

A local law to amend Chapters 48, Building Construction Administration, of the Code of the Village of Sea Cliff, to establish a notification procedure to residential property owners for commercial construction.

Section one. Chapter 48 of the Code of the Village of Sea Cliff hereby is hereby amended by adding a new section, Section 48-19.2, to read as follows:

“§48-19.2. Permit Notification Requirements for Commercial Construction.

A. Purpose. The purpose of this section is to establish a notification procedure to residential property owners who may be impacted by a proposed construction project so that residents are made aware of the proposed work in a timely manner and can identify concerns with the building permit applicant prior to the commencement of construction.

B. Applicability. Except as provided herein, all building permit applications for demolition, new construction, alterations that expand the exterior dimensions of a building or create a new exterior structure, enlarge or relocate a parking or outdoor usable area, and changes of use, for properties (i) used or proposed to be used entirely or partially for commercial purposes, whether or not located in a Business Zoning District, and (ii) located within 150 feet of any property used for residential purposes, shall be subject to the notification procedures provided in this section.

C. Building Department Determination. The Building Department shall determine whether a building permit application is subject to the notifications requirements in this section.

D. Applicant Submissions. If determined to be subject to the notification requirements, an applicant shall (i) pay a fee, in an amount to be determined by resolution of the Board of Trustees, from time to time, to the Village for the Building Department’s processing of the notification and preparation of list of property owners entitled to notice, in accordance with this section, and (ii) provide the name and contact information for a point of contact.

E. Written Notice. The Building Department shall prepare a written notice describing the proposal and the contact information for the point of contact, which notice shall be mailed in accordance with subsection G herein. The notice shall be provided to the applicant.

F. List of Property Owners. The Building Department shall prepare a list of property owners entitled to notice.

G. Mailing of Notice. The notice together with an 11 x 17 set of plans shall be mailed as follows:

i. Applicant may deliver the notice and plans in pre-paid envelopes for each property owner entitled to notice, to be sent by regular mail, to the Village Building Department for mailing, or

ii. Applicant shall mail the notice and plans, by certified mail, return receipt requested, to all property owners entitled to notice and provide the Village Building Department with an affidavit of mailing demonstrating that the notice and plans were so mailed to all property owners entitled to notice.

H. Building Permit Issuance. Upon the completion of mailing of notice, as provided in subsection G herein, the Building Department may issue a building or demolition permit, as the case may be.

I. Owners Entitled to Notice. The required notice and plans shall be mailed to all property owners within 150 feet of the applicant's property.

J. Exemptions. The notice provisions shall not apply for building permit applications for projects that have been the subject of a duly noticed public hearing before the Zoning Board of Appeals or Planning Board, provided that the nature of the work for which the building permit application is required is both substantially included in the hearing notice and is the subject of the hearing.”

Section two. Any local law, ordinance, or resolution of the Village of Sea Cliff 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 three. 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 seven. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.