ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 49-2023 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198 (ZONING), ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS), §198-40.4 (MORATORIUM ON THE ISSUANCE OR RELEASE OF PERMITS OR OTHER APPROVALS WHILE DESIGNATION PENDING)

Resolution for Town Board Meeting Dated February 6, 2024

The following resolution was offered by: COUNCILMAN FERRO

And seconded by: SUPERVISOR SMYTH

WHEREAS, § 198-40.4 of the Town Code addresses certain restrictions on the issuance of permits and approvals for property that is the subject of a proposed moratorium in a historic district; and

WHEREAS, the purpose of the code change is to clarify that Town Code § 198-40.4 does not apply to real property that is already in a historic district and as such is not subject to a moratorium because an application has been made by either the Town of Huntington or residents of the Town of Huntington; and

WHEREAS, pursuant to 6 NYCRR section 617.5(c)(26) adopting regulations amending the code is a Type II action and no further SEQRA review is required at this time.

NOW, THEREFORE,

THE TOWN BOARD, having held a public hearing on the 3rd day of January, 2024 at 2:00 p.m. to consider adopting Local Law Introductory No. 49-2023 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), §198-40.4 (Moratorium on the Issuance or Release of Permits or Other Approvals While Designation Pending), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 49-2023 amending the Code of the Town of Huntington, Chapter 198 (Zoning) Article VI (Historic Landmarks and Districts), §198-40.4 (Moratorium on the Issuance or Release of Permits or Other Approvals While Designation Pending), as follows:

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

LOCAL LAW NO. 11-2024 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198 (ZONING) ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS)

Section 1. Amendment to the Code of the Town of Huntington, § 198-40.4, Moratorium on the issuance or release of permits and other approvals while designation pending.

§ 198-40.4 Moratorium on the issuance or release of permits and other approvals while designation pending.

No work shall be commenced and no building permit or other approval shall be granted, issued or released to erect, reconstruct, repair, restore, rehabilitate, renovate, alter, change, demolish, raze or move a proposed historic landmark or any open space or structure within a proposed historic district, <u>unless the subject property and/or building is already designated as historic</u>, from the date of filing of a petition in the Office of the Town Clerk to the date a final decision is rendered by the Town Board; and if no decision is rendered, until the expiration of ninety (90) days from the date of the public hearing, unless otherwise extended by the Town Board.

* * * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY <u>UNDERLINE</u> *** INDICATES NO CHANGE TO PRESENT TEXT DELETIONS ARE INDICATED BY STRIKE THROUGH

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Edmund J. Councilman Dr. Dave Councilman Salvatore Councilwoman Brook Councilwoman Theres	Bennardo Ferro e A. Lupinacc	AYE AYE AYE AYE AYE	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED