

2019-172

CATEGORY: Local Law Public Hearing
DEPARTMENT: Town Attorney

PH 2/6 4:30 Pm - LL Moratorium Re State Road 25

WHEREAS there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 12th day of February 12, 2019, a Local Law entitled **“A Local Law in relation to a Temporary moratorium on the issuance of approvals and/or permits for the parcels of property in “The State Route 25 Love Lane Intersection and surrounding area”** so now therefor be it

RESOLVED that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at Southold Town Hall, 53095 Main Road, Southold, New York, on the **26th day of February, 2019 at 4:31 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **A Local Law in relation to a Temporary moratorium on the issuance of approvals and/or permits for the parcels of property in “The State Route 25 Love Lane Intersection and surrounding area”** reads as follows:

LOCAL LAW NO. _____ 2019

A Local Law entitled, **“A Local Law in relation to a Temporary moratorium on the issuance of approvals and/or permits for the parcels of property in “The State Route 25 Love Lane Intersection and surrounding area”** .

A Local Law entitled, **“A Local Law in relation to a Temporary moratorium on the issuance of approvals and/or permits for the parcels of property in “The State Route 25 Love Lane Intersection and surrounding area”** .

BE IT ENACTED by the Town Board of the Town of Southold, as follows:

Section 1. Purpose

The Town Board recognizes that in the area of the intersection of State Route 25 (a/k/a “Main Road”) and Love Lane there is insufficient infrastructure to handle the drastic increase in traffic in recent years and to allow for the safe passage of pedestrians to safely cross Main Road at the Love Lane intersection as well as at other intersections immediately to the East and West of the aforementioned intersection. This lack of infrastructure puts the health, safety and welfare of the public at risk. The residents of the hamlet of Mattituck and the surrounding areas have voiced their concerns regarding the risk to the health, safety and welfare of the community and the need for improvements to the infrastructure at the intersection of Main Road and Love Lane.

Similarly, local business owners have identified the traffic issues along Route 25 and Love Lane as has having a negative effect on local businesses.

Although Main Road is a road owned and maintained by the State of New York, the Town Board has commissioned a traffic study of this area to identify the issues that need to be addressed and propose solutions and improvements to the infrastructure. The traffic study has reached a critical phase wherein the Town is meeting with New York State Department of Transportation officials to determine which of the various proposed improvements to the infrastructure the State would deem acceptable and willing to implement or allow the Town to implement.

The Town Board realizes that, based on the proposed infrastructure improvements to improve traffic flow at the intersection of Main Road and Love Lane contained in the initial draft of the Traffic Study, there is a possibility of impacts to other intersections in the area where Main Road intersects with local roads. Although the present study is analyzing three intersections in the area, there are 5 more intersections in the area where Main Road intersects with a local road where there is no signal and/or no crosswalk to safeguard pedestrians. Therefore, after reviewing initial drafts of the traffic study, the Board is of the opinion that the traffic study needs to be expanded to address these additional intersections along Main Road.

In addition to the traffic study commissioned by the Town Board, the Town of Southold Planning Board has recently completed a study of the parking in the Love Lane area and determined that there is a need for more public parking in the area.

The Town Board is also nearing completion of updates to the Town Comprehensive Plan and expects to be in a position to adopt those changes over the next several months. The Comprehensive Plan will also contain recommendations as to infrastructure improvements and land use at the Route 25 and Love Lane intersection and surrounding area.

The Town Board wishes to be able to consider the proposals and recommendations contained in the various aforementioned plans; consider various alternatives to current zoning along Main Road; as well as implement improvements to the infrastructure and adopt any recommended land use changes, to insure the health, safety and welfare of the community to address the recent drastic increased demands on the infrastructure in the area around the Main Road/Love Lane Intersection and surrounding area.

Given the reasons and facts set forth above and until the planning process is completed, the Town Board finds it necessary to impose a moratorium as set forth below. This action is necessary in order to protect the character, public health, safety and welfare of the residents of the hamlet of Mattituck as well as those visiting the Love Lane area.

Section 2. ENACTMENT OF A TEMPORARY MORATORIUM

Until six (6) months from the effective date of this Local Law, after which this Local Law shall lapse and be without further force and effect and subject to any other Local Law adopted by the Town Board during the six (6) month period, no agency, board, board officer or employee of the Town of Southold including but not limited to, the Town Board, the Zoning Board of Appeals, the Trustees, the Planning Board, or the Building Inspector(s) issuing any building permit pursuant to any provision of the Southold Town Code, shall issue, cause to be

issued or allow to be issued any approval, special exception, variance, site plan, building permit, subdivision, or permit for any of the property situated along State Route 25, bounded on the West by intersection of State Route 25 and Bay Avenue and bounded on the East by the intersection of State Route 25 and Pike Street.

Section 3. DEFINITION OF “THE STATE ROUTE 25 LOVE INTERSECTION AND SURROUNDING AREA”

The State Route 25 and Love Lane intersection and surrounding area is hereby defined as the area bounded by the following public roads: All properties along State Route 25 in the hamlet of Mattituck, bounded by the intersection of State Route 25 and Bay Ave on the West and State Route 25 and Pike Street on the East.

Section 4. EXCLUSIONS

This Local Law shall not apply:

- 1) to any person or entity who/which has, prior to the effective date of this Local Law, obtained all permits required for construction of a building on any property located in the State Route 25 Love Lane Intersection and Surrounding Area including later applications to repair or alter, but not enlarge, any such building otherwise prohibited during the period of this temporary moratorium.
- 2) To any permit or application regarding a single family dwelling unit to be used solely for residential purposes.
- 3) To any application by a municipal corporation or special district or fire district.

Section 5. AUTHORITY TO SUPERCEDE

To the extent and degree any provisions of this Local Law are construed as inconsistent with the provisions of Town Law sections 264, 265, 265-a, 267, 267-a, 267-b, 274-a, 274-b, and 276, this Local Law is intended pursuant to Municipal Home Rule Law sections 10(1)(ii)(d)(3) and section 22 to supercede any said inconsistent authority.

Section 6. VARIANCE TO THIS MORATORIUM

Any person or entity suffering unnecessary hardship as that term is used and construed in Town Law section 267-b(2)(b), by reason of the enactment and continuance of this moratorium may apply to the Town Board for a variance excepting the person’s or entity’s premises or a portion thereof from the temporary moratorium and allowing issuance of a permit all in accordance with the provisions of this Southold Town Code applicable to such use or construction.

Section 7. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not impair or invalidate the remainder of this Local Law.

Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.