

Bill VSC 1807A

A local law to amend the Code of the Village of Sea Cliff, in relation to definitions of lot area and accessory structures and regulation of certain accessory structures.

Section one. Section 138-201 of the Code of the Village of Sea Cliff is hereby amended, by amending the definitions of “lot area” and “front property line” and adopting a definition of “steep slope”, to read as follows:

“ACCESSORY BUILDING

A building, structure or equipment, the use of which is incidental to that of the principal building and which is attached thereto or is located on the same premises, which includes, but is not limited to, a detached private garage, (except that a private garage that is attached to the principal building shall be considered a part thereof and shall not be considered an “accessory building”), deck, generator, air conditioning, pool equipment and filter, mechanical equipment, and a recreational, tennis or other impervious recreational court.

LOT AREA (OR AREA OF A LOT)

The area of a lot on which a building and its accessories are located or to be located. In determining compliance with the minimum lot area requirements within any given zoning district in the Village, the following areas shall be excluded from the computation:

- A. Any area located in the bed of any street or right-of-way;
- B. Any area within, or deemed to be, a steep slope. For purposes of this exclusion from Lot Area, this exemption shall not apply to:
 - i. An existing, buildable lot held in single and separate ownership that is developed with a permitted use or lawful, non-conforming use, or
 - ii. a lot that was compliant with lot size and configuration provisions, as of October 15, 2018; and
- C. Any area located in a tidal or freshwater wetland as determined by the New York State Department of Environmental Conservation.

Section two. Sections 138-416, 516, 616 and 716 of the Code of the Village of Sea Cliff are hereby amended, by adding a subsection (G) to read:

G. In addition to compliance with the minimum setback provisions, all generators shall be not less than 30 feet from any habitable structure on an adjoining parcel.

Section three. Section 115-12 of the Code of the Village of Sea Cliff is hereby amended, by adding section 115-12(E), to read:

115-12(E). All swimming pool and pool equipment shall be governed by Chapter 138, in relation to location, setbacks, and coverage provisions.”

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.