no application for a new rental permit will be accepted for filing until the applicant has remedied the conditions that formed the basis of the revocation to the satisfaction of the Village Building Department, if applicable. Once remedied, the applicant will have to apply for a new permit and pay the fee as in the case of an original application.

103-14 **PRESUMPTIONS.**

- (A) The presence or existence of any of the following factors shall create a rebuttable presumption that a dwelling unit constitutes a rental property:
 - (i) such dwelling unit is used or occupied by one or more persons that are not owner occupants and no owner occupant is resident at such dwelling unit;
 - (ii) one or more persons residing in such dwelling unit represents that such person or one or more other persons who are not owner occupants pay rent to the owner of such dwelling unit;
 - (iii) utilities, cable television, phone or other services for such dwelling unit and its related property are in place or requested to be installed or used at such dwelling unit with billing in the name of a person other than an owner occupant of such dwelling unit;
 - (iv) a sworn statement or testimony be a person having knowledge of the facts that it is common knowledge in the community that a person other than an owner occupant resides in the applicable dwelling unit;
 - (v) there are separate entrances for individual portions of the building containing a dwelling unit which do not provide for general access to the full building containing such dwelling unit;
 - (vi) there exists a written or oral lease or rental arrangement, payment or other agreement for occupancy of portions of such dwelling unit among the owner of such dwelling unit and any other person, other than an owner occupant;

- (vii) one or more residents of such dwelling unit do not have unimpeded and/or lawful access to all parts of all buildings and structures located on the property on which such dwelling unit is located;
 - (viii) voter registration, motor vehicle registration, a driver's license or any other document filed with a public or private entity states that the owner of the applicable dwelling unit resides at an address other than the applicable dwelling unit; or
 - (ix) an advertisement or listing is available in respect of such dwelling unit which purports that such dwelling unit is available for rent, lease or a short-term stay.
- (B) The presence or existence of any of the following factors shall create a rebuttable presumption that a property is either a two-dwelling property or a multifamily property:
- (i) there is more than one mailbox at the property on which such dwelling unit is located (in the case of a property containing two (2) mailboxes), the presumption shall be that such property is a two-dwelling property and, in the case of a property containing more than three (3) mailboxes, the presumption shall be that such property is a multifamily property);
 - (ii) there is more than one electrical, water or gas utility meter for the property on which such dwelling unit is located (in the case of a property containing two (2) such utility meters, the presumption shall be that such property is a two-dwelling property and in the case of a property containing more than three (3) such utility meters, the presumption shall be that such property is a multifamily property);
 - (iii) there is more than one doorbell or entrance on the same side of a dwelling unit;
 - (iv) doors located for the building in which a dwelling unit is located contain individual identification numbers such as "#1", "#2", "#3", "A", "B" etc. and provide separate ingress or egress to distinct portions of the building in which such doors are located;
 - (v) with respect to any building or structure that contains a dwelling unit, there are internal partitions or internal doors which serve to bar access between separate portions of such building or structure and other

portions of such building or structure which are used for residential purposes, including, but not limited to bedrooms;

- (vi) an occupant or person in possession of such dwelling unit does not have unimpeded and/or lawful access to all parts of the applicable dwelling unit;
 - (vii) there are bedrooms in the applicable dwelling unit that are separately locked and require different keys or codes for entry;
 - (viii) there is more than one connection line for cable television service or more than one antenna, satellite dish or related receiving equipment attached to the applicable dwelling unit;
 - (ix) more than four (4) motor vehicles are registered to the applicable dwelling unit;
 - (x) such dwelling unit is located on a property that is identified in the Town of Southold Tax Assessor's roll as falling under the following types of property classifications: "apartment" (but not "apartment – condo" or "apartment-co-op") , "2 Family Res", "multiple res" or "res multiple", or "attached row building"; or
 - (xi) there are two or more kitchens located in buildings located on the property on which such dwelling unit is located.
- (C) The listing of all or a portion of a property or dwelling unit for lease on a website or application that is commonly used for vacation or other short-term rental purposes such as Air BnB, VRBO, VACASA or HomeAway shall result in the presumption that such dwelling unit is being utilized as a short-term rental and/or as a transient rental.
- (D) It shall be presumed that a bedroom is over-occupied if the number of mattresses in a bedroom exceeds the maximum number of occupants permitted for the bedroom pursuant to Section 103-15.

Any of the foregoing presumptions may be rebutted by reasonable evidence to the contrary presented to the Building Inspector.

103-15 **RULES AND REGULATIONS.**

The owner of any dwelling unit located in the Village and any property that is the subject of a rental in the Village shall comply with the following:

- (A) No property shall be the subject of a rental unless it is approved for residential occupancy and the applicable dwelling unit is the subject of a valid certificate of occupancy.
- (B) All rentals must have a valid and effective rental permit in effect.
- (C) No accessory building or structure, temporary structure, tent, trailer or recreational vehicle shall be used as a rental unit.
- (D) The owner of any rental property shall designate up to two (2) natural persons located no more than a sixty (60) minute drive from the property on which any rental is contained who shall be available twenty-four (24) hours per day, seven (7) days per week to serve as the local responsible party for such rental property and to immediately respond to any issues arising from at the rental property. A owner occupant may be a designated responsible party. The owner shall notify the Village in writing of the designation of a responsible party within five (5) business days of such designation or modification of any such designation.
- (E) The owner of any rental property shall collect and pay all applicable local, state and federal taxes, including any applicable sales or lodging taxes required to be paid pursuant to Chapter 523, Article II of the Suffolk County Code and any other taxes payable in accordance with N.Y. Real Property Law Article 12-D.
- (F) No more than two (2) bedrooms shall be permitted in the basement of any building that contains one or more rental properties and only where such basement may be inhabited lawfully in accordance with the Uniform Code.
- (G) The leasing, subleasing, occupancy or use by a tenant of less than the entire dwelling unit that is the subject of a rental shall be prohibited.
- (H) The owner(s) and tenant(s) of any rental property shall ensure that all applicable parking regulations provided in the Code are satisfied.
- (I) A rental shall only be occupied or otherwise utilized in accordance with the certificate of occupancy issued in respect of the applicable dwelling unit and property.

- (J) The owner(s) and tenant(s) shall ensure that all property maintenance regulations provided for in the Uniform Code and the United States Department of Housing and Urban Development Section 8 Housing Quality Standard Inspection checklist standards are satisfied in respect of the applicable rental property, as applicable.
- (K) Dumpsters are prohibited on property containing a rental for anything other than incidental short-term use. The owner of any dwelling unit or property with a rental shall ensure that garbage is not less outside for a period greater than 24 hours at curbside and that all garbage on the property is removed on a weekly basis. All garbage containers on any property with a rental shall be secured with tight-fitting covers at all times preventing leakage, spilling or odors and placed where they are not clearly visible from the street or road except around pick-up time.
- (L) The type of rental permit and rental permit registration number issued in respect of any rental permit shall be displayed on all advertisements with any listing agency.
- (M) No rental for a period of less than twelve (12) consecutive months is permitted in any part of the Village that is zoned CR Retail Commercial, CG General Commercial, WC Waterfront Commercial or Park.
- (N) All transient rentals shall be offered to only one party of renters at a time and may not be rented as separate bedrooms, beds or spaces to separate parties.
- (O) The maximum occupancy of any bedroom in any transient rental shall not be more than two (2) adults and a child under twelve (12) years of age. The maximum occupancy of any other rental shall not exceed any limits applicable under New York or federal law.
- (P) The maximum occupancy of any dwelling unit to be used as a transient rental shall be no more than six (6) adult persons and shall in no event exceed a total of eight (8) persons (but excluding any minor children that are under the age of three (3)).
- (Q) The owner of any property that is being used as a transient rental shall maintain a log with the number of guests and the beginning and ending dates of each transient rental. Such record shall be submitted to the Building Inspector by September 30th of each calendar year. Failure to submit the same may result in

a subsequent rental application being considered incomplete and ineligible for a transient rental permit

- (R) The owner of any property that is being used as a transient rental shall ensure that there is prominently displayed at all times the contact names and phone numbers of the designated representatives for the property along with a list of the numbers for emergency services in the Village and the Town and information relating to garbage, recycling, winter parking and noise.
- (S) The owner of any transient rental shall not post any signs or advertisements identifying the property as a rental on the property.
- (T) The owner of any rental unit shall promptly notify the Building Inspector if any information contained in any rental permit application shall change in any material respect prior to the expiration of the applicable rental permit for such rental unit.
- (U) All dwelling units on any property or lot that contains more than one dwelling unit shall be individually clearly marked and identified with a unique identifying number or letter so as to enable the Village to clearly identify any rental unit as distinct from any other dwelling unit on such property or lot.
- (V) The owner shall maintain liability insurance in respect of the property on which any rental unit is located during all times that such property is subject to a rental permit on terms substantially the same as those contained in the liability insurance policy provided with the application for such insurance permit. The insurance policies applicable to any dwelling unit that is the subject of a transient rental permit shall satisfy the requirements applicable to a "short-term residential rental unit" under N.Y. Real Property Law Article 12-D.
- (W) The dwelling unit shall contain a conspicuously posted evacuation diagram identifying all means of egress from the dwelling unit and the building in which it is located.
- (X) The dwelling unit shall contain a conspicuously posted list of emergency phone numbers for police, fire, and poison control.
- (Y) The dwelling unit shall have a working fire-extinguisher.

- (Z) The dwelling is insured by an insurer licensed to write insurance in New York or procured by duly licensed excess line broker pursuant to New York State Insurance Law 2118 covering at least the value of the dwelling, plus a minimum of \$300,000 for third party claims of property damage or bodily injury that arise out of the operation of a rental unit.

A failure to comply with any of the foregoing shall be a violation of this chapter and shall be grounds for revocation of any rental permit in accordance with Section 103-13 as well as the penalties contemplated by Section 103-16.

103-16 PENALTIES FOR OFFENSES.

In addition to revoking any rental permit in accordance with Section 103-13, the following penalties apply in respect of a violation of the provisions of this chapter:

- (A) The first violation of this chapter within an eighteen (18)-month period by any person shall be punishable by a fine of not less than \$500 nor more than \$1500.
- (B) The second violation of this chapter within an eighteen (18)-month period by any person shall be punishable by a fine of not less than \$1,000 nor more than \$2,500.
- (C) The third violation of this chapter within an eighteen (18)-month period by any person shall be punishable by a fine of not less than \$1,500 nor more than \$5,000.
- (D) Each day that a violation of this chapter exists shall constitute a separate violation of this chapter.
- (E) A violation existing in respect of any dwelling unit under this chapter shall be considered a violation by both the tenant and the owner of such dwelling unit and, at the sole discretion of the Village, either the tenant or the owner or both the tenant and the owner may be charged with and prosecuted for the existence of a violation.
- (F) Additionally, in lieu of imposing the fine authorized by this chapter, in accordance with Penal Law § 80.05(5), the court may sentence any defendant to pay an amount, fixed by the court, not exceeding double the amount of rent collected by an owner over the term of any occupancy in violation of this chapter.

103-17 VILLAGE AUTHORITY TO INSPECT.

- (A) Application for a search warrant. The Building Inspector is authorized to make application to any court of competent jurisdiction for the issuance of a search warrant in order to conduct an inspection of any premises covered by this chapter where the owner or occupant fails or refuses to allow an inspection of the rental property, and where there is reasonable cause to believe that a violation of this chapter has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.
- (B) Search without warrant restricted. Nothing in this chapter, except for the provisions concerning emergency inspections, shall be deemed to authorize the Building Inspector to conduct an inspection of any premises subject to this chapter without the consent of the owner or occupant of the premises, or without a warrant duly issued by a court of competent jurisdiction.
- (C) Emergencies. If, in the judgment of the Building Inspector, an emergency exists as when a condition or hazard is an immediate peril to the public health and safety, or a serious and immediate danger to person or property, he or she may enter any building or structure to inspect and investigate

103-18. SEVERABILITY.

If one or more provisions of this local law or chapter shall be deemed to be unenforceable, the remaining provisions of this local law or chapter shall remain in full force and effect.

Section 2. Severability. If a court determines that any clause, sentence, 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 affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the 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 3. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

CHAPTER 150-11.2 SHORT-TERM RENTALS PROBHITIED.

150-112. Residential Rentals of Property.

The rental (as defined in Chapter 103), including any short-term rental (as defined in Chapter 103) of any property for residential purposes is prohibited except to the extent expressly permitted pursuant to Chapter 103. Any rental of property within the Village of Greenport for residential use shall be the subject of a valid rental permit issued under and pursuant to Chapter 103.

A local law to amend Chapter 65 of the Code of the Village of Greenport, to add provisions regulating plumbing and electrical work performed in the Village of Greenport.

Section 1. Chapter 65 of the Code of the Village of Greenport is hereby amended, to include a new Article III, to read as follows:

“Article III. Plumbing Work.

§65-11. Adoption of standards.

The plumbing standards of the New York State Uniform Fire Prevention and Building Code (Uniform Code) shall be the minimum standards for all buildings hereafter constructed in the Village of Greenport and for all existing buildings wherein any installation, alteration, repair or replacement of or addition to any plumbing system is proposed to be done.

65-12. Plumbing permit required; exception.

- A. No installation, alteration or replacement of, nor any addition to, any plumbing system, including any fire sprinkler system, in any building or structure shall be made without first applying for and obtaining a plumbing permit from the Building Department. The fee for and duration of such plumbing permit shall be as determined from time to time by resolution of the Board of Trustees. Such fee shall accompany each application, which shall be in writing, and shall be filed with the Building Inspector. The form for such application shall be as prescribed by the Building Inspector.
- B. The foregoing provisions of this section notwithstanding, minor repairs may be made to plumbing systems without the necessity of first obtaining a permit. Minor repairs include basic maintenance work and part for part replacements on existing systems, which includes replacing existing faucets, toilet seats, fixing minor leaks on fixtures, clearing minor drain clogs, replacing worn-out washers and/o-rings, and replacing existing plumbing fixtures with similar ones without altering the existing pipework. Minor repairs shall not include the installation of new gas, soil, waste, drainage or vent pipes or the connection of additional fixtures to existing gas, soil, waste, drainage or vent pipes.

65-13. Application requirements.

- A. Applications for plumbing permits shall be to the Building Inspector, on forms provided by the Building Department, and shall include such information and description of work and diagrams as the Building Inspector deems necessary.
- B. Where plans and specifications filed in connection with an application for a building permit do not contain sufficient details or where no building permit has been applied for, the Building Inspector may require the plumber to file, as part of his application, a drawing on tracing cloth or a print of the system of plumbing showing the location of the various fixtures, lines, valves and other items required by the Uniform Code. Such plans, drawings or prints shall be drawn to scale and shall contain such floor plans and sections as may be necessary to show clearly any plumbing work to be done. They shall also show partitions and the method of ventilating bathrooms and toilet rooms. Such plans, drawings or prints must be signed by an architect, professional engineer or licensed plumber.
- C. No modification of the approved plans, drawings or prints will be permitted unless amended plans, drawings or prints covering the proposed change or changes are filed with and approved by the Building Inspector.

65-14. Display of permit.

A plumbing permit shall be prominently displayed on the premises while the work is being performed.

65-15. Licensed plumber required.

All plumbing work shall be performed by or under the direct supervision of a plumber licensed to perform plumbing work in Suffolk County, except as otherwise provided in this chapter.

65-16. Notice of commencement of work; inspection; certificate of approval.

- A. In cases where no building permit has been issued, notice shall be given to the Building Inspector by the plumber when any work is begun. Upon the completion of such work, it shall be inspected by the Building Inspector. If found to have been done satisfactorily in accordance with the permit issued therefor, the Building Inspector shall issue a certificate of approval.

B. It shall be unlawful to use any plumbing system until a certificate of occupancy (in the case of work covered by a building permit) or a certificate of approval has been issued therefor.

65-17. Other Provisions Applicable.

Such other provisions of this chapter as relate to building permits, including but not limited to provisions for revocation, notice and stop-work orders, which are not inconsistent herewith shall be applicable to plumbing permits.

65-18. Penalties.

A violation of any of the provisions of this article, including performance of work without a plumbers' license or a required building permit shall be subject to the penalties set forth in section 65-10."

Section 2. Chapter 65 of the Code of the Village of Greenport is hereby amended, to include a new Article IV, to read as follows:

"Article IV. Electrical Work.

65-19. Performance of Electrical Work.

A. No person shall install, alter or repair electrical wiring, apparatus, fittings, appliances or equipment other than:

- (1) A master electrician; or
- (2) A person hired by or working under the general supervision of a master electrician.

B. A person authorized herein to perform electrical work in the Village must register annually with the Village, and provide any information and documentation required from time to time by the Building Department, including proof of insurance and an annual fee as required by the Board of Trustees from time to time.

Section 3. Any local law or provision of the Code of the Village of Greenport in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section 4. 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 5. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

A local law to amend Chapter 65 ("Fire Prevention and Building Construction") of the Code of the Village of Greenport, to repeal a provision of law relating to Building Inspector duties.

Section 1. Section 65-3(B) is hereby rescinded.

Section 2. Severability. If a court determines that any clause, sentence, 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 affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the 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 3. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

A local law to amend Section 65-10 of the Code of the Village of Greenport, to amend the penalty provisions with respect to violations of Chapter 65.

Section 1. Section 65-10 of the Code of the Village of Greenport is hereby amended, to read as follows:

"§65-10. Penalties.

A. The performance of any construction work without a building permit, the occupancy of a building or structure without a required certificate of occupancy or completion, as applicable, and/or the performance of any construction work without permitting an inspection required by this chapter, is a violation of this chapter and shall be punishable by a fine in the amount of:

- (1) \$1,000,
- (2) \$1,000 to \$2,500 for a second offense within an eighteen (18) month period, and
- (3) \$2,500 to \$5,000 for a third or subsequent offense within an eighteen (18) month period.

B. For purposes of multiple offenses within an eighteen (18) month period, any person or entity that is a member of a limited liability company, professional limited liability company or limited liability partnership, a partner of a partnership or an officer of a corporate entity, shall be subject to the increase in penalties in the same manner as an individual subject to the increasing offenses occurring within an eighteen (18) month period.

C. Each and every day that any violation shall exist shall be a separate violation punishable as a separate offense of this chapter with a separate fine in accordance with subsection A above.

Section 2. Any local law or provision of the Code of the Village of Greenport in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section 3. 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 4. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

SHORT ENVIRONMENTAL ASSESSMENT FORM – PART 1
ADOPTION OF ZONING MAP AMENDMENT (1001-4-8-28)

DESCRIPTION OF PROPOSED ACTION

Proposed Action/Site Information

The proposed action is the reclassification of a certain parcel from the R-2 One- and Two-Family Residence District to the CR Retail Commercial District.

The premises, which is designated as District 1001, Section 4, Block 8, Lot 28 on the Suffolk County Tax Map (the "Premises") is a vacant parcel, on the east side of 4th Avenue, bounded on the south by the Greenporter Hotel (which is partially in the R-2 district and partially in the CR district and is used as a hotel and restaurant), on the north by residential properties located in the R-2 district, and on the east by property located in the CR district. The Premises has remained vacant and undeveloped for decades. The Premises is only 47 feet wide at the 4th Avenue frontage and narrows to 34 feet in width along its rear.

4th Avenue is used as one of primary accessways for emergency responders going to and leaving from the Greenport Fire Department located on the corner of 4th Avenue and South Street, about one-half of a block north of the Premises. Vehicles park on both sides of 4th Avenue, with vehicles on the west side often being parked over the curb area such that a portion of the vehicle is parked over the curb area and a portion on the paved roadway.

The Greenporter Hotel property has been used for temporary lodging purposes for approximately 75 years. It is located at the westerly and northerly edge of the CR district.

The proposed use of the Premises will be limited, if necessary by appropriate site conditions and a deed restriction, to be used for parking, loading and a buffer area associated with the Greenporter Hotel site, with no buildings or structures located thereon.

Reclassification Criteria

In assessing the appropriate zoning district for the Premises, considerations include whether the zoning designation of the Premises would be consistent with the character of the surrounding neighborhood and whether any district reclassification would be reasonable and appropriate to preserve and protect the existing character of the neighborhood and be consistent with the Village's comprehensive plan.

The Village's comprehensive plan is set forth in various documents, including the Zoning Code, Local Waterfront Revitalization Program (LWRP) and other policies and standards identified in various decisions and documents. Zoning related goals, objectives, principals, policies and standards are identified within these documents.

The Village Zoning Code identifies the following principles as the Village's "comprehensive zoning plan": (a) assure adequate sites for residential, industrial and commercial uses, (b) prevent and reduce traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians, (c) provide maximum protection for residential areas, (d) enhance the appearance of the Village as a whole, (e) improve and foster compatibility of businesses and commercial uses with the Village character, (f) preserve, enhance and perpetuate the Village's heritage, (g) promote and encourage the maintenance and production of appropriate diverse and affordable year-round housing opportunities, (h) support and enhance a year-round Village economy, (i) protect the Village's economic vitality by ensuring a vibrant mixed use, walkable commercial district with a focus on encouraging businesses that provide year-round employment, services and goods to Village residents and support a sustainable commercial waterfront, (j) preserve the unique community character that supports tourism, encourages entrepreneurial businesses and contributes to a higher quality of life for its residents, and (k) maintain and enhance the Village's visual quality and preserve the ambience of the commercial and waterfront district.

Additionally, to encourage growth and development within the Village's waterfront areas and commercial business districts, the LWRP identifies various goals, including (a) enhancement of the Village's position as the commercial and business center of the Town of Southold, (b) conservation and enhancement of the residential character of established residential areas throughout the Village, and (c) improvement of the Village's visual quality. And the Village also has obtained designation as a New York State Pro Housing Community, which demonstrates that it plans to take actions to help families fight for housing that meets their needs.

In considering the proposed reclassification of the Premises, the Board of Trustees considers the aforesaid policies, standards, goals and objectives.

Planning Board Report

The Board referred the proposed amendment to the Planning Board and the Planning Board issued a report in accordance with Village Code §150-33 (the "Report"). In reviewing the proposed map amendment, the Planning Board assesses the following considerations:

- (a) Whether the uses permitted by the proposed change would be appropriate in the area.
- (b) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change.
- (c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
- (d) The effect of the proposed amendment upon the growth of the Village as envisaged by the comprehensive development plan.

- (e) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Village and the probable effect thereof.

The Report addresses each of these considerations. The Planning Board identified the competing policies contained within the LWRP and the Village's stance on providing additional attainable housing. In particular, the Planning Board noted that Fourth Streets and Fourth Avenue, which are the most likely locations for overflow parking of patrons of the Greenporter, are significant traffic arteries in the Village for emergency services, the Shelter Island Ferry and various bus services, including the Hampton Jitney. "Adding additional on-street parking on these streets raises significant traffic flow and safety concerns as well as posing a potentially significant negative impact on the residents in the surrounding residential communities." Applying the above criteria to these concerns and conditions particular to this site and this neighborhood, the Planning Board found: (a) the uses permitted in the R-2 district and the uses contemplated on the site within the CR district (parking, loading and landscape buffer) are appropriate for the area, (b) with no new residences proposed, the additional public school facility consideration would not apply, (c) the proposed uses or the currently permitted residential uses would both be consistent with the approved site plan/uses in the surrounding area, (d) given the uncertainties of there being housing of any kind built on the Premises, there is a sufficient basis to conclude that the proposed amendment and use is consistent with the current comprehensive plan and the LWRP, and (e) while the proposed amendment would reduce potential residential capacity, the history of the site as a vacant property there is no clear negative impact to residential capacity.

In sum, the Planning Board concluded that there are competing planning interests and policies that would support either the adoption of the proposed amendment or a finding that the proposed amendment conflicts with elements of the Village's comprehensive plan. In other words, the Village's zoning and land use policies can support either zoning classification, and the Planning Board defers to the Board of Trustees as to which is the more appropriate zoning classification. If the Board of Trustees were to approve the reclassification of the Premises to the CR district, the Planning Board would recommend the following conditions be imposed: (a) the Premises be utilized only for parking, loading, unloading and ingress/egress to the abutting lots used by the Greenporter Hotel (tax lots 29, 30 and 31), (b) the zoning change should revert to R-2 zoning if construction of additional parking and loading/unloading and a related landscaping buffer zone is not completed in accordance with a site plan and conditional use approval from the Planning Board in respect of the Greenporter and any related expansion by December 31, 2026 (subject to permitted extensions for not more than 12 total months), and (c) the Greenporter shall enter into arrangements or covenants or otherwise provide assurances satisfactory to the Planning Board that ensure it will provide affordable year-round housing for not less than 8 employees within the Village of Greenport or the area that comprises the Greenport Union Free School District.

Subject to appropriate conditions, it is reasonable and appropriate to reclassify the Premises to the CR zoning district to allow for use of the Premises as currently proposed, which will allow for the Premises to be developed in a manner that is consistent with

development and safety considerations and development consistent with that character and will be in accord with the Village's comprehensive zoning plan. In particular, the conditional rezoning of the Premises that would permit the Premises to be used as accessory parking, loading and unloading and as a landscape buffer in conjunction with an existing hotel and restaurant use, will (a) prevent roadway congestion to promote efficient and safe circulation of vehicles, pedestrians and emergency vehicles along 4th Street and 4th Avenue, (b) with the additional buffer and reuse of the vacant premises will protect the abutting residential character, (c) with the condition applicable to housing, will provide and/or maintain affordable housing for staff at the Greenporter Hotel, and (d) support tourism and economic revitalization.

In addition to the conditions recommended by the Planning Board, the Board of Trustees also recognizes that the Premises may be subject to the non-merger provision in Village Code §118-15, which may require merger approval from the Zoning Board of Appeals. Thus, as a further condition of the zoning reclassification, the merger of the Premises with the adjoining Greenporter property shall require Zoning Board of Appeals approval in accordance with Village Code §118-15.

Subject to the referenced conditions, the future use of the Premises as proposed, and as conditioned in this reclassification, will enhance the character of the Premises and the surrounding community and will be in accord with the Village's comprehensive plan.

Negative Declaration Pursuant to
New York State Environmental Quality Review Act

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of a local law to amend the zoning map of the Village of Greenport, to reclassify property designated as District 1001, Section 4, Block 8, Lot 28 from the R-2 One and Two-Family Residence District to the CR Retail Commercial District, ("Zoning Map Amendment Law"); and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form and Description of Proposed Action prepared with respect to the proposed law,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of the Zoning Map Amendment Law as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and

□ . the proposed adoption of the Zoning Map Amendment Law is an Unlisted Action under SEQRA;

□ . the Board has considered the adoption of the Zoning Map Amendment Law, which law provides for the reclassification of District 1001, Section 4, Block 8, Lot 28 from the R-2 One- and Two-Family Residence District to the CR Retail Commercial District;

□ . the Board has thoroughly reviewed the Short Environmental Assessment Form and the supplemental narrative description of the proposed action;

□ . the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

- . the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
- . the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a

threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

- . the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
- . the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
- . the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- . the proposed action would not result in a major change in the use of either the quantity or type of energy;
- . the proposed action would not create a hazard to human health;
- . the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- . the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- . the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
- . the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- . the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- . the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;

□ . the proposed action would not have a significant adverse environmental impact;

□ . no further environmental review is required with respect to the proposed action,
and

□ . the Mayor, or his designee, is authorized to execute the Short EAF in a manner consistent with the foregoing findings concluding that the proposed action will not result in a significant adverse environmental impact.

SHORT ENVIRONMENTAL ASSESSMENT FORM – PART 1
ADOPTION OF ZONING MAP AMENDMENT (1001-4-8-29)

DESCRIPTION OF PROPOSED ACTION

Proposed Action/Site Information

The property located at 326 Front Street and designated on the Suffolk County Tax Map as District 1001, Section 4, Block 8, lots 29, 30 and 31 contains the Greenporter Hotel and associated uses, including a restaurant (the “Greenporter Property”). Lots 30 and 31 are located in the CR Retail Commercial District and lot 29 is split between two (2) zoning districts. The northerly portion is located in the R-2 One-and Two-Family Residence District and the southerly portion is in the CR district.

The owner of the Greenporter Property has requested that the Board reclassify the portion of lot 29 located in the R-2 district to the CR district. The portion of the property located in the R-2 district has been used as part of the overall Greenporter Property for decades. The portion of the Greenporter Property in the R-2 district contains parking areas and a portion of a building. The

Lot 29 has been used as part of the Greenporter Property and contains a portion of the building and parking area.

In accordance with Village Code §150-5, where a district boundary divides a lot in one ownership and more than 50% of the area of such lot lies in the less restricted district, the regulations prescribed in the Zoning Code for the less restricted district shall apply to such portion of the more restricted portion of said lot as lies within 30 feet of such district boundary. Thus, if more than 50% of lot 29 was located in the CR district, no zoning district reclassification would be necessary to use the R-2 zoned portion of the Greenport Property as part of a hotel and restaurant use.

The applicant submitted documentation providing that the property does not receive the benefit of this “exemption”. Accordingly, the R-2 portion of lot 29 can remain within the R-2 district and continue to be used in a manner that is not permitted in the R-2 zone, or this portion of the property can be rezoned so that its existing use would correspond with the uses permitted in the CR district.

Planning Board Report

The rezoning request was forwarded to the Planning Board for its review in accordance with Village Code §150-33 and the Planning Board issued a report (the “Report”). As stated in the Report, the Planning Board (a) views the reclassification of this lot as a ‘clean up’ amendment to reflect the actual and historical use of lot 29 as part of the overall operations of the Greenporter, and (b) believes that it is best practice and appropriate, where possible, for the Village’s zoning map to be reflective of actual approved uses that are not intended to be subject to the provisions of the non-conforming use provisions in the Village Code but rather are intended to be permitted as a general

use of the applicable property. Accordingly, the Planning Board recommends that it would be in the best interest of the Village community to amend the Zoning Map to eliminate the split zone portion of the property and provide that the entirety of the Greenporter Property be in the CR district.

The rezoning of the portion of lot 29 located presently in the R-2 district to the CR district will eliminate the presently existing non-conformity and provide for the entirety of the Greenporter Property, which has been used as a single use property under single and separate ownership for decades, to be operated and utilized in accord with zoning regulations. Under the circumstances, the rezoning of the northerly portion of lot 29 from the R-2 district to the CR district is appropriate and reasonable and would allow for development of the premises in a manner that appropriately addresses the needs and potential impacts on the community by redesignating this portion of the property as CR Retail Commercial District.

Negative Declaration Pursuant to
New York State Environmental Quality Review Act

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of a local law to amend the zoning map of the Village of Greenport, to reclassify a portion of property designated as District 1001, Section 4, Block 8, Lot 29 from the R-2 One and Two-Family Residence District to the CR Retail Commercial District, ("Zoning Map Amendment Law"); and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form and Description of Proposed Action prepared with respect to the proposed law,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of the Zoning Map Amendment Law as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and

□ . the proposed adoption of the Zoning Map Amendment Law is an Unlisted Action under SEQRA;

□ . the Board has considered the adoption of the Zoning Map Amendment Law, which law provides for the reclassification of a portion of an existing tax lot that is split zoned to rezone the portion that is located in the R-2 One- and Two-Family Residence District to the CR Retail Commercial District;

□ . the Board has thoroughly reviewed the Short Environmental Assessment Form and the supplemental narrative description of the proposed action;

□ . the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

- . the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

- . the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
- . the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
- . the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
- . the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- . the proposed action would not result in a major change in the use of either the quantity or type of energy;
- . the proposed action would not create a hazard to human health;
- . the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- . the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- . the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
- . the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- . the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- . the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;

□ . the proposed action would not have a significant adverse environmental impact;

□ . no further environmental review is required with respect to the proposed action,

and

¶ . the Mayor, or his designee, is authorized to execute the Short EAF in a manner consistent with the foregoing findings concluding that the proposed action will not result in a significant adverse environmental impact.