

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 29-2023
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 169 COASTAL EROSION MANAGEMENT

Section 1. Amendment to the Code of the Town of Huntington, Chapter 169 (Coastal Erosion Management), Article IV (Variances and Appeals) as follows:

CHAPTER 169
COASTAL EROSION MANAGEMENT
ARTICLE IV
VARIANCES AND APPEALS

* * *

§ 169-20 Appeal.

The Coastal Erosion Hazard Board of Review may, in conformity with the provisions of this local law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Administrator, including stop or cease and desist orders. Notice of such decision will forthwith be given to all parties in interest. The rules and procedures for filing appeals are as follows:

(A) Appeals must be filed with the Town Clerk within thirty (30) days of the date of the adverse decision.

(B) All appeals made to the Coastal Erosion Hazard Board of Review must be in writing on standard forms prescribed by the Board. The Board will transmit a copy to the Commissioner of the New York State Department of Environmental Conservation for his information.

(C) All appeals must refer to the specific provisions of this local law involved, specify the alleged errors, the interpretation thereof that is claimed to be correct and the relief which the appellant claims.

(D) Retention of outside consultants and independent studies.

(i) Legislative intent. It is the intention of the Town Board to protect the health, safety and welfare of those residing in neighboring properties and the community-at-large and specifically real property located in a coastal erosion hazard area from the impacts of land development, and to facilitate the expeditious processing of applications by providing the Department of Maritime Services and the Coastal Erosion Hazard Board of Review with a mechanism by which they can seek the assistance of outside professionals and/or commission independent studies at the applicant's expense to assist in evaluating any matter involving an application to the Department of Maritime Services or an Appeal by an applicant to the Coastal Erosion Hazard Board of Review over which the Coastal Erosion Hazard Board of Review Board has jurisdiction. In order to accomplish these goals, the Town Board is exercising its police power and authority under § 10(1)(ii)(a)(6), (11) & (12) and § 10(1)(ii)(d)(3) of the Municipal Home Rule Law; the New York State Constitution; § 64(23) and § 130(15) of the Town Law, and any other applicable provision of law now or hereinafter enacted so as to require full payment of all such fees as a condition of approval of a permit to allow construction in a coastal erosion hazard area, and the issuance of a building permit or other Town approval.

(ii) As a condition of processing any matter over which it has jurisdiction, and except as otherwise set forth in Chapter 194 for Wireless Telecommunications Facilities, the Department of Maritime Services and or the Coastal Erosion Hazard Board of Review may, at any time, require an applicant to pay for the reasonable costs of such independent studies and/or outside consultants as may be reasonably related to the matter under review. All such costs shall be paid by cash or certified check and are in addition to any other required fee. Within thirty (30) days of the date on the written request for payment, the applicant shall submit to the Department of Audit & Control a fee determined by The Department of Maritime Services or the Coastal Erosion Hazard Board of Review, or its designee, and the fee shall be deposited into an account to be utilized by the Town to pay for such services during the review process. Upon request, the applicant shall be provided with copies of invoices submitted to the Town for the work of outside consultants and studies. In the event the sum initially deposited by the applicant is not sufficient and additional funds are necessary, the applicant shall pay such additional sums within twenty (20) days of the date on the written request for payment. After all reasonable charges have been paid to the vendor(s) by the Town, any balance remaining on deposit in the account shall be returned to the applicant. In the event an application is withdrawn at any stage by the applicant any unused portion of the sums on deposit shall be returned to the applicant.

