

LOCAL LAW NO. 6 OF 2024

A LOCAL LAW amending §196-15 I. to change the maximum amount of natural vegetation clearance allowed on light industrial parcels within the Compatible Growth Area of the Central Pine Barrens from 65% to 60% and adding a new §196-13 J. to ensure development and clearing in the Residence A-9 District conforms to the Central Pine Barrens Comprehensive Land Use Plan.

BE IT ENACTED by the Board of Trustees of the Village of Quogue as follows:

SECTION 1. Legislative Intent. On April 19, 2023, the Central Pine Barrens Joint Planning & Policy Commission adopted amendments to the Central Pine Barrens Comprehensive Land Use Plan (“CLUP”). These amendments changed, among other things, the maximum amount clearance of natural vegetation on a light industrial parcel in the Compatible Growth Area (“CGA”) from 65% to 60%. Article 57 of the New York State Environmental Conservation Law requires that each municipality with lands in the Central Pine Barrens must adopt laws and regulations to be consistent with the CLUP. The Village Board, by Local Law 1 of 1996, adopted Section §196-15 I. to ensure compliance with the CLUP. Section 196-15 I. includes clearance standards for the light industrial parcels located within the CGA of the Central Pine Barrens within the Village boundaries. It is the intent of this local law to change the maximum amount of clearance of natural vegetation on light industrial parcels in the CGA in the Village from 65% to 60% to ensure consistency with the CLUP.

Additionally, the parcels in the Residence A-9 District north of LIRR are located in the CGA but are either owned by the Village of Quogue (i.e. Quogue Wildlife Refuge) or are parcels in the subdivision map of Wildlife Associates that extend partially out of the Village into the unincorporated area of the Town of Southampton. The lots in the subdivision map of Wildlife Associates are encumbered with a covenant restricting the clearance of natural vegetation to 35% of the lot area, which is more restrictive than the CLUP standards. Additionally, since the lots are split between the Village and the Town, the regulation and oversight of the development of all but one of the lots in the subdivision map has been with the Town of Southampton. Nonetheless, to ensure compliance with the CLUP is the intent of this local law to add a new §196-13 J. that will ensure that any development in said Residence A-9 District north of the LIRR is subject to the clearing and other development standards as set forth in the CLUP.

SECTION 2. Amendment. Section 196-15 I. of the Village Code is amended to delete strikethrough words and add underlined words as follows:

I. In the Light Industry LI-1 and LI-2 Districts, clearance of natural vegetation and establishment of fertilizer-dependent vegetation shall be limited in accordance with and shall comply with the following:

(1) For the purposes of these provisions, clearing is defined as the removal of any portion of the natural vegetation found on a site, exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas.

(2) Clearance of natural vegetation shall not exceed ~~65~~ 60% of the total area of the site.

(3) The calculation of the amount of site clearance shall include site areas proposed to be cleared and site areas previously cleared. The site areas proposed to be cleared combined with the site areas previously cleared shall not exceed ~~65~~ 60% of the total area of the site.

(4) Development plans shall delineate the site areas with existing natural vegetation and the limits of the proposed clearance. Development plans shall contain calculations with respect to site areas previously cleared and site areas proposed to be cleared.

(5) Where applicable, development design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent sites are developed. Where applicable, development design shall be configured in such a way as to prioritize the preservation of native pine barrens vegetation.

(6) No more than 15% of an entire development project site shall be established in fertilizer-dependent vegetation including formalized turf areas. Generally, nonnative species require fertilization; therefore, planting of such nonnative species shall be limited to the maximum extent practicable.

(7) The portion of the Village now situate in the Light Industry LI-1 and LI-2 Districts is situate in the compatible growth area defined in Subsection 12 of §57-0107 of the State Environmental Conservation Law. The purpose of the foregoing provisions is to incorporate in the Village Zoning Code applicable land use standards contained in the Central Pine Barrens Comprehensive Land Use Plan adopted pursuant to §57-0121 of the State Environmental Conservation Law; the applicable standards are contained in Volume I, Chapter 5, of said Plan.

(8) In the event that any portion of the Light Industry LI-1 and/or LI-2 Districts is hereafter rezoned so as to be placed in another zoning district under the Village Zoning Code, notwithstanding such rezoning, all of the foregoing provisions shall continue to be applicable to the rezoned site or sites, except as otherwise hereinafter provided. If the rezoned site or sites are placed in a residential district under the Village Zoning Code, the ~~65~~ 60% figure set forth in Subsection I(2) and (3) above shall be deemed to be modified so as to incorporate the applicable percentage figure contained in the clearance standard table (Figure 5-1) under §5.3.3.6 of said Central Pine Barrens Comprehensive Land Use Plan; as so modified, all of the foregoing provisions shall continue to be applicable to the rezoned site or sites.

SECTION 3. Amendment. Section 196-13 of the Village Code is amended to add a new subsection J as underlined words as follows:

J. In the Residence A-9 District located north of the LIRR, clearance of natural vegetation and establishment of fertilizer-dependent vegetation shall be limited in accordance with and shall comply with the following:

(1) For the purposes of these provisions, clearing is defined as the removal of any portion of the natural vegetation found on a site, exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas.

(2) Clearance of natural vegetation shall not exceed the percentages of the total area of the site as set forth in Figure 5-1 of the Comprehensive Land Use Plan adopted pursuant to §57-0121 of the State Environmental Conservation Law; the applicable standards are contained in Volume I, Chapter 5, of said Plan under §5.3.3.6.1 thereof.

(3) The calculation of the amount of site clearance shall include site areas proposed to be cleared and site areas previously cleared.

(4) Development plans shall delineate the site areas with existing natural vegetation and the limits of the proposed clearance. Development plans shall contain calculations with respect to site areas previously cleared and site areas proposed to be cleared.

(5) Where applicable, development design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent sites are developed. Where applicable, development design shall be configured in such a way as to prioritize the preservation of native pine barrens vegetation.

(6) No more than 15% of an entire development project site shall be established in fertilizer-dependent vegetation including formalized turf areas. Generally, nonnative species require fertilization; therefore, planting of such nonnative species shall be limited to the maximum extent practicable.

(7) The portion of the Village now situate in the Residence A-9 District located north of the LIRR is situate in the compatible growth area defined in Subsection 12 of §57-0107 of the State Environmental Conservation Law. The purpose of the foregoing provisions is to incorporate in the Village Zoning Code applicable land use standards contained in the Central Pine Barrens Comprehensive Land Use Plan adopted pursuant to §57-0121 of the State Environmental Conservation Law; the applicable standards are contained in Volume I, Chapter 5, of said Plan.

SECTION 4. AUTHORITY. The proposed local law is enacted pursuant to Village Law §7-712, Article 57 of the Environmental Conservation Law, and Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

SECTION 5. SEVERABILITY. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.