

LOCAL LAW NO. 9 OF 2025

A LOCAL LAW amending Chapter 5 (Administration of Government) of the Code of the Village of Quogue to add a new §5-7, Notice for Public Hearings on Land Use Applications.

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

SECTION 1. Legislative Intent. It is the intent of this local law to establish uniform notice requirements for public hearings held in connection with land use application reviewed by the Village's public bodies, including but not limited to the Board of Trustees, Planning Board, Zoning Board of Appeals and the Design Review Board. The Village's public bodies are authorized under various Chapters to hold a public hearing on applications involving the use of land in one form or another, including for example the following provisions:

Chapter 77 – Bulkheads and Docks (permit - Board of Trustees)

Chapter 80 - Coastal Erosion Hazard Area (appeals – Zoning Board of Appeals as the Coastal Erosion Hazard Board of Review)

Chapter 87 – Environmental Quality Review (environmental review - All public bodies)

Chapter 95 – Flood Damage Prevention (appeals - Zoning Board of Appeals)

Chapter 154 – Storm Sewers (appeals - Board of Trustees)

Chapter 162 – Subdivision of Land (subdivision - Planning Board)

Chapter 196 – Zoning
(special exception – Board of Trustees, Planning Board or Zoning Board of Appeals)
(site plan – Planning Board)
(architectural review – Design Review Board)
(appeals/variances – Zoning Board of Appeals)
(amendment – Board of Trustees)

The Village's public bodies during their review of a land use application have either the discretion to hold a public hearing or such public hearing must be held because it is mandated by State or local law. Currently under the law applications involving subdivisions, special exceptions, site plans, variances and zoning amendments, only require the publication of a notice in the official newspaper. The Board of Trustees have determined that it is in the public interest to provide additional notice in the form of mailings to property owners in close proximity to a property that is the subject of a public hearing involving a land use application. Therefore, this local law is intended to provide the minimum notice requirements for all public hearings that are held by a Village public body including publication in the official newspaper and certified or

registered mailings to property owners within 200 feet of the property that is a subject of the application within 10 days of the date scheduled for the hearing.

SECTION 2. Amendment. The code of the Village of Quogue is amended to add a new §5-7, Notice for Public Hearings on Land Use Applications as follows:

§5-7. Notice for Public Hearings on Land Use Applications. Where the Village's public bodies (as such term is defined herein) are authorized to hold a public hearing on a land use application, such public body, in addition to any notice that may be required under State or local laws, shall provide notice of such public hearing in accordance with the following procedures.

A. For the purpose of this section the following terms shall have the meanings indicated:

VILLAGE PUBLIC BODY - The Village Board of Trustees, Planning Board, Zoning Board of Appeals, Design Review Board, or such other board, committee or agency the Board of Trustees shall hereafter grant authority to review and approve a land use application.

LAND USE APPLICATION - An application involving use or improvement of land where a public hearing is required pursuant to the Village Code. For the purposes of this section, the adoption of a local law by the Board of Trustees amending the Village Code shall not be considered to be a land use application unless the proposed code amendment is sought by application of a landowner.

B. Notice Requirements for Land Use Applications. Where a Village public body is either required to hold a public hearing or otherwise determines a public hearing is necessary on a land use application, the Village public body shall fix the time and place for said public hearing thereon and shall provide for the giving of notice at least ten (10) days prior to the date thereof as follows:

(1) By publishing a notice in the official newspaper by the Village Clerk on behalf of the Village public body.

(2) By requiring the applicant to mail written notice of the date, time and place of the hearing, together with a copy of the application and survey submitted to the public body, by certified or registered mail, return receipt requested, to every property owner, as shown on the current Village of Quogue assessment rolls, of parcels within two (200) feet of the boundary of the property which is the subject of the application. Proof of such notice shall consist of a copy of the assessment roll, the return receipts, and an affidavit attesting to compliance with this mailing notification, the proof of which shall be submitted to such public body on or before the commencement of the public hearing. No additional mailing shall be required for an adjournment.

(3) The failure of the notice to be published in the newspaper or the applicant to provide the required proof of mailing shall require the Village public body to cause the public hearing to be re-noticed.

(4) If the property involved in an application is adjacent to or within five-hundred (500) feet of the boundary of any other municipality, notice of the public hearing shall also be mailed by the public body to the Municipal Clerk of such other municipality.

C. Conflicts with other laws. Wherever the notice requirements of this section conflict or provide greater notice than are required in any other statute or local law or regulation, the notice requirements of this section shall govern. It is intended that the notice requirements under this section are the minimum notice requirements for a land use application in the Village and nothing herein shall limit a public body from requiring an applicant to provide additional notice if required by State or local law, or in its discretion such additional notice is required in the public interest.

SECTION 3. APPLICABILITY: The notice requirements of this Chapter apply to all land use applications received by the Village Clerk on or after January 1, 2026.

SECTION 4. AUTHORITY. The proposed local law is enacted pursuant to Village Law §4-412, §7-708, §7-712, §7-725 a & b, and §7-728, as well as 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.