



**TOWN OF NORTH HEMPSTEAD
OFFICE OF THE TOWN ATTORNEY**

**PROPOSED LOCAL LAW AMENDING
CHAPTER 70 OF THE TOWN CODE
ENTITLED "ZONING"**

LOCAL LAW MEMORANDUM

Purpose of Law:

The purpose of the local law is to amend Chapter 70 of the Town Code entitled "Zoning" in order to create additional notice requirements for Board of Zoning and Appeals applications, Site Plan applications, and Change of Zone applications.

Budget Implications:

The adoption of the proposed local law may have direct budgetary implications.

Explanation:

Matter in **bold** and underscored is new; matter in brackets with strikethrough [~~---~~] is old law to be omitted.

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. __ OF 2019**

**A LOCAL LAW AMENDING CHAPTER 70 OF
THE TOWN CODE ENTITLED "ZONING"**

Section 1. Legislative Intent.

The Town Board finds that Chapter 70 of the Town Code lacks comprehensive and consistent regulations regarding notice requirement for adjourned site plan applications, change of zone applications, and Board of Zoning and Appeals applications. This results in individuals who could be potentially impacted by such applications being unaware of the new hearing dates. Accordingly, the Town Board finds it in the best interests of the Town and its residents to amend Chapter 70 of the Town Code to provide for new notice requirements for these applications which have been adjourned.

Section 2.

Section 70-219 of the Town Code of the Town of North Hempstead is hereby amended to read as follows:

For purposes of this section, "site" shall be defined as any lot or two or more contiguous lots or tracts of land owned and recorded as the property of the same person or entity, or controlled by the same person or entity, and being used or developed as one parcel or project, whether in one or more phases or under one or more building permits. For purposes of this section, unless otherwise specified, "residence district" shall include Residence Open Space, Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, Multiple Residence, Public Housing, Golden Age, Senior Residence District and the Planned Waterfront Residential Community Districts.

A. When site plan review required; procedure. No permit shall be issued for a site greater than 25,000 square feet in any zone other than Residence Open Space, Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, or Hospital District until a site plan, as specified in this section, has been approved by the Town Board, if any one or more of the following criteria are met:

[Amended 5-29-2007 by L.L. No. 5-2007; 10-16-2007 by L.L. No. 9-2007]

- (1)** The site upon which the work is proposed involves one or more of the following:
 - (a)** The construction of a new building or structure or addition to an existing structure of greater than 750 square feet of floor area.
 - (b)** The change in use of an existing building or buildings on a site in a manner which will:

[1] Increase the number of required off-street parking spaces for the site pursuant to § 70-103 of this chapter by more than 33%; or

[2] Add at least 10,000 square feet of retail; or

[3] Add at least 10,000 square feet of public assembly use at the site.

(c) The alteration of an existing single retail use greater than 20,000 square feet at the site so as to create three or more retail or public assembly uses.

(d) The alteration of an existing single retail space greater than 20,000 square feet to permit shared occupancy by more than two tenants.

(e) A change in access to the site or a change in the circulation within the site which affects at least 20% of the paved area.

(2) Where a permit application is subject to site plan review, the Commissioner of Buildings shall advise the applicant. Unless otherwise waived by the Commissioner of Buildings, the applicant shall obtain all necessary approvals from other boards or commissions prior to site plan submission. Thereafter an application for site plan review, in accordance with the requirements of this section as set forth hereafter, shall be submitted to the Building Department. Before the application is referred to the Town Board, the Commissioner of Buildings shall also refer the application and plans submitted to the Commissioner of Planning and Economic Development, who shall review the plans and provide any recommendations or comments to the Town Board. Following receipt of the reports from the Commissioner of Buildings and the Commissioner of Planning and Economic Development, the Town Board shall schedule a public hearing for site plan review. The Commissioner of Planning and Economic Development shall notify the applicant of the date for the public hearing at which the Town Board will consider the site plan application, and the applicant shall provide notice of such hearing in accordance with Subsection F.

B. Town Board decision.

(1) Approval. Upon approval of the site plan, the Town Board shall direct the Commissioner of Planning and Economic Development to stamp and sign three sets of drawings which shall be distributed as follows: one set each to the Commissioner of Buildings and the applicant, and one set to remain with the Planning Department.

(2) Approval with modifications. The Town Board may conditionally approve the final site plan. A copy of the written statement containing the modifications required by the conditional approval will be prepared by the Commissioner of Planning and Economic Development and sent to the applicant. After adequate demonstration to the Commissioner of Planning and Economic Development that all conditions have been met

and modifications, if any, to the site plan have been made, the Commissioner of Planning and Economic Development shall endorse his/her approval on a copy of the site plan and shall provide the applicant and the Town Board with a written statement of approval. Three sets of documents shall be distributed as in § 70-219B(1) above.

[Amended 5-29-2007 by L.L. No. 5-2007]

(3) Disapproval. Upon disapproval of the site plan, the decision of the Town Board shall be filed with the Commissioner of Buildings, along with the Town Board's reasons for disapproval.

C. Fees and costs. Fees for site plan review shall be set according to the amounts indicated in the Town of North Hempstead Fee Schedule.

[Amended 4-11-2006 by L.L. No. 5-2006; 5-29-2007 by L.L. No. 5-2007]

D. Submission requirements and standards. The applicant shall prepare and submit plans and documentation to the Building Department for review and approval at a public hearing by the Town Board. All plans and accompanying documents shall be prepared by the appropriate professional(s) licensed in the State of New York and shall be prepared at a scale sufficient to clearly present the required information for review. The application shall include two complete sets of plans and documents for initial review, and supplemental sets as requested by the Planning and/or Building Department. Upon request by the Planning Department, the applicant shall submit additional full-size and reduced-size sets of documents prior to the public hearing. Unless otherwise waived or modified by both the Commissioner of Buildings and the Commissioner of Planning and Economic Development, each submission shall include, but not be limited to, the following general considerations and format:

[Amended 11-15-2005 by L.L. No. 11-2005; 5-29-2007 by L.L. No. 5-2007]

(1) A title page which shall include the following:

(a) A key map at a minimum scale of one inch equals 1,000 feet, showing clearly and accurately the location of the property in relation to the neighboring streets and the location of the nearest bus routes and bus stops, if applicable.

(b) A zoning/site data analysis in a format acceptable to the Commissioner of Buildings. This analysis shall include zoning district information; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas by use, lot coverage, building height, parking; and the quantities of pervious and impervious surfaces. All zoning calculations shall be based on gross floor area as required in this chapter.

(c) Names of the appropriate water and sewer districts.

(d) The name and address of the applicant, and the name and address of the owner of the site, if different from the applicant. If the applicant or owner is a corporation or partnership, the names of all principals shall be included.

(e) The name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans.

(f) An area map of the subject site and all properties within a radius of 300 feet of any contiguous property owned by the applicant. The area map shall include all proposed principal and accessory buildings, the names of abutting property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius.

(g) The name of all abutting streets and whether said streets are Town, county or state highways.

(h) A list of drawings included in the submission set, with the original drawing dates and all revision numbers and dates indicated.

(2) A site plan, fully dimensioned, which shall include the following:

(a) Location, arrangement, design and general site compatibility of all buildings, structures, equipment, landscaping, signs, and lighting.

(b) All proposed parking and loading facilities, circulation aisles servicing those facilities, and all pavement markings.

(c) If the site has or is proposed to have vehicular access to or from an adjoining property, plans of such adjoining property, including, but not limited to, uses, building footprints, parking, site circulation, and pavement markings.

(d) Adjacent roadways indicating traffic flow directions and showing vehicular access and circulation to and from the site, including intersections, road widths, pavement surfaces, dividers, traffic controls, and street lighting.

(e) Right-of-way improvements or road widening in conformance with the requirements of the Superintendent of Highways, and to provide a minimum of 60 feet of right-of-way in industrial areas. Any road surfacing required by the widening of existing pavement shall be equal to or better than the existing pavement and shall meet all specifications of the Highway Department which pertain to the area.

(f) Arrangement of pedestrian traffic access and circulation, including, but not limited to, walkway structures, control of intersections with vehicular traffic, handicapped accessibility, and overall pedestrian convenience and safety.

(g) Location of, and type of equipment provided for adequate storage and disposal of garbage and refuse.

(3) Floor plans, which shall include the following: floor plans of each level, including, but not limited to, basements, cellars, mezzanines and attics, and labeling of all interior spaces with their uses.

(4) Building elevations and section, which shall include the following:

(a) Existing and proposed grades in Nassau County Vertical Datum.

(b) Finished floor elevations for each level.

(c) Building height elevation(s).

(d) Building/site section(s) as required by the Commissioner of Buildings or Commissioner of Planning and Economic Development to adequately analyze the site development.

(e) Proposed finish materials for all exterior surfaces.

(f) Sketches to scale, indicating the design, color and material of signs, accompanied by a brief narrative explaining the lighting mechanism.

(5) Building perspective(s), which shall include the following:

(a) The main building as viewed from all public rights-of-way.

(b) The main building as viewed on approach from within the site if substantially different from the above view(s).

(c) Any other proposed structures as required by the Commissioner of Buildings or Commissioner of Planning and Economic Development to adequately analyze the site development.

(6) Landscape plan, which shall include the following:

(a) All existing and proposed landscaping, specifying the type, size and location of trees, shrubs, and other landscaping materials. Tree size shall include diameter at four feet six inches above grade as well as height of the tree.

(b) All fencing, specifying style, material, and height.

(c) All lawn irrigation, specifying the water utilization in gallons per minute. Sprinkler heads or plumbing systems shall not be installed, maintained or allowed to encroach upon any public rights-of-way.

(d) All retaining walls, which shall require a building permit, and must be designed by a qualified professional licensed to practice in the State of New York. Retaining walls shall conform to the requirements of § 70-202.1.

(e) When a planted buffer is required as a screen for adjacent properties, it shall consist of a ten-foot-wide strip planted with coniferous material six feet tall on seven-foot centers in the case of a single row. When a double row is required, the planting strip shall be 20 feet wide planted with staggered rows of coniferous material six feet tall. Plantings shall be of sufficient quality and quantity to provide a pleasing appearance and shall include the maximum retention of existing vegetation. All required buffers shall be maintained, and replacement vegetation shall be planted as required to maintain the required screening in perpetuity.

(f) Curbs, sidewalks and street trees in accordance with the specifications of the Highway Department of the Town of North Hempstead, and subject to the approval of the Superintendent of Highways. Curbs, sidewalks or trees may be deleted if, in the opinion of the Town Board, they would be deemed unnecessary or inappropriate.

(7) Drainage and sediment/erosion control plan(s), which shall include the following:

(a) Existing/proposed grades, by contours and spot elevations (in Nassau County Vertical Datum), in sufficient numbers to adequately depict how the land will drain.

(b) Schematic drawing of the roofs of all proposed buildings and equipment, showing the drainage system and direction of water flow.

(c) Limits and runoff direction for each drainage area, in plan view.

(d) The location, size and type of drainage facilities, with top and invert elevations.

(e) Table showing that the stormwater and drainage system, as designed by a licensed professional, adequate to dispose of a minimum five-inch rainfall. The drainage system shall comply with the minimum standards of the Nassau County Department of Public Works rules and regulations governing approval for erection of buildings on county highways.

(f) Location of on-site water supply and sewage disposal facilities and their connections.

(g) The depth and limits of all cuts and fills.

(h) The footprint and first-floor elevation of all structures.

(i) Drainage on existing roads as required by the Commissioner of Public Works. Any proposed structures or improvements made upon the right-of-way must receive the approval of the Superintendent of Highways.

(j) Methods and materials to be used to address erosion and sediment and slope stabilization both during and after construction, in plan and narrative form.

(8) Lighting plan, which shall include the following:

(a) The location of all proposed lighting fixtures, height of standards and the intensity and type of fixture, located and designed so as not to have an adverse effect on surrounding property.

(b) Illumination levels for the entire site, not exceeding 0.5 footcandle at the property line, except as otherwise approved by the Town Board.

(c) Catalog cut or picture of the light fixture and the manufacturer's specification sheet.

(9) Reports and documentation, including, but not limited to, the following:

(a) A full environmental assessment form in the format required by the State Environmental Quality Review Act.

(b) Traffic analysis, including capacity and level-of-service for the nearest signalized intersections.

(c) Water and sewer availability letters.

(d) Copies of any restrictive covenants existing on any portion of the site.

(e) Copies of all variances granted for the site.

(f) Copies of access permit application and curb cut approvals from the appropriate jurisdiction(s).

(g) Existing conditions survey.

(h) Photographs of all properties abutting the parcel and across from the parcel within 300 feet.

(10) Where applicable, a statement setting forth whether the proposed use conforms to, or deviates from, a community visioning or vision plan which has been adopted by the Town Board as a planning document for the Town. In the event that the proposed use deviates from such plan, the statement shall set forth how it deviates and the reasons why it should be approved despite this deviation.

E. Review standards. All site plan applications shall be reviewed for the following standards:

(1) Overall impact on the neighborhood, including compatibility of design considerations and adequacy of screening from residential properties.

(2) Adequacy of the design to avoid a negative impact on the health, safety, or general welfare of the public.

(3) Adequacy of the plan to mitigate the impact of traffic on surrounding streets caused by the proposed development and other known projects in accordance with standard review practices.

[Amended 5-29-2007 by L.L. No. 5-2007]

(4) Adequacy of drainage system to contain stormwater on site.

(5) Unless waived by the Superintendent of Highways, curb cuts shall conform to the following standards:

(a) Curb cuts on all business or industrial properties shall have a minimum length of 12 feet and a maximum length of 36 feet.

(b) Curb cuts on all business or industrial properties shall be a minimum of 15 feet from any property line and 25 feet from a corner.

(c) Curb cuts on all business or industrial properties shall have a minimum distance of 40 feet between curb cuts per site.

(d) The maximum number of curb cuts on all business or industrial properties shall be two on any street, per site.

(e) The Superintendent of Highways shall have the right to delete or relocate curb cuts if, in his opinion, the proposed location of curb cuts would create a hazardous condition.

[Amended 5-29-2007 by L.L. No. 5-2007]

(6) Compliance with a community visioning or vision plan which has been adopted by the Town Board as a planning document for the Town.

[Added 11-15-2005 by L.L. No. 11-2005; amended 5-29-2007 by L.L. No. 5-2007]

F. Notice.

(1) The Town Clerk shall publish notice of the public hearing for site plan review in the local newspapers at least 10 days before the date the site plan is to be reviewed by the Town Board. The notice shall identify the property affected by stating the section, block, lot and street address and shall also state the date, time and place of the hearing.

[a] Where a site plan application is adjourned, the Town Clerk shall publish notice of the new hearing date in the local newspapers at least 10 days before the new hearing date on which the site plan is to be reviewed by the Town Board. The notice shall identify the property affected by stating the section, block, lot and street address and shall also state the date, time, and place of the hearing.

[Amended 5-29-2007 by L.L. No. 5-2007]

(2) Before the site plan application will be heard by the Town Board, the applicant must provide notice of the site plan hearing to property owners within a radius of 300 feet of the site, in the manner provided for in § 70-240 of this chapter for special permit applications and must file an affidavit as to the mailing of such notices as required by that section.

[a] Where a site plan application is adjourned, the applicant must notice the new hearing date to each affected property owner within a radius of 300 feet of the site. Not less than 10 nor more than 20 days before the hearing, the applicant shall send notice, via first class mail, stating the nature of the application, and the date, time and place for the hearing on the site plan application. The applicant must file, with the Town Attorney, an affidavit as to the mailing of such notices not less than five days before the hearing.

(3) Sign notice requirements for site plan applications.

(a) Sign notice shall be given by the property owner of the subject property by posting a sign stating the time, date and place of the public hearing to be held by the Town Board on the property which is the subject of an application for site plan review.

[Amended 5-29-2007 by L.L. No. 5-2007]

(b) The sign shall be posted at least 10 days prior to the date of the public hearing to be held by the Town Board.

(c) The sign shall be visible from adjacent rights-of-way, including waterways.

(d) If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way.

(e) If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it.

[Amended 5-29-2007 by L.L. No. 5-2007]

(f) Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

[Amended 5-29-2007 by L.L. No. 5-2007^[1]]

[1] Editor's Note: This local law also repealed Subsection F(3)(g) and (h), which immediately followed this subsection.

G. No certificate of occupancy shall be issued until all site work authorized or required by the Town Board is completed and approved by the Commissioner of Buildings and any conditions imposed by the Town Board are complied with.

H. In cases where site plan review by the Town Board is required by Subsection A of this section and there has been an approved site plan within the prior five years, the following items shall be submitted to the Commissioner of Buildings:

(1) A signed and stamped copy of the original site plan which was previously heard and approved by the Town Board and a plan depicting the proposed changes to the original site plan.

(2) All principal and accessory buildings proposed by the applicant and all adjoining property within a radius of 300 feet from the boundary lines of the site.

(3) A perspective drawing of all proposed altered structures, including front and side elevations and the roof treatment.

(4) Plans and specifications, including the name of the professional engineer, land surveyor, architect or land planner who has prepared the documents.

(5) Fees for site plan review as set forth in § 70-219G.

(6) New or revised full environmental assessment form and traffic analysis as required by the Commissioner of Planning and Economic Development.

[Amended 5-29-2007 by L.L. No. 5-2007]

(7) New or revised zoning data analysis as required by the Commissioner of Buildings.

I. Minor modifications to an approved site plan not involving any additional structures which will not cause any material change to the overall layout, appearance or impact of a site and will not violate any specific condition imposed by the Town Board shall not require further Town Board approval if approved by both the Commissioner of Buildings and the Commissioner of Planning and Economic Development.

[Amended 5-29-2007 by L.L. No. 5-2007]

Section 3.

Section 70-227 of the Town Code of the Town of North Hempstead is hereby amended to read as follows:

A. The Board of Zoning and Appeals shall establish rules as to the manner of filing appeals or applications for permits or variances in specific cases and may amend these rules as needed. Copies of the procedures and requirements for the filing of applications shall be maintained by the Board and shall be made available to the public.

B. Fees and costs. Fees for all matters to be heard by the Board of Zoning and Appeals shall be set according to the amounts indicated in the Town of North Hempstead Fee Schedule.

C. Submission requirements.

(1) All applications to the Board of Zoning and Appeals shall be accompanied by the notice of disapproval issued by the Building Department, an application form with related attachments and five copies each of the following:

(a) For applications for new one- and two-family residential structures:

[1] Title page, which shall include the following:

[a] Key map showing clearly and accurately the location of the property in relation to the neighboring streets;

[b] Zoning/Site data analysis which shall include zoning district; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas, lot coverage, building height, and a depiction of the required sky exposure plane;

[c] Name and address of the applicant, and the name and address of the owner of the site, if different from the applicant;

[d] Name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans;

[e] Area map of the subject property and all properties within a radius of 300 feet of any contiguous property owned by the applicant. The area map must be accurately drawn to scale and shall include the names of property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius;

[2] Survey of existing conditions, prepared by a New York State licensed land surveyor at a scale of one inch equals 40 feet or larger, showing at a minimum:

[a] The locations of all existing buildings, driveways, patios, fences and accessory structures;

[b] The locations of property lines with bearings and distances clearly marked;

[c] The locations of all monuments, stakes or other permanent boundary markers;

[d] Underground and overhead utilities;

[e] The locations of all easements, if applicable;

[3] Proposed site or plot plan, showing the location of all proposed buildings, accessory structures, driveways or other paved areas;

[4] Floor plans, fully dimensioned, of each level, which shall include, but not be limited to, basements, cellars, mezzanines and attics, and labeling of all interior spaces with their uses;

[5] Building elevations and section, which shall include the following:

[a] Existing and proposed grades in Nassau County Vertical Datum;

[b] Finished floor elevations for each level;

[c] Building height elevation(s);

[d] Building/site section(s);

[e] Proposed finish materials for all exterior surfaces;

[6] Short environmental assessment form;

[7] Disclosure affidavit from applicant;

(b) For additions or alterations of one- and two-family residential structures or construction of fences, sheds or other accessory structures:

[1] Title page, which shall include the following:

[a] Key map showing clearly and accurately the location of the property in relation to the neighboring streets;

[b] Zoning/Site data analysis which shall include zoning district; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas, lot coverage, building height, and a depiction of the required sky exposure plane;

[c] Name and address of the applicant, and the name and address of the owner of the site, if different from the applicant;

[d] Name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans.

[2] Survey or plot plan of existing conditions, prepared by a New York State licensed land surveyor at a scale of one inch equals 40 feet or larger, showing at a minimum the locations of all existing buildings, driveways, patios, fences and accessory structures;

[3] Proposed site plan, showing the location of all proposed buildings, fences, accessory structures, driveways or other paved areas;

[4] Floor plans, fully dimensioned, of each level, which shall include, but not be limited to, basements, cellars, mezzanines and attics, and labeling of all interior spaces with their uses;

[5] Building elevations, if applicable, which shall include the following:

[a] Existing and proposed grades;

[b] Finished floor elevations for each level;

[c] Building height elevation(s);

[d] Proposed finish materials for all exterior surfaces.

[6] Details or specifications of any fencing material, if applicable.

(c) For applications for new multiple residence, commercial or other nonresidential structures:

[1] Title page, which shall include the following:

[a] Key map showing clearly and accurately the location of the property in relation to the neighboring streets;

[b] Zoning/Site data analysis which shall include zoning district information; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas by use, lot coverage, building height, parking; and the quantities of pervious and impervious surfaces. All zoning calculations shall be based on gross floor area as required in this chapter;

[c] Names of the appropriate water and sewer districts;

[d] Name and address of the applicant, and the name and address of the owner of the site, if different from the applicant. If the applicant or owner is a corporation or partnership, the names of all principals shall be included;

[e] Name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans;

[f] Area map of the subject site and all properties within a radius of 300 feet of any contiguous property owned by the applicant. The area map must be accurately drawn to scale and shall include all proposed principal and accessory buildings, the names of abutting property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius.

[2] Survey of existing conditions, prepared by a New York State licensed land surveyor at a scale of one inch equals 40 feet or larger, showing at a minimum:

[a] The locations of all existing buildings, driveways, patios, fences and accessory structures;

[b] The locations of property lines, with bearings and distances clearly marked;

[c] The locations of all monuments, stakes or other permanent boundary markers;

[d] Underground and overhead utilities;

[e] The locations of all easements, if applicable.

[3] Schematic site plan, which shall include the following:

[a] Location and arrangement of all buildings and structures;

[b] All proposed parking and loading facilities, access aisles, and all pavement markings, fully dimensioned;

[c] Adjacent roadways indicating traffic flow directions and showing vehicular access and circulation to and from the site, including intersections, road widths, pavement surfaces, dividers, traffic controls, and street lighting;

[d] Any proposed right-of-way improvements or road widening;

[e] [~~Arrangement~~] **Arrangement** of pedestrian traffic access and circulation, including, but not limited to, walkway structures, and handicapped accessibility;

[f] Location and type of equipment provided for storage and disposal of garbage and refuse; if the application is for a restaurant, delicatessen, retail grocery or other food-related use, the plan must show the location of the required interior refrigerated refuse locker.

[4] Floor plans, fully dimensioned, of each level, which shall include, but not be limited to, basements, cellars, lobbies, mezzanines and attics, and labeling of all interior spaces with their uses; seating diagrams and emergency egress plans are required for all places of public assembly;

[5] Building elevations and sections, which shall include the following:

[a] Existing and proposed grades in Nassau County Vertical Datum;

[b] Finished floor elevations for each level;

[c] Building height elevation(s);

[d] Building/Site section(s) as required to adequately analyze the site development;

[e] Proposed finish materials for all exterior surfaces;

[f] Scale drawings indicating the design, color and material of all signs, accompanied by an explanation of the lighting mechanism.

- [6] Perspective drawing(s) of all principal buildings;
- [7] Schematic landscape, grading, drainage and lighting plans;
- [8] Full environmental assessment form in the format required by the State Environmental Quality Review Act;
- [9] Traffic analysis, including capacity and level-of-service for the nearest signalized intersection(s);
- [10] Disclosure affidavit from applicant.

(d) For additions or alterations of multiple residence, commercial or other nonresidential structures or variances for nonresidential uses:

[1] Title page, which shall include the following:

[a] Key map showing clearly and accurately the location of the property in relation to the neighboring streets;

[b] Zoning/site data analysis which shall include zoning district information; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas by use, lot coverage, building height, parking; and the quantities of pervious and impervious surfaces. All zoning calculations shall be based on gross floor area as required in this chapter;

[c] Names of the appropriate water and sewer districts;

[d] Name and address of the applicant, and the name and address of the owner of the site, if different from the applicant. If the applicant or owner is a corporation or partnership, the names of all principals shall be included;

[e] Name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans;

[f] Area map of the subject site and all properties within a radius of 300 feet of any contiguous property owned by the applicant. The area map must be accurately drawn to scale and shall include the names of property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius.

[2] Survey of existing conditions showing, at a minimum, the locations of all existing buildings, parking areas and access points;

[3] Schematic site plan, which shall include the following:

[a] Location and arrangement of all buildings and structures;

[b] All proposed parking and loading facilities, access aisles, and all pavement markings, fully dimensioned;

[c] Location and width of landscaped buffers, if applicable;

[d] Location and type of equipment provided for storage and disposal of garbage and refuse; if the application is for a restaurant, delicatessen, retail grocery or other food-related use, the plan must show the location of the required interior refrigerated refuse locker.

[4] Floor plans, fully dimensioned, of each level, which shall include, but not be limited to, basements, cellars, lobbies, and mezzanines, and labeling of all interior spaces with their uses; seating diagrams and emergency egress plans are required for all places of public assembly;

[5] Building elevations and sections, which shall include the following:

[a] Finished floor elevations for each level;

[b] Building height elevation(s);

[c] Proposed finish materials for all exterior surfaces;

[d] Scale drawings indicating the design, color and material of all signs, accompanied by an explanation of the lighting mechanism;

[6] Schematic landscape, grading, drainage and lighting plans, if applicable;

[7] Short environmental assessment form;

[8] Disclosure affidavit from applicant.

(2) All plans and accompanying documents shall be prepared by the appropriate professional(s) licensed in the State of New York and shall be prepared at a scale

sufficient to clearly present the required information for review.

D. Hearing notice requirements.

(1) The Secretary to the Board of Zoning and Appeals shall publish notice of the public hearing for a variance, appeal for determination or conditional use permit in the local newspapers at least 10 days before the hearing date. The notice shall identify the property affected by stating the section, block, lot and street address and shall also state the date, time and place of the hearing.

(a) Where an application for a variance, appeal for determination, or conditional use permit is adjourned, the Secretary to the Board of Zoning and Appeals shall publish notice of the new hearing date in the local newspapers at least 10 days before the date of the new hearing. The notice shall identify the property affected by stating the section, block, lot and street address and shall also state the date, time and place of the hearing.

(2) Before the application will be heard, the applicant must provide notice of the hearing to property owners within a radius of 300 feet of the site, in the manner provided herein, and must file an affidavit as to the mailing of such notices in accordance with this section with the Secretary to the Board of Zoning and Appeals not less than five days before the hearing. Not less than 10 nor more than 20 days before the hearing, the applicant shall send, by first-class mail and by registered or certified mail, a notice to each affected owner identifying the subject property, stating the nature of the application and the date, time and place for the hearing. For applications for additions and alterations to one- or two-family residential structures, notice may be provided to only the adjoining property owners.

[Amended 1-29-2019 by L.L. No. 3-2019]

(a) Where an application for a variance, appeal for determination, or conditional use permit is adjourned, the applicant must notice the new hearing date. For applications for additions and alterations to one-or two-family residential structures, notice may be provided to only the adjoining property owners, in the manner provided herein. For all other applications, notice must be provided to property owners within a radius of 300 feet of the site, in the manner provided herein. Not less than 10 nor more than 20 days before the hearing, the applicant shall send, via first-class mail, a notice to each affected owner identifying the subject property, stating the nature of the application, and the date, time and place for the hearing. The applicant must file an affidavit as to the mailing of such notices in

accordance with this sub-section with the Secretary to the Board of Zoning and Appeals not less than five days before the hearing.

(3) Sign notice requirements for Board of Zoning and Appeal applications.

(a) For all commercial applications, with the exception of applications for signs, and for all applications for new homes and for subdivisions, the following requirements shall apply:

(1) Sign notice shall be given by the property owner of the subject property by posting a sign stating the nature of the application, and the time, date, and place of the public hearing to be held by the Board of Zoning and Appeals on the property which is the subject of an application.

(2) The sign shall be posted at least 10 days prior to the date of the public hearing to be held by the Town Board.

(3) The sign shall be visible from adjacent rights-of-way, including waterways.

(4) If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way.

(5) If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it.

(6) The sign shall be no less than 34' by 48' in size.

(7) Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Department of Planning an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

(8) Section 227(D)(3)(a)-(g) shall apply to all Board of Zoning Appeals applications which have been adjourned.

Section 4.

Section 70-238 of the Town Code of the Town of North Hempstead is hereby amended to read as follows:

A. Whenever an owner or owners of real property in any district or whenever the owners of more than 50% of the frontage in any district or part thereof affected by a proposed change of the

ordinance or change of the Zoning Map shall present to the Town Board a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for or of the Zoning Map including such district or part thereof, it shall be the duty of the Town Board to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in § 70-238A(1) through A(3). The aforesaid petition shall be accompanied by 10 copies of Items 1 through 4 below, to be filed in the Building Department, Permit Division:

(1) A title page, which shall include the following:

- (a) Key map at a minimum scale of one inch equals 1,000 feet, showing clearly and accurately the location of the property in relation to the neighboring streets;
- (b) Zoning/Site data analysis clearly identifying any items in which the proposed development plan will not conform to the standards of the proposed zoning designation;
- (c) Names of the appropriate water, sewer and school districts;
- (d) Name and address of the applicant, and the name and address of the owner of the site, if different from the applicant. If the applicant or owner is a corporation or partnership, the names of all principals shall be included;
- (e) Name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans;
- (f) Area map of the subject site and all properties within a radius of 300 feet of any contiguous property owned by the applicant. The area map shall include all proposed principal and accessory buildings, the names of abutting property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius;
- (g) Names of all abutting streets and whether said streets are Town, county or state highways;

(2) Survey of existing conditions, prepared by a New York State licensed land surveyor at a scale of one inch equals 40 feet or larger, showing at a minimum:

- (a) The locations of all existing buildings, driveways, patios, fences and accessory structures;
- (b) The locations of property lines with bearings and distances clearly marked;
- (c) The locations of all monuments, stakes or other permanent boundary markers;
- (d) Underground and overhead utilities;

- (e) The locations of all easements, if applicable;
- (3) A schematic site plan which shall include the following:
- (a) Location and arrangement of all principal buildings and structures;
 - (b) Location of proposed parking and loading facilities, access points and circulation aisles;
 - (c) Preliminary landscaping plan showing the locations and widths of all vegetated buffers;
 - (d) Any proposed right-of-way improvements or road widening;
- (4) Building elevations and perspective drawings;
- (5) Reports and documentation, including, but not limited to, the following:
- (a) Boundary description of the property to be rezoned;
 - (b) Affidavit of ownership or notarized owner's authorization form;
 - (c) Full environmental assessment form;
 - (d) Traffic analysis, including capacity and level-of-service for the nearest signalized intersections;
 - (e) Water and sewer availability letters;
 - (f) Copies of any restrictive covenants existing on any portion of the site;
 - (g) Photographs of all properties abutting the parcel and across from the parcel within 300 feet;
- (6) A Phase I environmental audit prepared in accordance with the American Society of Testing and Materials (ASTM) standard practice for environmental site assessments for commercial real estate (ASTM E 1527, 2000) shall be required for all petitions to rezone commercial and industrial zoned and/or used properties to a residential use.

B. Hearing notice requirements.

(1) The Town Clerk shall publish notice of the public hearing for a change of zone in the local newspaper(s) of record at least 10 days before the hearing date. The notice shall identify the property affected by stating the section, block, lot and street address and shall also state the date, time and place of the hearing.

(a) Where a change of zone application is adjourned, the Town Clerk shall publish notice of the new hearing date in the local newspaper(s) of record at least 10

days before the hearing date. The notice shall identify the property affected by stating the section, block, lot and street address and shall also state the date, time and place of the hearing.

(2) Before the application will be heard, the applicant must provide notice of the hearing to property owners within a radius of 300 feet of the site, in the manner provided herein, and must file an affidavit as to the mailing of such notices with the Town Attorney not less than seven days before the hearing. Not less than 10 days nor more than 20 days before the hearing, the applicant shall send, by registered or certified mail, a notice to each affected owner identifying the subject property, the proposed zoning designation and the date, time and place for the hearing.

(a) Where a change of zone application is adjourned, the applicant must provide notice of the new hearing date to property owners within a radius of 300 feet of the site, in the manner provided herein, and must file an affidavit as to the mailing of such notices with the Town Attorney not less than seven days before the hearing. Not less than 10 days nor more than 20 days before the hearing, the applicant shall send, via first class mail, a notice to each affected owner identifying the subject property, the proposed zoning designation and the date, time and place for the hearing.

(3) Sign notice requirements for rezoning applications:

(a) Sign notice shall be given by the property owner of the subject property by posting a sign stating the time, date and place of the public hearing;

(b) The sign shall be posted at least 10 days prior to the date of the public hearing;

(c) The sign shall be visible from adjacent rights-of-way, including waterways;

(d) If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way;

(e) If a sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it;

(f) Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Town Attorney an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied;

C. Fees and costs. Fees for a proposed rezoning of property shall be as stated in Article XXIII, § 70- 221.

D. No area of the Town shall henceforth be rezoned as Industrial B unless the Town Board shall make a specific finding that Industrial B zoning, to the exclusion of all other available zoning, is the only zoning which will enable the owner to realize a reasonable economic return on the property. Absent such a finding, all applications for Industrial B zoning shall be denied.

E. No area of the Town shall henceforth be rezoned as Golden Age Residence District unless the Town Board shall make a specific finding that Golden Age Residence zoning, to the exclusion of all other available zoning, is the only zoning which will enable the owner to realize a reasonable economic return on the property. Absent such a finding, all applications for Golden Age Residence zoning shall be denied.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date.

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