

Bill VSC 1910

A local law to amend the Code of the Village of Sea Cliff in relation to public hearings and legal notices for applications involving air conditioner units or playground equipment, in the Village of Sea Cliff.

Section one. Section A150-5 of the Code of the Village of Sea Cliff is hereby amended, to read as follows:

Sections A150-5(B) through (F) are renumbered A150-5(C) through (G), respectively.

A new section A150-5(B) is hereby adopted to read as follows:

§A150-5(B). Public hearings and Legal Notices for Applications involving Air Conditioner Units or Playground Equipment.

Notwithstanding any other provision in this Code, applications for Zoning Board of Appeals, as permitted in this subsection, shall be in accordance with the following procedure.

1. On an interior lot, an applicant for an air conditioner unit or playground equipment approval shall provide a notice, as prepared by the Village, to property owners of all properties that abut the applicant's premises and all properties on the opposite side of the street of the applicant's premises, including all properties that either include land between the side property lines of the applicant's premises or have at least one side or rear property line that is directly across from any portion of applicant's property.
2. On a corner lot, an applicant for an air conditioner unit or playground equipment approval shall provide a notice, as prepared by the Village, to property owners of all properties that abut the applicant's premises, all properties abutting the corner intersection, and all properties on the opposite side of the street and between the intersecting corner and the next intersection
3. For applications that would require Zoning Board of Appeals approval to permit an air conditioning condenser unit or playground equipment, in lieu of the notice requirement provided in section A150-5(A), the notice shall be sent in the following manner. The applicant shall prepare a map (in such form as may be required by the Village) stating the names of the owners of all properties to whom notice is required to be provided pursuant to subsections A150-5(B)(1) and (2). The applicant also shall deliver to the Building Department unsealed, prepaid, stamped envelopes addressed to each such property owner, with a return address provided on the envelope as Village Hall, 300 Sea Cliff Avenue, PO Box 340, Sea Cliff, New York 11579, and each envelope containing therein a copy of the plans depicting all details of the proposed unit or equipment, including the location,

height, materials, and any proposed sound or visual attenuation measures. The Village shall place a notice in each envelope providing that the recipient of the notice has fourteen (14) calendar days to submit to the Village a written objection or concern to the fencing, and shall thereafter mail the envelopes.

4. If no person submits a written objection or concern to the Village regarding the proposed unit or equipment, within the fourteen (14) period, and the proposed unit or equipment requires no further approvals or review by any other board or agency with jurisdiction, the Building Department shall issue a building permit for the proposed unit or equipment.

5. If any person presents a written objection or concern to the Village regarding the proposed unit or equipment, the applicant may make an application for Zoning Board of Appeals approval for permission to install the air conditioning unit or playground equipment, upon submitting an application to the Building Department requesting a variance or other relief. The Zoning Board of Appeals application procedure shall be the same as otherwise provided in this Chapter.”

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 four. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.