

PETITION FOR APPROVAL  
PURSUANT TO EXECUTIVE LAW § 379

Incorporated Village of Mastic Beach

Local Law No. 14 of 2012  
Village Code, Chapter 260  
Housing Standards

To: New York Department of State  
Division of Codes

Please accept herewith the petition of the Incorporated Village of Mastic Beach for approval of its Housing Standards code, Chapter 260 of the Village Code, as approved by Local Law No. 14 of 2012. This local law was originally certified by the Village Clerk on April 10, 2012 (as Local Law No. 4) and then re-adopted on July 18, 2012, as an earlier deadline to file with the Division of Codes was missed by the former Village Attorney. We wish to rescind our earlier Petition for Local Law No. 4 and substitute this petition for an identical Local Law No. 14. There was some confusion with the re-adoption of the Local Law, which is the reason why our submission is nine (9) days late. We ask that the Division of Codes consider our Petition.

In regard to the questions posed under the Division's "Guide for the Incorporation of More Restrictive Local Standards":

1. Not generally applicable, except as the proposed Housing Standards will be assistive of the purposes and functions of the Village's Fire Prevention code.
2. It is submitted that the proposed Housing Standards will not only provide a basic level of protection for all people of the State frequenting the Village with regard to construction and maintenance of structures due to the enhanced restrictions within the code.
3. It is submitted that the proposed Housing Standards will afford both residential and non-residential buildings both a basic and an increased level of protection.
4. There is no data available to indicate that an increased cost of doing business within the State would be caused, nor would approval of the Housing Standards result in jurisdictional overlap or business uncertainties, nor would it create artificial increases in construction costs.
5. The conditions necessitating the approval of the proposed Housing Standards are not self-imposed, rather they are due to demonstrated incidence observed by Village personnel as is proved in the accompanying narrative of the Village's Building Inspector. The increased standards are made necessary and desirable in order to continue a higher level of safety than is found in the basic housing standards.

6. The Village has numerous special conditions for which the Housing Standards will address, as indicated in the accompanying narrative of the Village's Building Inspector.
7. The municipality takes no position on the state-wide adoption of the proposed code.

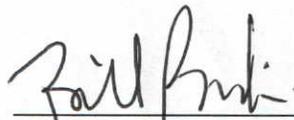
Impacts of the Local Standards:

There is no impact of the proposed local standards anticipated in addition to those already incumbent upon any resident or owner of real property within the Village.

Accordingly, the Incorporated Village of Mastic Beach asks that your office approve the enacted Local Law No. 14 of 2012 as submitted.

For the Board of Trustees of the  
Incorporated Village of Mastic Beach

Dated: August 27, 2012



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Bill Biondi, Mayor of the Village of Mastic  
Beach

PETITION FOR APPROVAL  
PURSUANT TO EXECUTIVE LAW § 379

Incorporated Village of Mastic Beach

Local Law No. 13 of 2012  
Village Code, Sections 350-4; 350-7 & 350-11 of Chapter 350  
"Property Maintenance – Landscaping/Failure to Maintain/Penalties"

To: New York Department of State  
Division of Codes

Please accept herewith the petition of the Incorporated Village of Mastic Beach for approval of its Property Maintenance code, Chapter 350, Sections 350-4, 350-7 & 350-11 of the Village Code, as approved by Local Law No. 13 of 2012. This local law was originally certified by the Village Clerk on April 10, 2012 (as Local Law No. 3) and then re-adopted on July 18, 2012, as an earlier deadline to file with the Division of Codes was missed by the former Village Attorney. We wish to rescind our earlier Petition for Local Law No. 3 and substitute this petition for an identical Local Law No. 13. There was some confusion with the re-adoption of the Local Law, which is the reason why our submission is nine (9) days late. We ask that the Division of Codes consider our Petition.

Section 350-4 relates to local requirements in regard to "landscaping" and set the requirements for bushes, shrubs and hedges to be trimmed, both in vertical height and as a matter of linear set-back from public rights-of-way and intersections. Such action is authorized by section 4-412(1) of the Village Law, and section 10 of the Municipal Home Rule Law.

Section 350-7 relates to local requirements regarding the ability of the Building Inspector and Code Enforcement personnel to serve legal process on an owner or occupant of a building that is not being maintained in accordance with the Property Maintenance code. It establishes notice provisions and certain mailing provision for postings of property, and allows a "grace period" of 10 days within which to remedy the violation prior to the Village Board taking action to remedy the violation in question, and establishes the procedure for such Village Board action. Such action is authorized by section 4-412(1) of the Village Law, and section 10 of the Municipal Home Rule Law.

Section 350-11 relates to local requirements identifying "persons" or entities that may be found liable of a violation of Chapter 350, and establishes a penalty for a violation thereof, and daily penalties for continued violations. Such action is authorized by section 4-412(1) of the Village Law, and section 10 of the Municipal Home Rule Law.

In regard to the questions posed under the Division's "Guide for the Incorporation of More Restrictive Local Standards":

1. Not generally applicable.

2. Not Generally applicable.
3. It is submitted that the proposed amendments to the property maintenance code will affect both residential and non-residential buildings equally.
4. There is no data available to indicate that an increased cost of doing business within the State would be caused, nor would approval of the amendments to the Property Maintenance code result in jurisdictional overlap or artificial increases in construction costs.
5. The conditions necessitating the approval of the proposed amendments to the Property Maintenance code are not self-imposed and are for the purpose of fostering the health, safety and welfare of the residents of the Village.
6. The Village has numerous narrow streets, for which the landscaping amendments will increase the sight lines along such streets. Please also see the narrative of the Village Building Inspector attached hereto describing the Village's special conditions.
7. The municipality takes no position on the state-wide adoption of the proposed code.

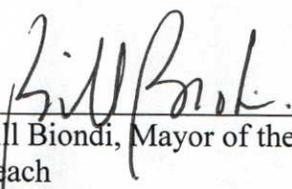
Impacts of the Local Standards:

There is no impact of the proposed local standards anticipated.

Accordingly, the Incorporated Village of Mastic Beach asks that your office approve the enacted Local Law No. 13 of 2012 as submitted.

For the Board of Trustees of the  
Incorporated Village of Mastic Beach

Dated: August 27, 2012

  
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Bill Biondi, Mayor of the Village of Mastic  
Beach

PETITION FOR APPROVAL  
PURSUANT TO EXECUTIVE LAW § 379

Incorporated Village of Mastic Beach

Local Law No. 15 of 2012  
Village Code, Chapter 220  
"Fire Prevention"

To: New York Department of State  
Division of Codes

Please accept herewith the petition of the Incorporated Village of Mastic Beach for approval of its Fire Prevention Code, Chapter 220 of the Village Code, as approved by Local Law No. 15 of 2012. This local law was originally certified by the Village Clerk on April 10, 2012 (as Local Law No. 5) and then re-adopted on July 18, 2012, as an earlier deadline to file with the Division of Codes was missed by the former Village Attorney. We wish to rescind our earlier Petition for Local Law No. 5 and substitute this petition for an identical Local Law No. 15. There was some confusion with the re-adoption of the Local Law, which is the reason why our submission is nine (9) days late. We ask that the Division of Codes consider our Petition.

It is noted at the outset that the Fire Prevention code provided and to be approved was taken from the Fire Prevention Code of the Town of Brookhaven, which has been approved by your offices under the following local laws of that municipality:

Local Law No. 8 of 1988, as amended by Local Law No. 22 of 1990;  
Local Law No. 23 of 1990;  
Local Law No. 24 of 1990;  
Local Law No. 2 of 1991;  
Local Law No. 5 of 1992; and  
Local Law No. 15 of 1995.

In regard to the proposed code, it is noted that the Town of Brookhaven has been enforcing this code with the geographic confines of Mastic Beach for decades. This code maintains the more restrictive provisions of the Town of Brookhaven code, the very code that has been applied to the structures within the now-Village of Mastic Beach. In the absence of these provisions, the Village will not be able to continue to require the higher level of fire safety that had been previously provided.

In regard to the questions posed under the Division's "Guide for the Incorporation of More Restrictive Local Standards":

1. It is submitted that the proposed Fire Prevention code will continue to provide the increased fire-safety provisions contained in the formerly approved Town of Brookhaven Town Code. Conversely, disapproval will significantly adversely affect the level of protection from fire hazards within the Village.

2. Not generally applicable – except as such provisions affect building construction and maintenance, and as to those issues, prior approval as part of the Town of Brookhaven code indicates that such standards will be met.
3. It is submitted that the proposed Fire Prevention code will afford both residential and non-residential buildings the increased fire prevention protection afforded under the approved Town of Brookhaven code.
4. There is no data available to indicate that an increased cost of doing business within the State would be caused, nor would approval of the Fire Prevention code result in jurisdictional overlap or artificial increases in construction costs out of proportion to the demonstrated fire-safety increase shown in the formerly approved Town of Brookhaven code.
5. The conditions necessitating the approval of the proposed Fire Prevention code are not self-imposed, rather they are imposed or made necessary and desirable in order to continue a higher level of fire safety than the basic fire prevention code, and in a manner consistent with that which has been previously applied to this geographical area by the previously approved Town of Brookhaven code.
6. There are not specific "special conditions" identified, except the fact that the area has already been regulated in accordance with the proposed Fire Prevention code.
7. The municipality takes no position on the state-wide adoption of the proposed code.

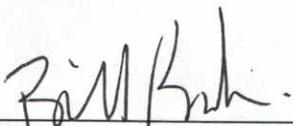
Impacts of the Local Standards:

There is no impact of the proposed local standards anticipated in addition to those already incumbent upon any resident or owner of real property within the Village. As the Village will simply be regulating the same provisions that heretofore were required, no impact is anticipated.

Accordingly, the Incorporated Village of Mastic Beach asks that your office approve the enacted Local Law No. 15 of 2012 as submitted.

For the Board of Trustees of the  
Incorporated Village of Mastic Beach

Dated: August 27, 2012

  
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Bill Biondi, Mayor of the Village of Mastic  
Beach