

**TOWN OF NORTH HEMPSTEAD  
BOARD MEETING  
AGENDA**



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**March 18, 2021**

**7:00 PM**

**CONTINUATIONS:**

1. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

Synopsis: The purpose of the local law is to require compliance with certain performance standards for properties and uses within the Industrial B zoning district.

2. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 18 OF THE TOWN CODE ENTITLED "EXCAVATIONS, HIGHWAY."

Synopsis: The purpose of the local law is to add certain standards and dimensional requirements for curb cuts and driveway aprons on residential and commercial properties.

3. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF HUNTINGTON COACH LLC AND THE MANHASSET UNION FREE SCHOOL DISTRICT FOR AN EXEMPTION FROM ZONING REQUIREMENTS RELATED TO THE OUTDOOR STORAGE OF SCHOOL BUSES IN PORT WASHINGTON, NEW YORK.

Synopsis: The hearing will consider the request of Huntington Coach LLC and the Manhasset Union Free School District for an exemption from zoning requirements related to the outdoor storage of school buses at 13, 15 and 21 Harbor Park Drive in Port Washington.

4. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND ENFORCEMENT."

Synopsis: The purpose of the proposed local law is to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property.

5. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 20A OF THE TOWN CODE ENTITLED "ENVIRONMENTAL PLANNING AND CONTROL OF TREES."

Synopsis: The purpose of the proposed local law is to make amendments to the Town's tree code relative to the preservation of trees on public and private property.

6. A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE TOWN'S TREE POLICY PURSUANT TO SECTION 20A-4 OF THE TOWN CODE.

Synopsis: The purpose of the public hearing is to consider amendments to the Town's Tree Policy, which governs the removal of trees from a public right-of-way and Town-owned public places.

7. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF GARDEN CITY PARK ASSOCIATES, LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 2407-2475 JERICHO TURNPIKE AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 612, LOT 51.

Synopsis: The proposed action is the partitioning of a 43,475 s.f. former grocery store into five individual retail spaces on a 7.12-acre site.

### **PUBLIC HEARINGS:**

8. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING SCHEDULE XXVII OF THE UNIFORM TRAFFIC CODE ENTITLED "SNOW EMERGENCY ROUTES."

Synopsis: The proposed local law would update the Snow Emergency Routes list contained in Section TC27-71 of the Town of North Hempstead Uniform Traffic Code. **Will be continued to April 22, 2021.**

9. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 14 OF THE TOWN CODE ENTITLED "DOGS."

Synopsis: The proposed local law would modify the specified weather conditions, including extreme heat and cold, in which a person can tether, leash, fasten, secure, restrain, chain, tie, pen or otherwise confine a dog outdoors.

10. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

Synopsis: The proposed local law will amend Chapter 70 of the Town Code to modify the types of signs that are prohibited in the Town of North Hempstead.

11. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF THOMAS LEE FOR AN APPEAL FROM A DISAPPROVAL BY THE COMMISSIONER OF BUILDING SAFETY, INSPECTION AND ENFORCEMENT OF A STRUCTURE (DOCK) APPLICATION PURSUANT TO CHAPTER 42 OF THE TOWN CODE FOR THE PROPERTY LOCATED AT 29 THE TERRACE, PLANDOME, NEW YORK 11030, AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 3, BLOCK 235, LOT 35.

12. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING BIRCH STREET IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of these ordinances will establish a Full Stop southbound on Birch Street and northbound on Cliff Way, at their intersection with Salem Lane, in Port Washington.

13. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING LEWYT STREET IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of these ordinances will establish a 25 MPH Speed Limit on Lewyt Street, in Port Washington.

14. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING PARK AVENUE IN NEW CASSEL, NEW YORK.

Synopsis: The adoption of these ordinances will establish a Full Stop eastbound on Park Avenue and westbound on 4th Avenue, at its intersection with Hopper Street, in New Cassel.

15. A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING CARLTON AVENUE IN PORT WASHINGTON, NEW YORK.

Synopsis: The rescission and adoption of these ordinances will change the parking restriction on the east side of Carlton Avenue, between Third Avenue and Charles Street, in Port Washington.

16. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING DENTON AVENUE IN NEW HYDE PARK, NEW YORK.

Synopsis: The adoption of this ordinance will establish a No Stopping Here To Corner restriction on the west side of Denton Avenue, at its intersection with West End Avenue, in New Hyde Park.

17. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING CHERRY LANE IN NEW HYDE PARK, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Parking restriction on the west side of Cherry Lane, between Brooklyn Avenue and Jericho Turnpike, in New Hyde Park.

**RESOLUTIONS:**

18. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

Synopsis: The purpose of the local law is to further assist those establishments affected by the COVID-19 pandemic by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses. Tentative hearing date is April 22, 2021.

19. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 42 OF THE TOWN CODE ENTITLED "PUBLIC WATERWAYS; STRUCTURES."

Synopsis: The purpose of the proposed local law is to update and clarify the requirements for obtaining a structure permit. Tentative hearing date is April 22, 2021.

20. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "GOVERNMENTAL OPERATIONS".

Synopsis: The purpose of the proposed local law is to amend Chapter 24 to establish a preference for Service Disabled Veteran Owned Businesses

(SDVOB) by authorizing the Town to award contracts (which are not subject to General Municipal Law section 103) to the otherwise lowest responsible bidder where such other bidder is certified by New York State as a SDVOB. Tentative hearing date is April 22, 2021.

21. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE REQUEST OF PORT WASHINGTON CENTER, LLC FOR THE ELIMINATION OR MODIFICATION OF RESTRICTIVE COVENANTS FOR THE PREMISES LOCATED AT 319-374 PORT WASHINGTON BOULEVARD, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 5, BLOCK J, LOTS 17, 434, 1028, 1029 AND 1099.

Synopsis: The proposed action would extinguish or modify covenants enacted April 5, 1972 prohibiting any buildings on the western side of the subject property in order to construct a 10,276 s.f. addition to a grocery store in the currently-restricted area. Tentative hearing date is April 22, 2021.

22. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF PORT WASHINGTON CENTER, LLC FOR A CHANGE OF ZONE FROM 'PARKING' TO 'BUSINESS-A' FOR THE PREMISES LOCATED AT 319-374 PORT WASHINGTON BOULEVARD, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 5, BLOCK J, LOTS 17, 434, 1028, 1029 AND 1099.

Synopsis: The proposed action is the rezoning of a 0.38-acre portion of a 2.56-acre site to enable the demolition of a 9,479 s.f. retail building on the north side of the site, the construction of a 10,276 s.f. retail addition on the south side of the site and the relocation of a 28-space parking area from the south side to the north side. Tentative hearing date is April 22, 2021.

23. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF WESTBURY JEEP CHRYSLER DODGE, INC. ON BEHALF OF J.R. WESTBURY REALTY, LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 110 STATE STREET, WESTBURY AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 11, BLOCK 58, LOT 134.

Synopsis: The proposed action is the installation of an 8,143 s.f. steel canopy over the gap between existing buildings on a 1.86-acre site that is used as an auto servicing center. Tentative hearing date is April 22, 2021.

24. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A PETITION TO DESIGNATE A SECONDARY HONORARY STREET NAME FOR A PORTION OF S. MARYLAND AVENUE IN PORT WASHINGTON PURSUANT TO SECTION 10-5 OF THE TOWN CODE.

Synopsis: This petition seeks to designate a secondary honorary street name for a portion of S. Maryland Avenue from Main Street to Bernard Street in Port Washington, as "S.F. Falconers Way." Tentative hearing date is April 22, 2021.

25. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING BANK STREET IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of these ordinances will establish No Parking Any Time restrictions on the east and west sides of Bank Street toward its terminus in Port Washington. Tentative hearing date is April 22, 2021.

26. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING LONGFELLOW AVENUE IN NEW CASSEL, NEW YORK.

Synopsis: The adoption of these ordinances will establish Full Stops northbound and southbound on Longfellow Avenue, at its intersection with Lowell Street, in New Cassel. Tentative hearing date is April 22, 2021.

27. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING MOORE STREET IN NEW HYDE PARK, NEW YORK.

Synopsis: The adoption of this ordinance will establish a No Stopping Any Time restriction on the east side of Moore Street in New Hyde Park. Tentative hearing date is April 22, 2021.

28. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING TALBOT STREET AND MOORE STREET IN NEW HYDE PARK, NEW YORK.

Synopsis: The adoption of these ordinances will establish No Stopping Here to Corner restrictions on the north side of Talbot Street and the East side of Moore Street, at their intersection, in New Hyde Park. Tentative hearing date is April 22, 2021.

29. A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.

30. A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WEST SIDE ENGINEERING, PC RELATED TO THE LEEDS POND CULVERT WEIR ANALYSIS, DPW PROJECT NO. 12-09.

31. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH N&P ENGINEERING, ARCHITECTURE AND LAND SURVEYING, PLLC FOR STRUCTURAL ENGINEERING DESIGN SERVICES RELATED TO THE TOWN OF NORTH HEMPSTEAD'S SEPTEMBER 11TH MEMORIAL AT MANHASSET VALLEY PARK, MANHASSET.

32. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH N2 DESIGN + ARCHITECTURE PC FOR THE DESIGN OF A CONCEPTUAL PLAN FOR THE TOWN'S SEPTEMBER 11TH MEMORIAL AT MANHASSET VALLEY PARK, MANHASSET.

33. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BREAKWATER MARINE CONSTRUCTION, INC. FOR THE INSTALLATION AND REMOVAL OF TOWN DOCKS.

34. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARRETT CO., INC. FOR ELECTRICAL REPAIR WORK AT HARBOR LINKS GOLF COURSE.
35. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE LANDTEK GROUP, INC. FOR UPGRADES TO THE SOFTBALL FIELDS AT CHARLES J. FUSCHILLO PARK, CARLE PLACE.
36. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE GREAT NECK CENTER FOR THE VISUAL AND PERFORMING ARTS D/B/A THE GOLD COAST ARTS CENTER TO SPONSOR THE 2021 GOLD COAST INTERNATIONAL FILM FESTIVAL.
37. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HAWKINS DELAFIELD & WOOD LLP FOR LEGAL SERVICES.
38. A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS WITH VARIOUS AGENCIES TO PROVIDE ACTIVITIES AND SERVICES FOR SENIOR CITIZENS WITHIN THE TOWN OF NORTH HEMPSTEAD.
39. A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF OYSTER BAY FOR THE RESURFACING OF 1ST STREET IN GLENWOOD LANDING.
40. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN CSEA LOCAL 1000 AFSCME, AFL-CIO, NASSAU MUNICIPAL EMPLOYEES LOCAL #882, TOWN OF NORTH HEMPSTEAD UNIT #7555 AND THE TOWN OF NORTH HEMPSTEAD RELATED TO EMPLOYEE MATTERS DURING THE COVID-19 PANDEMIC.
41. A RESOLUTION AUTHORIZING THE PURCHASE FROM CAROUSEL INDUSTRIES OF NORTH AMERICA, INC. OF ANNUAL HARDWARE MAINTENANCE FOR THE TOWN'S LOAD BALANCING AND NETWORK INTRUSION HARDWARE APPLIANCES.
42. A RESOLUTION AUTHORIZING THE PURCHASE FROM NETMOTION WIRELESS OF ANNUAL SOFTWARE MAINTENANCE FOR THE TOWN'S MOBILE FLEET CONNECTIVITY SOFTWARE.
43. A RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSIONER FOR THE PORT WASHINGTON GARBAGE DISTRICT.
44. A RESOLUTION MAKING APPOINTMENTS TO THE TOWN OF NORTH HEMPSTEAD CLIMATE SMART COMMUNITIES (CSC) TASK FORCE.
45. A RESOLUTION AMENDING RESOLUTION NO. 291-2020, ADOPTED JULY 23, 2020, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CAROUSEL INDUSTRIES INC. FOR ANNUAL HARDWARE MAINTENANCE FOR THE AIR CONDITIONING UNITS FOR THE TOWN'S SERVERS.

46. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE PART TOWN CAPITAL PROJECTS RESERVE FUND.
47. A RESOLUTION TERMINATING THE AGREEMENT WITH TDI CONSTRUCTION, INC. IN CONNECTION WITH PORT WASHINGTON SAFE ROUTES TO SCHOOL, PORT WASHINGTON, NEW YORK. DPW PROJECT NO. 12-18R2.
48. A RESOLUTION AUTHORIZING AND APPROVING A STIPULATION OF SETTLEMENT.
49. A RESOLUTION AUTHORIZING THE PAYMENT OF A CLAIM AGAINST THE TOWN OF NORTH HEMPSTEAD AND AUTHORIZING AND DIRECTING THE COMPTROLLER OR DEPUTY COMPTROLLER TO PAY THE COSTS THEREOF.
50. A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.
51. A RESOLUTION APPROVING THE ACTION OF THE PROTECTION ENGINE COMPANY 1, PORT WASHINGTON, NEW YORK IN ADDING TO MEMBERSHIP NELSON AGUILAR.

**ADDED STARTERS:**

52. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND ENFORCEMENT."  

Synopsis: The proposed local law will extend the suspension of section 2-9 N (7) of the Town Code with respect to tent permits until December 31, 2021. Tentative hearing date is April 22, 2021.
53. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 48 OF THE TOWN CODE ENTITLED "SIDEWALKS."  

Synopsis: The proposed local law will extend the suspension of the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit until December 31, 2021. Tentative hearing date is April 22, 2021.
54. A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD PARKS FEE SCHEDULE.
55. A RESOLUTION AMENDING RESOLUTION NO. 51-2021, ADOPTED JANUARY 21, 2021, WHICH ESTABLISHED THE TOWN OF NORTH HEMPSTEAD CLIMATE SMART COMMUNITIES (CSC) TASK FORCE.

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**Councilperson Russell offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 131 - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 70 of the Town Code entitled "Zoning" in order to require compliance with certain performance standards for properties and uses within the Industrial B Zoning district; and

**WHEREAS**, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

**WHEREAS**, due notice was heretofore given of a public hearing to be held on November 19, 2020 via Zoom, which hearing was continued to March 18, 2021, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

**WHEREAS**, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the "Commission") was furnished with a copy of the Short Environmental Assessment Form (the "SEAF"); and

**WHEREAS**, the Nassau County Planning Commission, pursuant to Resolution No. 10395-20, dated October 22, 2020, has recommended local determination; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on November 19, 2020 via Zoom, which hearing was continued to March 18, 2021, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and



**WHEREAS**, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the “Secretary of State”).

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

**RESOLVED** that Local Law No. 3 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 3 OF 2021  
A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE  
ENTITLED “ZONING”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead, as follows:

**Section 1. Legislative Intent.**

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 70 of the Town Code entitled “Zoning” to require compliance with certain performance standards for properties and uses within the Industrial B Zoning District.

**Section 2.**

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-187. Conditional uses.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in the following sections only when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV, **and the requirements of §70-189.2.**

1. Bag-cleaning establishment.

B. Brick, pottery, tile, concrete block or terra-cotta manufacture, transit mix hopper or hopper for the storage and/or manufacture of sand, stone, cement or gravel or other materials used for the processing or manufacture of concrete mix.

C. Burlap manufacture.

D. Carpet-cleaning establishment.

E. Dismantling of motor vehicles, storage and sale of used parts, only when carried on within an enclosed building.

F. Dry-cleaning establishment conforming to the requirements of § 70-203R.

[Amended 5-19-1998 by L.L. No. 10-1998]

G. Paper and pulp manufacture.

H. Perfume and extract manufacture.

I. Plating works.  
J. Sausage manufacture.  
K. Storage or baling of scrap paper, iron, bottles, rags or junk, only when carried on within an enclosed building.

L. Tobacco manufacture or treatment.

M. Central station power plant.

N. Gas; illuminating or heating, manufacture or storage, in excess of 10,000 cubic feet.

O. Accessory building on the same lot with and customarily incidental to any of the above permitted uses in accordance with a plot plan approved by the Board of Zoning and Appeals.

[Amended 1-24-2006 by L.L. No. 2-2006; 10-3-2006 by L.L. No. 14-2006]

[1] *Editor's Note: Former Subsection O, listing amusement device regulations, added 9-13-1983 by L.L. No. 6-1983, was repealed 5-29-2012 by L.L. No. 8-2012. This local law also redesignated former Subsections P through R as Subsections O through Q.*

P. Food service.

[Added 12-3-1985 by L.L. No. 12-1985]

Q. Temporary care facility, as defined in § 70-231. Such facilities:

[Added 1-24-2012 by L.L. No. 2-2012]

- (1) May not be located within 500 feet of any residence district;
- (2) Must have qualified staff on premises 24 hours daily;
- (3) Shall provide on-site dining services;
- (4) May not house any individual for more than a twenty-four-month period; and
- (5) May not exceed a density of 72 beds/acre.

R. Indoor smoking establishment, as defined in §70-231, conforming to the following:

[Added 8-9-2016 by L.L. No. 7-2016]

(1) No such establishment shall be permitted within a radius of 500 feet of any area zoned for residential use nor within 1,000 feet of the lot line of any premises used for a school, church or other place of religious worship, park, playground or playing field, library, hospital or similar public or semipublic place of general congregation, or non-degree-granting instruction/programs, including tutoring centers, self-defense, dance, swimming, gymnastics and other sports.

(2) No more than one indoor smoking establishment shall be located on any lot.

### **Section 3.**

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-188. Additional conditional uses.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in the following section when authorized by the Town Board:

A. Storage or sale of petroleum or other inflammable liquids; bulk storage of inflammable liquids.

[1] *Editor's Note: Former Subsection B, regarding drive-through facilities, added 1-24-2006 by L.L. No. 2-2006, which immediately followed this subsection, was repealed 10-3-2006 by L.L. No. 14-2006.*

B. Concrete recycling operation conforming to **the provisions of §70-189.2** and the following:

[added 8-9-2016 by L.L. No. 6-2016]

- (1) The minimum plot area shall be no less than 30,000 square feet.
- (2) All crushing operations shall be conducted within an enclosed building [~~and comply with the following:~~
  - (a) ~~Sound attenuation is required to prevent noise levels from exceeding 90 decibels at the property line of the crushing operation;~~
  - (b) ~~Sound attention is required to prevent noise levels from exceeding 65 decibels at the property line of the nearest residential use or district, school, hospital or place of worship].~~
- (3) Air quality, street cleaning and dust control measures shall comply with the following:
  - (a) Any stockpiled material capable of passing a No. 10 sieve must be in a building or enclosure and may not be stored outdoors;
  - (b) Storage piles and emissions from processing machinery shall be abated by water sprayers **or other approved abatement method** daily if contained indoors, twice daily if contained outdoors or more frequently when wind speeds are in excess of 20mph. **All water or other substance generated from such abatement is required to remain on site;**
  - (c) Outgoing trucks shall be washed prior to leaving the property of a crushing operation;
  - (d) No such facility shall be permitted to emit from any source an emission equal to or greater than 20% opacity as measured by an opacity sensing device;
  - (e) The property shall be swept and cleaned daily or more often if necessary to prevent visible dust from leaving the property;
  - (f) All trucks transporting concrete and recycled concrete to and from the site are to be covered;
  - (g) All visible dirt tracked out of the property onto public roads shall be removed at least once daily employing methods to control fugitive dust. **No material or discharge shall be deposited or caused to be deposited into the municipal separate storm sewer system (MS4) except as authorized under Chapter 47B of the Town Code.**
  - (h) All storm water and water used for abating stockpiles and machine emissions is required to be retained onsite and directed toward drainage infrastructure. Drainage infrastructure must be appropriately sized to handle the retention of 5 inches of rainfall, as well as the anticipated volume of water used for abatement;
  - (i) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes; and
  - (j) In the event diesel generators/equipment are to be used within a building, the facility must be in compliance with the latest version of the New York State Uniform Fire Prevention and Building Code.

(4) All concrete that is accepted for crushing shall meet the requirements of the NYSDEC definition of “Uncontaminated” which is defined in 6 NYCRR 360 as construction and demolition debris that is not mixed or commingled with other solid waste at the point of generation, processing or disposal, and that is not contaminated with spills of a petroleum product, hazardous waste or industrial waste. Contamination from spills of a petroleum product does not include asphalt or concrete pavement that has come into contact with petroleum products through normal vehicle use of the roadway.

(5) Crushing activities may only commence between the hours of 8:00 a.m. and 6:30 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on Saturdays.

(6) No building used for the housing of such use may exceed 50 feet in height.

(7) Parking, truck queuing and on-site circulation shall conform to the following:

(a) Off-street parking shall be provided at one (1) stall per 800 square feet of building area;

(b) Truck queuing areas shall be provided for a minimum of three (3) trucks; and

(c) Truck circulation plans depicting the necessary turning radii and clearances shall be submitted.

**(8) In addition to the above, compliance with §70-189.2 shall be required.**

**C. Yard Waste Acceptance and Processing Facility conforming to the provisions of §70-189.2 and the following:**

(1) No person or public agency other than the Town of North Hempstead Solid Waste Management Authority may conduct, operate or use any piece or parcel of land within the Town of North Hempstead as a yard waste acceptance and processing facility without having first obtained a permit approved by the Town Board as described in § 70-225 of the Town Code and an authority transfer station license as described in § 46-4, along with any other permit required by law. Only those persons and entities possessing a license pursuant to Chapter 38A of the Town Code are permitted to dispose of yard waste at a yard waste acceptance and processing facility.

(2) A parcel used as a yard waste acceptance and processing facility shall conform to the following:

(a) The minimum plot area shall be no less than 120,000 square feet; and

(b) The property must be no less than 100 feet from a residential district or use; and

(c) The property may not be within ½ mile of any surface water body, man-made or natural, or DEC designated wetland; and

(d) Opaque fencing of ten (10) feet in height shall surround the perimeter of the yard waste acceptance and processing facility; and

(e) The lot and onsite buildings shall be kept free of vectors, including, but not limited to rodents, insects and other pests, and of any condition conducive to vectors. Written confirmation of engagement of a New York State certified exterminator at least quarterly and upon complaint shall be available at all times.

(3) All activities involving loading or unloading trucks, grinding and/or chipping of wood and/or trees processing, and/or sorting of materials must be within a building enclosed by at least three opaque walls.

(a) All indoor waste, tipping, sorting, processing, loading, and storage areas shall include fire detection and suppression in accordance with the most recent version of the New York State Uniform Fire Prevention and Building Code.

(b) The enclosure shall be thoroughly cleaned, swept, washed and deodorized within three hours at the end of each business day.

(c) All waste received at the yard waste acceptance and processing facility must be removed on the same day by 11:59 P.M.

(d) Ventilation shall be provided capable of automatically neutralizing odors through the exhaust system as air is ventilated from the enclosed building. Perfuming agents are not permissible.

(4) Air quality and dust control measures must be undertaken, including:

(a) Odors shall be controlled by the use of industrial odor-neutralizing spray misters installed at the property boundary of the yard waste acceptance and processing facility. The specific type of odor-neutralizing agent to be used must be identified to the Town Board at the time a permit is applied for pursuant to this section. Perfuming agents are not permissible; and

(b) All on-site drainage systems impacted by a yard waste acceptance and processing facility are to be kept clear of debris, and treated every three months with odor-neutralizing and bacteria-inhibiting solutions; and

(c) All visible dirt tracked out of the yard waste acceptance and processing facility onto public roads shall be fully removed at least once per day, using wet power vacuum street sweepers or power street sweeper. In the event that a power street sweeper is used, without a wet wash technology incorporated into its functionality, then the supplemental use of a power washer shall be required as well, to ensure the proper flushing of the roadway and right of ways; and

(d) Stockpiles of materials that create airborne fugitive dust shall be abated by water sprayers **or other approved abatement method. All water or other substance generated from such abatement is required to remain on site.**

(5) Wastes to be received at a yard waste acceptance and processing facility shall be subject to the following:

- (a) A yard waste acceptance and processing facility may only accept yard waste as defined in §70-231.
- (b) Information regarding the disposal method of materials other than yard wastes found in wastes brought to the yard waste acceptance and processing facility must be provided, including method of transport and identities of receiving facilities.
- (c) No hazardous wastes may be accepted at a yard waste acceptance and processing facility.
- (d) No food wastes may be accepted by a yard waste acceptance and processing facility.
- (6) Composting or anaerobic digestion are not permitted at a yard waste acceptance and processing facility.
- (7) Delivery of yard wastes at a yard waste acceptance and processing facility may only occur between the hours of 6:00 a.m. and 7:00 p.m. during weekdays, 8:00 a.m. to 4:00 p.m. on weekends.
- (8) A truck queuing and on-site circulation plan shall be submitted with the special use application conforming to the following:
  - (a) Truck queuing areas shall be provided for a minimum of twenty (20) landscaping trucks;
  - (b) The plan must show the ability of the site to handle the largest truck anticipated for the purposes of delivery or pick-up of materials; and
  - (c) The circulation plan must demonstrate the site can accommodate emergency vehicles of any size and must show that the vehicles are able to access all portions of the property.
- (9) Truck routing plans are required to be submitted for the Town Board's consideration conforming to the following:
  - (a) A truck routing plan must show legal truck routes to and from a yard waste acceptance and processing facility and the nearest thoroughfare able to accommodate commercial vehicles; and
  - (b) The proposed truck routes must limit traffic through residential neighborhoods to the greatest extent practicable.
  - (c) A yard waste acceptance and processing facility must inform drivers who use the facility about the legal truck routing plan. The Town will not hold a yard waste acceptance and processing facility responsible for the actions of drivers who do not follow the legal truck routing plan unless the driver is employed by that same yard waste acceptance and processing facility.
- (10) In addition to the above, compliance with §70-189.2 shall be required.**

#### **Section 4.**

Chapter 70 of the Town Code is hereby amended as follows:

**§ 70-189.2 Performance Standards.**

**No land, building or use may be used or occupied in any manner so as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbances; glare or heat; liquid or solid refuse or wastes; conditions conducive to the breeding of rodents or insect; or other dangerous or objectionable elements in an amount or manner as to adversely affect the surrounding area. Any use of land permitted under this article may be undertaken and maintained if it conforms to all district regulations including the regulations of this section referred to herein as performance standards. All uses of land in an Industrial B District shall operate in conformance with the limitations set forth in each subsection below:**

- 1. Vibration: Uses shall not create continuous or intermittent vibrations, either earthborn or airborne, which become a nuisance or hazard beyond property lines. Such vibration shall be considered a hazard when a person is aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. This shall not apply to construction activities performed in compliance with all applicable federal, state and local laws and ordinances and which has been approved by the Department of Buildings.**
- 2. Noise. Except where otherwise specified in this chapter, and not applicable to construction activities performed in compliance with all applicable federal state and local laws and ordinances and which has been approved by the Department of Buildings, nor applicable in the case of intermittent noise generated by safety devices and alarms, all noise shall be muffled so as not to be objectionable, and shall comply with the following:**
  - (1) Sound attenuation walls are required to prevent noise levels from exceeding 70 decibels beyond property lines.**
  - (2) When located within 200 feet of a residential district or use, sound attenuation walls are required to prevent noise levels from exceeding 70 decibels beyond property lines and no more than 60 decibels at the boundary of the nearest residential use or district.**
- 3. Air pollution, smoke, dust, fumes, particulate matter, threshold values. There shall not be discharged into the atmosphere from any source of emission whatsoever any air contaminant, combustion contaminant or particulate matter (excluding condense steam) in violation of the standards and limitations of the applicable regulations of the State of New York, Nassau County, or Town of North Hempstead.**
  - (1) Any stockpiled material capable of passing a No. 10 sieve must be in a building or enclosure and may not be stored outdoors;**
  - (2) Storage piles and emissions from machinery shall be abated by water sprayers or other approved abatement method. All water or other substance generated from such abatement is required to remain on site. Abatement shall take place daily if contained indoors, twice daily if contained outdoors or more frequent when wind speeds are in excess of 20mph;**

- (3) No facility shall be permitted to emit from any source an emission equal to or greater than 20% opacity as measured by an opacity sensing device;**
- (4) All trucks transporting materials to and from a site are to be covered;**
- (5) All properties shall be swept and cleaned daily or more often, if necessary, to prevent visible dust from leaving the property;**
- (6) Outgoing trucks shall be washed prior to leaving a property where there is a likelihood the trucks may have picked up dirt and or dust while onsite;**
- (7) All visible dirt tracked out of the property onto public roads shall be removed at least once daily employing methods to control fugitive dust. No material or discharge shall be deposited or caused to be deposited into the municipal separate storm sewer system (MS4) except as authorized under Chapter 47B of the Town Code.**
- (8) All storm water and water used for abating stockpiles and machine emissions is required to be retained onsite and directed toward drainage infrastructure. Drainage infrastructure must be appropriately sized to handle the retention of 5 inches of rainfall, as well as the anticipated volume of water used for abatement;**
- (9) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes; and**
- (10) In the event diesel generators/ equipment are to be used within a building, the facility must be in compliance with the latest version of the New York State Uniform Fire Prevention and Building Code.**

**4. Odors and Gas. No odor shall be discharged or permitted to escape into the atmosphere that is offensive to the public or which endangers public comfort, repose, health or safety, or violates the standards and limitations of the applicable regulations of the State of New York, Town of North Hempstead and Nassau County. Odors shall be controlled by the use of industrial, non-toxic, odor-neutralizing spray misters installed at the property boundaries. No gas shall be emitted which is deleterious to public health, safety or general welfare, including but not limited to sulfur dioxide, hydrogen sulfide, fluorine, nitrous fumes, and carbon monoxide.**

**5. Electromagnetic Radiation.**

- (1) It shall be unlawful to operate any equipment which as a source of electromagnetic radiation does not comply with the pertinent current rules and regulations of the Federal Communications Commission, or any pertinent laws or ordinances of the State of New York and the County of Nassau.**
- (2) If, in the opinion of the Building Official of the Town of North Hempstead, any equipment is believed to be a potential hazard or nuisance due to electromagnetic radiation, then such equipment shall not be operated without their approval, unless certification is presented to the Building Commissioner indicating that no hazard or nuisance does, in effect, exist as a result of the operation of said equipment.**



**(3) All certifications regarding electromagnetic radiation shall indicate the measurements and the interpretation of the field strengths. Certifications shall be made by a professional engineer skilled in this field. The Town shall require such engineer to furnish proof of their qualifications.**

**6. Fire and explosion. All activities and all storage of flammable and explosive materials shall be provided with adequate safety and fire-fighting devices in accordance with the most recent Uniform Fire Prevention Code, Building Code of the Town of North Hempstead and the Nassau County Fire Marshal's ordinance. Storage of such materials shall require all permits necessary from the State of New York, Nassau County, and Town of North Hempstead.**

**7. Radioactive Materials. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with the regulations of the Atomic Energy Commission as set forth in Title 10, Chapter One, Part 20, Standards for Protection Against Radiation, as amended, and all applicable regulations of the State of New York, Nassau County, and Town of North Hempstead.**

**8. Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the property lines, except during the period of construction of facilities to be used and occupied provided such construction is done in accordance with all applicable federal, state and local laws and ordinances and which has been approved by the Department of Buildings. All lighting on the exterior of buildings and within parking lots or outdoor storage areas shall be shielded so as not to allow light to trespass on to neighboring properties or light from shining upward.**

**9. Nonradioactive liquid or solid wastes. No industrial sewage or wastes shall be discharged into sewers that will cause a chemical reaction, either directly or indirectly, with the materials of such pipe or other structure to impair the strength and durability of sewer structures; cause mechanical action that will destroy or damage sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause limitation of the effectiveness of the sewage treatment process; cause limitation of the effectiveness of the sewage treatment process; cause danger to public health and safety or cause obnoxious conditions. Sewage wastes shall conform to the following:**

**(1) All sewage disposal shall be in accordance with the applicable regulations of the State of New York, Nassau County, and Town of North Hempstead. In addition, all permits shall be required from the applicable water pollution control district.**

**(2) The acidity or alkalinity shall be neutralized within an average pH range between 5 and 7 ½ as a daily average on a volumetric basis.**

**(3) Wastes shall contain no cyanides; no chlorinated solvents in excess of 0.1 p.p.m.; no fluorides in excess of 10 p.p.m.; no more than 5 p.p.m. of hydrogen sulfide; and shall contain no more than 10 p.p.m of chromates.**

**(4) Wastes shall not contain any insoluble substance in excess of 1,000 p.p.m.; exceed a daily average of 500 p.p.m.; fail to pass a No. 8 sieve; or have a dimension greater than one-half inch.**

**(5) Wastes shall not have a chlorine demand greater than 15 p.p.m.**

**(6) Wastes shall not contain phenols in excess of 0.05 p.p.m.**

**10. All properties and buildings shall be kept free of vectors, including, but not limited to, rodents, insects and other pests, and any condition conducive to vectors.**

**11. Compliance with performance standards.**

**(1) All uses in the Industrial B zoning district, including existing uses, shall comply with the performance standards described in this section.**

**(2) An application for a building permit, certificate of completion, certificate of occupancy or certificate of existing use for a use subject to the performance standards in this section shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed under § 70-189.2. The applicant shall also file with such plans and specifications an affidavit acknowledging their understanding of the applicable performance standards and stating their agreement to conform to the same at all times. No applicant will be required to reveal any secret processes. Upon the satisfactory filing of the required plans, specifications and affidavit, and upon demonstrating compliance with all applicable codes, the Building Commissioner shall proceed to issue a building permit and certificate of occupancy in accordance with the procedures set forth in Chapter 2 of the Town Code.**

**(3) The Building Commissioner may require a report by one or more expert consultants retained by the applicant and approved by the Building Commissioner, to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report to the Building Department within 20 days of said request and a copy of their report shall be promptly furnished to the applicant. Approval of time extensions may be allowed by mutual agreement between the Building Commissioner and the applicant.**

**(4) The standards in this section may be modified by the Board of Zoning and Appeals where: (a) modification is necessary for the commercial viability of the use; or (b) where there is a specific federal or state standard with which the use is in compliance and compliance with the standards in this section is impracticable or otherwise inappropriate under the circumstances. In either instance it must be shown that the variance request will not adversely affect neighboring land uses.**

**12. Elimination of nonconformities.**

**(1) Except as provided for herein, each of the nonconforming features of the uses or activities specified in this section may be continued after the effective date of this section for an amortization period up to and including April 1, 2022, provided that after the expiration of such period of amortization, such nonconforming features shall then be terminated.**

**(2) As of April 1, 2022, all existing uses, buildings and other structures shall comply with the applicable performance standards hereinabove set forth; provided, however, that if the Building Commissioner finds that, because of the nature of the corrective action required,**

**compliance by April 1, 2022 is inappropriate, the Building Commissioner may, for good cause shown, grant not more than one extension for a period of not more than six months. An application to the Building Commissioner seeking an extension of time under this subsection shall be made at least three months prior to April 1, 2022.**

**(3) Within 60 days after the effective date of this section, the Building Department shall issue a notice to all properties within the Industrial B zoning district. The notice shall indicate that if compliance cannot be achieved by April 1, 2022, then, not later than January 1, 2022, the applicant must either:**

**(a) Submit a request for an extension of time to the Building Commissioner as set forth in this section; or**

**(b) File a building permit application and request the issuance of a Notice of Disapproval from the Building Department, and file an application with the Board of Zoning and Appeals for a variance from the applicable performance standards in this section.**

**(4) Notwithstanding the above, nothing in this subsection shall be construed to authorize any use or activity that is otherwise in conflict or violates any applicable code, law or regulation of the State of New York, County of Nassau or Town of North Hempstead**

## **Section 5.**

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-203. Public health, safety and general welfare.

[Amended 7-26-1966; 12-3-1985 by L.L. No. 12-1985; 3-25-1986 by L.L. No. 3-1986]

\*\*\*

V. Rumble strips are required for uses which typically generate dirt, dust, sand, recycled concrete aggregate (RCA), silt or other similar material that may be tracked onto the public right-of-way.

[Added 8-9-2016 by [H] L.L. No. 6-2016]

1. Uses requiring rumble strips include but are not limited to the following:

- (a) Concrete recycling operation;
- (b) Brick, pottery, tile, concrete block or terra-cotta manufacture;
- (c) Manufacture of sand, stone, cement or gravel or other materials used for the processing or manufacture of concrete mix;
- (d) Transfer stations;
- (e) Facilities used for the storage of construction vehicles [-] ;
- (f) **Other facilities which create dust and or dirt as determined by the Building Commissioner.**

2. The length of the rumble strips shall be no less than [25] **24** feet and be located at all exits of a facility.
  
3. Rumble strips must be anchored to the ground.

**Section 6.**

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

; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on March 18, 2021 via Zoom, Local Law No. \_\_ of 2021 was adopted. The Local Law amends Chapter 70 of the Town Code entitled “Zoning” in order to require compliance with certain performance standards for properties and uses within the Industrial B Zoning district.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Town Clerk      Planning      Building

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**PROPOSED RESOLUTION**

**\*\*\*\*offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 18 OF THE TOWN CODE ENTITLED "EXCAVATIONS, HIGHWAY."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 18 of the Town Code entitled "Excavations, Highway" to add certain standards and dimensional requirements for curb cuts and driveway aprons on residential and commercial properties; and

**WHEREAS**, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

**WHEREAS**, due notice has been heretofore given of a public hearing to be held on the 21st day of January, 2021 via Zoom, which hearing was continued to March 18, 2021, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on January 21, 2021, which was continued to March 18, 2021, via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

**NOW, THEREFORE, BE IT**

**RESOLVED** that Local Law No. of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2021**

**A LOCAL LAW AMENDING CHAPTER 18 OF THE TOWN CODE  
ENTITLED “EXCAVATIONS, HIGHWAY”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead, as follows:

**Section 1. Legislative Intent.**

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 18 of the Town Code entitled “Excavations, Highway” to make amendments to add certain standards and dimensional requirements for curb cuts and driveway aprons on residential and commercial properties.

**Section 2.**

Chapter 18 of the Town Code is hereby amended, as follows:

Chapter 18 **Highway** Excavations[, Highway] **and Curb Cuts**

§18-1. Highway excavations.

No person, firm or corporation, public service, water, light or power authority shall **make any curb cuts, road openings or** excavate in any street, highway or sidewalk in the town for any purpose without first obtaining a permit from the Superintendent of Highways as hereinafter provided.

§18-2. Permit.

A. Upon application in writing filed with the Superintendent of Highways, stating the purpose, extent, location and nature of [a] proposed **curb cuts, road openings or** excavations or other disturbance of a street or highway in the town, the Town Superintendent of Highways may grant or refuse a permit therefor.

B. If the application for a permit is denied, the Highway Superintendent shall send the applicant written notification of the denial and shall state the reason for denial.

C. Except where such **curb cut, road opening or** excavation or disturbance shall be directly authorized by law, the Superintendent of Highways shall require the applicant to deposit with the Superintendent of Highways a sum of money or bond in a sum set by resolution of the Town Board, or which shall otherwise be deemed by him to be adequate to pay all of the expenses to which the town will be put to replace the street, highways or sidewalk, pavement, curb or gutter in proper condition, and the unexpended balance, if any, shall be refunded to the depositor. The depositor's unexpended balance shall be returned by the town 90 days after the excavation or other disturbance has been repaired to the satisfaction of the Superintendent of Highways, regardless of whether the permittee or the town completes the restoration.

D. Each applicant must file an insurance policy or certificate with the Superintendent of Highways insuring the Town of North Hempstead in the sum of not less than \$1,000,000 combined single limit.

E. No permit shall be issued for an opening on any roadway which has been resurfaced by the Town of North Hempstead during a period of three calendar years previous to the application date, except for permits for emergency openings as defined in §18-4.1 below. In the case of a newly constructed or reconstructed roadway, the time period shall be five years. The prohibitions stated in this Subsection E shall not apply to applications to install new gas connections to residential properties.

F. Any permit issued under this chapter may be revoked at any time by the Highway Superintendent.

G. Permits shall become null and void unless work is commenced within 30 days of the issuance of said permit, unless an extension of time is granted by the Highway Superintendent in writing.

H. The applicant shall give a forty-eight hour notice to the Highway Superintendent or his duly authorized representative, prior to making any road openings, except in cases of emergency as provided for herein. No openings shall be commenced on a Saturday, Sunday or a holiday unless in cases of emergency.

I. **Completion, reimbursement and assessment. Each application shall authorize the Highway Superintendent to complete the repair, construction or reconstruction of driveway entrances and curb cuts whenever the Superintendent finds reasonable to cause to conclude that the applicant fails, refuses or neglects to complete such repair, construction or reconstruction. The Town shall be reimbursed for the cost of such repair, construction or reconstruction by assessment against and collection from the lots or parcels of land where such work was performed or services rendered for so much of the actual and complete costs as incurred upon and from each lot or lots, in the manner provided for the cost of public improvements by Article 15 of the Town Law.**

**§18-2.1. Additional provisions related to curb cut applications and permits.**

A. **Each application for a permit shall be signed and acknowledged by the applicant and shall set forth, or there shall be attached hereto, a fully dimensioned plot plan showing the existing and proposed driveways, curbs and sidewalks of the subject property and on each side adjacent thereto.**

B. **The Highway Superintendent shall review each application and shall issue such permit upon compliance by the applicant with the provisions of this chapter provided that the Superintendent shall determine that;**

(i) **The proposed driveway entrance, curb cut, road opening or excavation will not interfere with the orderly and reasonable use of adjacent property.**

(ii) **The proposed driveway entrance, curb cut, road opening or excavation will not create undue interference with vehicular traffic in the adjoining highway.**

(iii) **The proposed driveway entrance, curb cut, road opening or excavation will not adversely affect the health, safety and welfare, of the inhabitants of the Town.**

§18-3. Fees.

Except where otherwise provided by law, or where permits as above are granted for work done at the direction of the Town Superintendent of Highways, each application for such permit shall be accompanied by a fee, to be set by resolution of the Town Board for each **curb cut, street opening or excavation**, to be paid to the town. The fee and permit herein required shall be in addition to permits required for the construction of any sidewalk, curb or driveway.

§18-4. Fees for permits issued to utility companies and special districts.

Permits may be issued to **electrical, gas, water, cable, telephone, sewer or other public service corporations or public utilities**, [~~the Long Island Power Authority, Brooklyn Union Gas, Bell Atlantic, Water Authority of Western Nassau County~~] and special districts of the Town of North Hempstead without fee as required above accompanying the application. In lieu thereof, the Superintendent of Highways is to render monthly statements to said utility companies and special districts in the event that they avail themselves of paying for their permits each month.

§18-4.1. Emergencies.

In the event that any pipe, main, conduit or other utility installation in or under any street, alley, sidewalk or public way shall burst, break or otherwise be in such conditions as to seriously endanger persons or property, the owner of such sewer, main, conduit or other installation shall immediately contact the Town of North Hempstead Superintendent of Highways describing the location of the break, extent of repairs and any emergency measures required to reroute traffic. Upon approval by the Superintendent of Highways, the owner shall immediately remedy such trouble and shall immediately take all such necessary steps to make said location safe and secure. Such owner shall not, however, begin making any permanent repairs to such street, alley or sidewalk until he or she shall have secured a permit as provided above. Such permit shall be applied for within 48 hours after such break or serious trouble shall have developed, and the necessary permanent repairs to the street, alley or sidewalk shall be made as directed by the Superintendent of Highways and shall be completed as soon as practicable after receipt of the permit.

§18-5. Notice to public service corporations.

No work shall be commenced under any permit granted pursuant to this ~~[section]~~ **Chapter** unless or until such notice as shall be directed by the Superintendent of Highways shall have been given to **electrical, gas, water, cable, telephone, sewer or other public service corporations or public utilities**~~[public service corporations]~~ having lines, mains or other property in the streets for the protection of their property.

§18-6. Protection of excavations.

A. The permittee shall take appropriate measures to assure that, during the performance of ~~[the]~~ **road opening or** excavation work, traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Highway Superintendent may permit the closing of streets to all traffic for a period of time prescribed by him or it if, in his or its opinion, it is necessary. Failure to provide barriers and lights conforming to the requirements of the Superintendent of Highways shall be prima facie evidence of a failure to provide suitable barriers and lights and may result in immediate revocation of the permit.

B. The **road opening or** excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 15 feet of the fire plugs. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions.

C. The following measures shall be taken to ensure the safety and protection of the traveling public.

1. All **road** openings **or excavations** must be backfilled immediately and pavement restored in accordance with town road specifications.

2. If it is necessary to leave a~~[n]~~ **road opening or** excavation unfinished overnight or for an extended period, the permittee shall place at the site suitable barricades with appropriate lighting. The barriers and lighting devices shall conform to the specifications set forth in the United States Department of Transportation Manual on Uniform Traffic Control Devices, and any amendments thereto, except that the permittee must place his name and a phone number where he can be reached at all times. The **road opening or** excavation shall be lit continuously from twilight to dawn. He shall also notify the Nassau County Police Department of the condition of the unfinished **road opening or** excavation and furnish the Police Department with his name and a phone number where he can be reached at all times. A minimum of four flashers must be used at the construction site or along the right-of-way as required by the Highway Superintendent.

§18-7. Protection of Property.



A. All permits granted for town street, highway or sidewalk excavations for any purpose shall be conditioned upon the adequate protection, at the expense of the applicant, to the property of the town and public service corporations. All excavations shall be backfilled properly upon completion and a written notice thereof given to the Superintendent of Highways.

B. All permittees are to restore pavements as follows: all types of roads, with the exception of concrete, shall be replaced with a subbase of three-fourths-inch asphalt binder mix, compacted in two three-inch lifts, per Nassau County specifications, for a total of six inches in depth, and surfaced with asphalt, Type 1A, not less than two inches in depth. Concrete roads shall follow Nassau County specifications of one or two to four (1:2:4) reinforced concrete.

C. Should prevailing weather conditions preclude the permanent restoration of the road surface, the applicant shall be responsible for the maintenance of the temporary surface.

D. The Office of the Town Comptroller shall invoice permittees whose actions or inactions require town labor to close or secure road openings, **excavations, or curb cuts** [~~together with an interest charge for delinquent garments in the amount of...~~].

#### §18-7.1. Liability.

The permittee shall hold the Town of North Hempstead and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the Town of North Hempstead or any town officer may be made liable by reason of any accident or injury to person or property through the fault of the permittee, either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition, as nearly as it can be to its original condition and to the satisfaction of the Superintendent of Highways, all openings and excavations made in the streets and to maintain any street where an excavation is made in a condition as good as before said work shall have been done, for the period of 12 months after said work shall have been done, usual wear and tear excepted. Any settling of the surface within said one-year period shall be deemed conclusive evidence of defective backfilling by the permittee.

#### §18-8. **Reserved.** [~~Penalties for offenses.~~

~~Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or to imprisonment for a term not to exceed 15 days, or to both fine and imprisonment.]~~

#### §18-9. **Reserved.** [~~Title.~~

~~This ordinance shall be known and may be cited as "An Ordinance Regulating Excavations in Streets or Highways in the Town of North Hempstead."]~~

#### **§ 18-10 Driveway and curb cut specifications for noncommercial use.**

**Each curb cut and driveway for noncommercial use constructed under a permit issued pursuant to this chapter shall be constructed in accordance with the following specifications:**

**A. Curb cuts for dwellings shall be no greater than 10 feet for one-car access at the curblines.**

**B. Curb cuts for dwellings shall be no greater than 18 feet for two-car access at the curblines.**

**C. For corner property, the minimum distance permitted between any curb and the property line forming the adjoining street extended to the curblines shall be 25 feet.**

**D. A minimum distance of 2 feet from side property lines shall be maintained when measured from the expansion joint.**

**E. Curb cuts shall be at least 3 feet from the nearest utility pole, storm drain and fire hydrant/ fire department connection.**

F. Curb cuts shall have a 2 inch reveal.

G. An existing curb cut may be supplemented by not more than one additional single-width ten-foot curb cut, provided that the proposed additional curb cut be located not less than 18 feet from the existing curb cut at the curblines, and the application otherwise meets all other requirements.

H. An existing ten-foot curb cut for an attached garage may be widened to an eighteen-foot curb cut when the application otherwise meets all other requirements herein.

I. Driveway aprons adjacent to concrete sidewalks shall be made of concrete. Residential driveway aprons and adjacent concrete sidewalk shall be reinforced and be 6 inches thick. An empty 1 inch schedule PVC electrical conduit may be required by the Highway Department to be provided below the apron.

J. Curb cuts and driveway aprons may be made of asphalt or other alternative material and shall delineate between the driveway apron and the street. Curb cuts made of anything other than concrete or asphalt require a Declaration of Waiver and Release of Claims Against, and Indemnification of, The Town of North Hempstead.

#### § 18-11 Driveway and curb cut specifications for commercial use.

Each curb cut and driveway for commercial use constructed under a permit issued pursuant to this chapter shall be constructed in accordance with the following specifications:

A. Normal curb cuts for commercial use shall be not greater than 25 feet at the curblines. However, should the applicant prove a requirement of greater width in order to accommodate larger vehicles, consideration for such greater width may be given.

B. For corner property the minimum distance permitted between any commercial-use curb cut and the property line forming the adjoining street extended to the curblines shall be 10 feet.

C. A minimum distance of 2 feet from side property lines shall be maintained at the curblines for all commercial-use curb cuts when measured from the expansion joint.

D. Commercial driveway aprons and adjacent concrete sidewalk shall be reinforced and be 8 inches thick. An empty one (1) inch schedule PVC electrical conduit may be required by the Highway Department to be provided below the apron.

E. Commercial-use curb cuts may be supplemented by additional commercial-use curb cuts, provided that all such curb cuts are not less than 25 feet one from the other at the curblines, and the application otherwise meets all requirements herein.

F. Curb cuts shall be at least 3 feet from the nearest utility pole, storm drain and fire hydrant/ fire department connection.

#### §18-1[0]2. Circular driveway guidelines.

To comply with the Town of North Hempstead Highway Department's guidelines, the following are the requirements necessary in order to obtain permission to obtain road opening permits to install a circular driveway:

A. A minimum property frontage measurement of 50 feet is required.

B. The Highway Department will allow two single driveways of 10 feet each or one single driveway of 10 feet and one double driveway of 18 feet, but not two double driveways of 18 feet each.

C. Curb cut openings must remain at least two feet from each side property lines.

D. Curb cut openings must remain at least [~~two~~] **three** feet from any existing trees, lightposts or fire hydrants utility pole, storm drain and fire hydrant/ fire department connection.

E. It will be necessary for a span of 18 feet between each curb cut installed. (see diagram below.)



**§18-13. Penalties for offenses.**

**Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or to imprisonment for a term not to exceed 15 days, or to both fine and imprisonment.**

~~[\§18-11. When effective.~~

~~This ordinance shall take effect immediately.]~~

**§18-14. Severability.**

**If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.**

**Section 3.**

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

;and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on March 18, 2021 via Zoom, Local Law No. of 2021 was adopted. The local law amends Chapter 18 of the Town Code entitled “Excavations, Highway” to add certain standards and dimensional requirements for curb cuts and driveway aprons on residential and commercial properties.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

**Dated:** Manhasset, New York

March 18, 2021

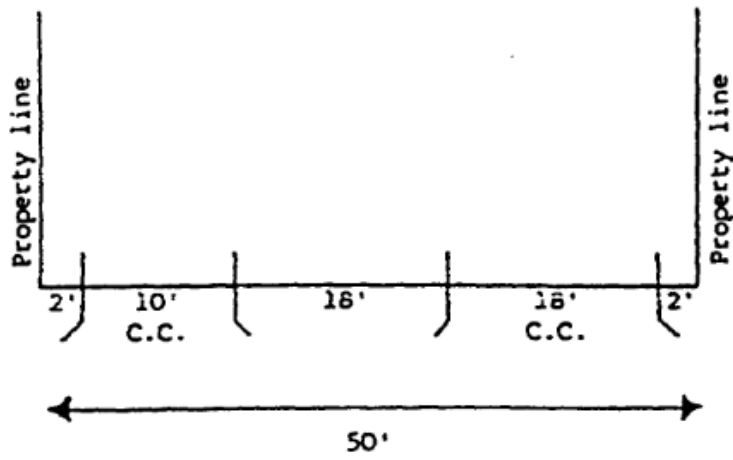
The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney

DIAGRAM OF MAXIMUM ALLOWANCE



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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 132 - 2021**

**A PUBLIC HEARING TO CONSIDER THE APPLICATION OF HUNTINGTON COACH LLC AND THE MANHASSET UNION FREE SCHOOL DISTRICT FOR AN EXEMPTION FROM ZONING REQUIREMENTS RELATED TO THE OUTDOOR STORAGE OF SCHOOL BUSES IN PORT WASHINGTON, NEW YORK.**

**WHEREAS**, Huntington Coach L.L.C., 1359 New York Avenue, Huntington Station, New York 11746 (“Huntington Coach”) and the Manhasset Union Free School District, 200 Memorial Place, Manhasset, New York 11030 (the “School District”) (together, the “Applicants”) have applied (the “Application”) for an exemption from the zoning requirements of §70-150 of the Town Code of the Town of North Hempstead (the “Zoning Code”) in order to maintain the outdoor storage of school buses and vans used to transport students of the School District, at the following locations in Port Washington, New York: 13 Harbor Park Drive, 15 Harbor Park Drive and 21 Harbor Park Drive and designated on the Nassau County Land and Tax Map as Section 6, Block 86, Lots 7, 11 and 10 respectively (collectively, the "Premises"); and

**WHEREAS**, the Applicants have also requested that the Town of North Hempstead (the “Town”) Town Board exempt the use of 13 Harbor Park Drive for the indoor maintenance of school buses and vans; and

**WHEREAS**, the School District is a school district that was formed under applicable New York State law; and

**WHEREAS**, Huntington Coach is a private company that owns and operates school buses and school vans used to transport school children; and

**WHEREAS**, Huntington Coach leases outdoor parking space at the Premises to park the school buses and vans, which are used primarily to transport students within the School District to and from school and related programs and activities, and indoor space at 13 Harbor Park Drive for the maintenance of those school buses and vans (the “School Use); and

**WHEREAS**, the Premises is located within the Town’s Planned Industrial Park District (the “PIP District”) as described in Chapter 70 of the Zoning Code; and

**WHEREAS**, the use of the Premises for the School Use is not a permitted use in the PIP District pursuant to §70-150 of the Zoning Code, nor does it qualify as either a special use under §70-151 or an accessory use under §70-152 of the Zoning Code; and

**WHEREAS**, the Applicants have requested that the Town Board exempt the use of the Premises for the School Use from the requirements of §70-150 of the Zoning Code (the “Exemption”) so that school buses and vans could be parked and stored at the Premises; and

**WHEREAS**, the Town Board, as the legislative body of the Town, is empowered to grant exemptions from requirements set forth in the Zoning Code for certain governmental and public uses pursuant to the New York State Court of Appeals’ decision in Matter of County of Monroe, 72 N.Y.2d 338 (1988); and

**WHEREAS**, the New York State Court of Appeals has extended the right to seek immunity from local zoning requirements to private entities performing a public activity, *see* Crown Communication New York, Inc. v. Department of Transportation, 4 N.Y.3d 159 (2005); and

**WHEREAS**, the Town Board, in determining whether to grant an Exemption, must apply a balancing test, which includes the following factors: (i) the nature and scope of the instrumentality seeking immunity; (ii) the governmental unit’s legislative grant of authority; (iii) the kind of function or land use involved; (iv) the effect local land use regulation would have upon the governmental unit; (v) alternative locations for the development in less restrictive zoning areas; (vi) the impact upon legitimate local interests; (vii) alternative methods of providing the development; (viii) the extent of the public interest to be served by the development; and (ix) intergovernmental participation in the project development process and an opportunity to be heard (the “Balancing Factors”); and

**WHEREAS**, the Balancing Factors are not dispositive, and one factor could be more influential than another or may be so significant as to completely overshadow all others; and

**WHEREAS**, the education of school-aged children, which is an important social and economic function of the School District, is a legitimate government interest and is mandated by the New York State Education Law (the “Education Law”); and

**WHEREAS**, the Education Law mandates the School District to provide transportation to students residing within its boundaries; and

**WHEREAS**, transportation of schoolchildren to and from home and school is a necessary function of a school district and greatly eases the burden on families within the School District and the Town who, as a result of the School District providing transportation, do not need to find alternative safe methods of transporting their children to school; and

**WHEREAS**, the School District does not operate its own fleet of buses, but instead relies on its contractor Huntington Coach to transport its students; and

**WHEREAS**, by providing bus transportation for the School District, Huntington Coach is serving a public purpose; and

**WHEREAS**, a recommendation on the Application has been made to the Board by the Department of Planning and Environmental Protection (the “Planning Department”); and

**WHEREAS**, the Town Clerk has published notice of a public hearing for consideration of the Application, as authorized and directed by the Board pursuant to Resolution No. 559-2020, adopted at its meeting held on December 17, 2020; and

**WHEREAS**, the Applicants have furnished proof of service of notice of the public hearing to the affected property owners within a 300-foot radius of the Premises and filed an affidavit as to the mailing of such notices; and

**WHEREAS**, the Applicants have furnished proof of posting signs on the Premises and filed affidavits as to the postings; and

**WHEREAS**, the Public Hearing was convened by the Board on January 21, 2021 affording all interested persons the opportunity to be heard, which hearing was continued for review and consideration to March 18, 2021; and

**WHEREAS**, the Planning Department has reviewed the Application and recommends conditional approval of same, based upon the following evaluation: (i) the School District is a governmental entity eligible to receive a zoning exemption; (ii) providing bus service is an essential function of the School District; (iii) there is a scarcity of alternative locations with less restrictive zoning to accommodate bus storage; (iv) the PIP District was not designed to accommodate large bus fleets, nor is it situated in close proximity to any school facility or service area (bus route) resulting in excessive traffic volume, vehicle emissions and fuel consumption; (v) the vehicles displaced by the buses have been parking on the public streets, which were not designed for on-street parking; and (v) utilizing the Premises to store school buses works as a temporary solution because the three sites are presently occupied by large warehouses that do not generate a high parking demand; and

**WHEREAS**, the Board has reviewed the determination of the Planning Department recommending a conditional approval of the Application; and.

**WHEREAS**, the Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on January 21, 2021 continued to March 18, 2021, and afforded all interested persons the opportunity to be heard, and has carefully weighed the Balancing Factors; and

**WHEREAS**, this Board now wishes to render a decision on the Application.

**NOW, THEREFORE, BE IT**

**RESOLVED** that after applying the Balancing Factors, the Board hereby grants the Exemption to the School District for the School Use, subject to the following conditions:

- 1) The grant of the Exemption is for a period of five (5) years expiring on March 17, 2026.
- 2) Huntington Coach remains the School District's service provider. Should the School District change providers, the School District shall immediately notify the Town.
- 3) Huntington Coach must utilize the Premises for the School Use, except that a limited number of trips for other purposes may be permitted when Manhasset schools are not in session.
- 4) A maximum of 45% of the outdoor paved area of lots 15 and 21 Harbor Park Drive may be utilized for the parking of school buses.



5) A maximum of 60% of the outdoor paved area of lot 13 Harbor Park Drive may be utilized for the parking of school buses for as long as Huntington Coach maintains a bus servicing facility within the principal building.

**RESOLVED** that, notwithstanding the grant of the Exemption, use of the Premises shall remain subject to all other applicable laws, codes and regulations including, but not limited to, Chapter 2 of the Town Code; and be it further

**RESOLVED** that the Town can terminate this grant of immunity from the requirements of §70-150 of the Zoning Code at any time for noncompliance with these conditions or with relevant provisions of the Town Code, or otherwise with six months prior notice; and be it further

**RESOLVED** that should the Applicants vacate the Premises or cease to use the Premises for the School Use, the Premises must be restored to such a condition so that its use complies with the relevant provisions of the Zoning Code; and be it further

**RESOLVED** that the Board hereby authorizes the Supervisor to take such action as may be required to effectuate the foregoing; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to supervise the execution of any related documents; and be it further

**RESOLVED** that a copy of this Resolution shall be filed with the Commissioner of Building Safety, Inspection and Enforcement, and the Secretary of the Board of Zoning and Appeals; and be it further

**RESOLVED** that the foregoing resolution shall take effect immediately.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney Building Department Planning BZA

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**PROPOSED RESOLUTION**

**\*\*\*\*offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. -2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND ENFORCEMENT."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property; and

**WHEREAS**, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

**WHEREAS**, due notice was heretofore given of a public hearing to be held on December 17, 2020 via Zoom, which hearing was continued to March 18, 2021, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on December 17, 2020 via Zoom, which hearing was continued to March 18, 2021, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

**WHEREAS**, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

**RESOLVED** that Local Law No. of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2021**

**A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE  
ENTITLED “ADMINISTRATION AND ENFORCEMENT”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead, as follows:

**Section 1. Legislative Intent.**

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property.

**Section 2.**

Chapter 2 of the Town Code is hereby amended as follows:

§ 2-9 Permit required; application.

\*\*\*

T. Tree removal permits.

(1) No person, firm or corporation shall remove, **destroy or substantially alter the habitat of any tree to cause the death of** any tree or trees on private property without first obtaining a tree removal permit.

[Amended 6-19-2012 by L.L. No. 10-2012]

(a) If the removal of a tree(s) on private property is in connection with another activity for which a permit is required under § 2-9A of this Code, a tree removal application as described in this subsection is required. In this section a “tree” is defined as any living woody plant which is six inches or more in diameter at a height of 4 ½ feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches. **In this section, the removal of a non-living tree shall require a permit hereunder.**

(b) If the removal of a tree(s) on private property is not in connection with any other activity for which a permit is required under § 2-9A of this Code **and is located in the front yard of a parcel**, ~~[an applicant]~~ **the tree removal** is subject to the ~~[definitions and tree removal]~~ application **and replacement** requirements ~~[as described]~~ **set forth** in Chapter 20A.

(2) If any such tree removal occurs within the six months prior to the filing of an application for a permit required by § 2-9A, the removal of a tree or trees is deemed to have taken place in connection with the permit required by § 2-9A. This subsection shall not apply to any tree removal that occurred within the six-month period prior to the effective date of this subsection.

(3) In addition to the information required by §2-9B of this Code, an application for a tree removal permit shall also include the following information:

- (a) The name and address of the applicant and status of legal entity.
- (b) The status of the applicant with respect to the land.
- (c) Written consent of the owner or owners of the land, if the applicant is not the owner or sole owner.
- (d) The location of the property, including the section, lot and block number and street address.
- (e) The reason tree removal is sought.
- (f) The condition of each tree with respect to disease and danger of falling.
- (g) A description of the size and type of each tree to be removed, including common name and/or botanical name.

**(h) Photos of each tree to be removed.**

**(i) A diagram showing the proposed location. The location of any replacement tree shall be approved by the Building Commissioner.**

~~(h)~~**(i)** Such other information as may be reasonably be required by the Building Commissioner to establish compliance with this section, including, but not limited to the following:

[1] A signed statement from a New York State certified arborist indicating the health of the tree.

[2] An erosion control plan.

[3] ~~[Photos of each tree to be removed.]~~ **Reserved**

[4] A survey noting the location of any structures or utilities endangered by the tree.

[5] Alternative mitigation if the tree acts as a visual and/or noise barrier to a road or highway.

[6] Proposed methods to ensure the protection of remaining trees. A copy of the Tree Standards and Specifications will be provided to the applicant.

[7] Flagging of each tree to be removed.

(4) In making the determination to grant or deny the application, the ~~(b)~~**B**uilding ~~(e)~~**C**ommissioner shall be guided by the following criteria:

- (a) The ability of the applicant to rearrange the layout of proposed structures to minimize the removal of trees.
- (b) The necessity of removal or alteration of the tree in question.
- (c) The condition of the tree with respect to disease and danger of falling. In the event that the diseased condition of the tree is not evident, the Building Commissioner maintains the right to require the applicant to submit proof from a New York State certified arborist.
- (d) The proximity of the tree to proposed or existing structures.
- (e) Whether the tree endangers the usefulness of a public sewer or public utility.
- (f) The significance of the tree in regard to:
  - [1] The size of the tree.
  - [2] The rarity of the species.
  - [3] The historical value of the tree.
- (g) The effect of removal on:
  - [1] The character of the site with respect to vegetation management practices.
  - [2] Ecological systems
  - [3] The existing screening of any road or highway bordering the property in question.
  - [4] Erosion control from the parcel on which the tree is to be removed and its impact on adjacent parcels.
- (h) Whether a denial of the permit will result in unnecessary hardship or severe financial loss to the applicant.

(5) Tree replacement guidelines. Each tree removed of a diameter of six inches or greater **shall be subject to the tree replacement guidelines enumerated in this subsection. Failure to comply with the tree replanting requirements set forth in this section shall constitute a separate and distinct offense hereunder.**

(a) [~~Fifty percent of the total tree diameter removed must be replaced.~~] **Replacement tree (s) must be a minimum of six feet in height; measured from the base of the trunk to the end of the upper most point of the tree. Except as provided for in § 2-9(T)(5)(d):**

**[1] Each tree removed having a diameter measuring between six inches to thirty inches shall require a replacement tree to be planted.**

**[2] Each tree removed having a diameter greater than thirty inches will require the planting of two replacement trees.**

(b) The tree(s) to be planted in replacement shall be located on the same parcel from which the tree(s) is proposed to be removed.

(c) ~~[The proposed location of the new tree(s) shall be approved by the Building Commissioner.]~~  
[(d)] The tree(s) to be planted in replacement shall be from a similar size class or from a larger size class as the tree(s) removed, **unless a smaller size class is determined to be more appropriate, as determined by the Tree Advisory Committee.** Size classes are enumerated in the Tree Standards and Specifications to be promulgated by the ~~[Building Commissioner]~~ **Tree Advisory Committee established pursuant to Chapter 20A.**

[(e)d] If the Building Commissioner determines that the site does not allow for the planting of the required number of trees, the Building Commissioner shall require the applicant to plant the maximum number of trees possible, with any remaining **requirement satisfied by the** ~~[trees to be replaced with shrubbery, provided the plant selection has met his prior approval, as a condition of a tree removal permit. If the site does not permit the planting of shrubs, the Building Commissioner shall require the applicant to]~~ **payment of** an additional fee to the ~~[Commissioner of]~~ Building[s] **Department for each tree unable to be planted** in ~~[an]~~ **the** amount ~~[determined by the applicant and confirmed by the Commissioner to be equal to the estimated cost of the required number of trees and/or shrubs]~~ **set forth in § 20A-12. The fee shall be allocated to the Town's Tree Preservation Fund.**

[(f)e] All required tree plantings shall occur between April 1 and December 1 and 90 days after the tree removal.

[(f)H] If plantings cannot occur within 90 days of the removal due to the above planting time restrictions, the Commissioner of Buildings may require the applicant to deposit a performance bond or a cash deposit in the form of a certified check with the Commissioner of Buildings in an amount which shall be determined by ~~[the applicant and confirmed by]~~ the Commissioner to be equal to the estimated cost of planting the required number of trees ~~[and/or shrubs]~~ and, if applicable, stabilizing the site. The term of said deposit or performance bond shall not exceed a period of six months, and the deposit or bond shall not be released until the plantings have been satisfactorily completed in accordance with the approved tree removal permit.

[(a) 1] In the event of a default, such bond or cash deposit shall be forfeited to the ~~[Town Parks Department for additional plantings in Town parks,]~~ **Building Department and the funds shall be applied to the Tree Preservation Fund.** ~~[and the applicant shall]~~ **If a permittee is** ~~[be]~~ found to be in violation of the conditions of the tree removal permit[-], ~~[F]the~~ Commissioner of Buildings shall determine the remedy of the violation; however, in no circumstances shall such forfeiture of the bond serve as a remedy of the violation.

[(b) 2] Upon satisfactory completion of the contemplated work in accordance with the application and this chapter, such bond or cash deposit shall be released by the Commissioner of Buildings. Satisfactory completion of the work shall be evidenced by the Commissioner of Buildings.

**(6) A two year tree establishment bond will be required where trees have been removed on a parcel in conjunction with or to facilitate the construction of a new commercial building or residential dwelling in which tree replanting is required.**

**(a) The applicant shall deposit a two year tree establishment bond or a cash deposit in the form of a certified check with the Commissioner of Buildings after the Commissioner of Buildings approves the trees at the final inspection and prior to issuance of the certificate of occupancy. The bond or escrow amount shall be 100 percent of the total landscaping costs, but in no case shall be less than \$1,000 per required replacement tree. If a**

**bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of New York and acceptable to the Town.**

**(b) Two years after the date of the bond or escrow account being provided, the Commissioner of Buildings shall inspect the site and make a determination of whether the required trees are viable, and if so, the Town may release the bond or escrow account upon approval by the Commissioner of Buildings. In the event of a default, such bond or cash deposit shall be forfeited to the Building Department and the funds shall be applied to the Tree Preservation Fund.**

([6]7) In the event the Building Commissioner denies a request for a tree removal permit, the applicant may appeal his decision to the Board of Zoning and Appeals pursuant to § 70-225M.

([7]8) No permit shall be issued for tree removal unless:

- (a) The application is accompanied by plans for the development of the land from which such tree is to be removed and of any other land on the same tax lot or lots; or
- (b) The application demonstrates a serious threat to public health and safety, which can be solved by removal of such tree.

**(9) Prior to land preparation or construction activity that could damage any tree on a property a protective barrier shall be placed around the tree. Such protective barrier shall remain in place until all construction activity is terminated. If the construction or development of a property results in damage to a tree on the property requiring its removal, such tree shall be subject to the provisions of this section. Minor tree damage shall be repaired in accordance with accepted tree surgery practice.**

**(10) The Building Commissioner shall issue a certificate of completion if it is found**

**that the proposed tree removal and tree replacement has been completed substantially in accordance with the permit and the laws applicable thereto.**

**(11) No certificate of occupancy shall be issued by the Building Commissioner until**

**all tree planting and associated restoration work shall be completed to the satisfaction of the Building Commissioner except that, where a certificate of occupancy is applied for between December 1 and April 1, the permit holder shall submit an agreement, in writing, to the Town signed by the permit holder to ensure compliance with all planting and restoration work to the satisfaction of the Building Commissioner on or before the first day of May next following the making of the agreement.**

### **Section 3.**

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

;and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

### **NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on March 18, 2021 via Zoom, Local Law No. \_\_ of 2021 was adopted. The Local Law amends Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney      Town Clerk      Planning      Building



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**PROPOSED RESOLUTION**

**\*\*\*\*offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. -2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 20A OF THE TOWN CODE ENTITLED "ENVIRONMENTAL PLANNING AND CONTROL OF TREES."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 20A of the Town Code entitled "Environmental Planning and Control of Trees" in order to make amendments to the Town's tree code relative to the preservation of trees on public and private property; and

**WHEREAS**, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

**WHEREAS**, due notice was heretofore given of a public hearing to be held on December 17, 2020 via Zoom, which hearing was continued to March 18, 2021, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on December 17, 2020 via Zoom, which hearing was continued to March 18, 2021, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

**WHEREAS**, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

**RESOLVED** that Local Law No. of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2021**

**A LOCAL LAW AMENDING CHAPTER 20A OF THE TOWN CODE  
ENTITLED “ENVIRONMENTAL PLANNING AND CONTROL OF TREES”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead, as follows:

**Section 1. Legislative Intent.**

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 20A of the Town Code entitled “Environmental Planning and Control of Trees” to make amendments to the Town’s tree code relative to the preservation of trees on public and private property; and to establish a Tree Advisory Committee to advise on the preservation of trees throughout the Town.

**Section 2.**

Chapter 20A of the Town Code is hereby amended as follows:

**§ 20A-1 Legislative policy.**

It is hereby declared to be the legislative policy and intent of the Town Board of the Town of North Hempstead that the protection and maintenance of the physical environment, including land, water, air and other physical features[7] within this Town are of greatest concern to this legislative body and to the residents of this municipality. It is further declared to be the intent of the Town Board that this concern can best be served by regulation and control emanating from this Town Board as set forth in this chapter.

**§ 20A-2 Findings and intent.**

[Amended 4-2-2002 by L.L. No. 5-2002]

Since it has been long recognized that trees provide a natural habitat for the wildlife of our area, absorb air pollution, provide us with oxygen, deter soil erosion and flooding and offer a natural barrier to noise, and that the wanton and indiscriminate destruction of trees could decimate the scenic natural beauty of the area, disrupt the ecological balance in nature; cause erosion of topsoil; create flood hazards and erosion; reduce property values, resulting in the encouragement of substandard development; and increase the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters, the Town Board of the Town of North Hempstead hereby declares it in the public interest, convenience and necessity to enact regulations

which will control the removal of or changes or damages to trees within the jurisdiction of the Town to eliminate the aforesaid injurious effects of such tree removal, changes or damages.

### **§ 20A-3 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **APPLICANT**

Any property owner or his duly authorized agent, or any person claiming a legal interest in real property who makes an application under this chapter.

#### **ARBORIST**

A specialist in the planting and maintenance of trees certified by New York State.

[Added 4-2-2002 by L.L. No. 5-2002]

#### **BORDER**

The boundary line of the public right-of-way and the adjacent property owner.

#### **DIAMETER**

The measurement equaling the circular distance around a tree at a height of 4 1/2 feet above the base of the trunk divided by 3.14. The diameter of a multistem tree shall be the sum of the diameters of the trunks of each stem.

[Added 4-2-2002 by L.L. No. 5-2002]

#### **FRONT YARD**

An open and unoccupied space across the full width of a lot extending from the front line of the lot to the front line of the building or, if no building is present, the back line of the required front yard setback whichever is greater in distance and measured between the side property lines.

[Added 4-2-2002 by L.L. No. 5-2002]

#### **HABIT**

The natural growing characteristics of any tree, which includes branch spread and distribution, branch height above ground and root spread and distribution.

#### **PERSON**

Any individual, firm, partnership, association, corporation, company or organization of any kind, or agent thereof, but not including the Town, or any other governmental body or municipality or their agents, servants or employees, or a public utility.

#### **PROPERTY OWNER**

Any person or persons owning real property as shown by the Nassau County Clerk's records.

#### **PUBLIC RIGHT-OF-WAY**

Each street or highway, as the same is defined by the Highway Law of the State of New York, as from time to time amended, which is owned, controlled or otherwise subject to the jurisdiction of the Town.

#### **SAPLING**

Any living woody plant which is three inches or more in diameter at a height of three feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches.

[Added 4-2-2002 by L.L. No. 5-2002]

#### **SUBSTANTIAL ALTERATION**

Any cutting, pruning, elevating or other alteration of the habit of a tree which impairs or endangers the life of such tree or destroys its natural symmetry and shall include, but is not limited to, heavy or unnecessary cutting of top branches (topping), cutting of major lower limbs (severe elevating) or drastic pruning or cutting of roots of trees without compensatory cutting of the crown of the tree, but shall not include New York State forestry standards, guidelines or ornamental procedures.

#### **TOWN**

The Town of North Hempstead, County of Nassau, State of New York.

## TOWN OFFICIAL

The official assigned to carry out the administration and enforcement as set forth in § 20A-4 of this chapter.

## TREE

Any living woody plant which is six inches or more in diameter at a height of 4 1/2 feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches. **The removal of a non-living tree shall require a permit hereunder.**

[Amended 4-2-2002 by L.L. No. 5-2002]

## TREE LAWNS

The portion of a public right-of-way not covered by pavement which lies between the border and the portion of the public right-of-way used for vehicular traffic.

## **TREE MASTER PLAN**

**A plan for maintaining, managing, enhancing, and growing the Town's tree resource; the plan documents objectives for long-range planning to promote sustainability, species diversity, growth and health of the tree inventory; the plan should encompass, but is not limited to, vision statement, goals, objectives, strategies, annual work plan, annual budget, etc.**

## § 20A-4 Enforcement.

- A. Public rights-of-way. The Superintendent of Highways shall have the authority to promulgate rules and regulations governing the planting, maintenance, removal, fertilization, pruning and bracing of trees in public rights-of-way and shall direct, regulate and control the planting, maintenance and removal of all trees growing now or hereafter in any public right-of-way.
- B. Town-owned public places. The Commissioner of Parks and Recreation shall have authority over the regulation of the planting, maintenance and removal of trees in Town-owned public places so as to ensure safety and preserve the aesthetics of such public site. [~~He~~] **The Commissioner** shall have the authority and duty to supervise or inspect all work done.
- C. Public right-of-way and Town-owned public places. The Town Board shall adopt a policy governing the removal of trees from a public right-of-way and Town-owned public places. The policy shall be adopted and may be amended only after a public hearing is held by the Town Board. The policy shall include reasonable public notice of the removal of a tree(s) and shall be designed to minimize the need for the removal of trees other than for public safety or other public benefit. [Added 3-21-2006 by L.L. No. 4-2006]
- D. Private property. The Commissioner of Buildings shall have the authority over the regulation of the removal and replacement of trees in the front yards of private properties so as to ensure safety and preserve the aesthetics and character of a neighborhood. [~~He~~] **The Commissioner** shall have the authority and duty to supervise or inspect all work performed. [Added 4-2-2002 by L.L. No. 5-2002]

## § 20A-5 (Reserved)

### § 20A-5.1 Permit required; application; notice of completion for tree or sapling removal in tree lawn and public right-of-way.

[Amended 8-21-1990 by L.L. No. 9-1990; 4-2-2002 by L.L. No. 5-2002]

- A. Tree lawn. No person shall remove, destroy or substantially alter the habit of any tree or sapling within any tree lawn nor plant, spray, fertilize, prune, remove, cut above ground or otherwise substantially alter the habit of any tree on any tree lawn unless:
- (1) A permit is first obtained from the Superintendent of Highways in accordance with requirements of this section;

(2) The work is undertaken in accordance with an approved landscape plan as part of an approved site plan or building permit application, provided that such a landscape plan is required as part of the site plan or building permit procedure; or

(3) The substantial alteration of habit is in accordance with the New York State forestry standards, guidelines or ornamental procedures.

B. Public right-of-way. Any person who applies for the removal of a tree or sapling in a public right-of-way shall post upon such tree a notice of the intent to remove the same. The notice shall be in the form of a sign provided by the Superintendent of Highways, and no permit may be issued until at least five [~~working~~] **business** days have elapsed from the time of posting as evidenced by the receipt of an affidavit of posting by the Superintendent of Highways. **In addition to the requirements of this code, the Superintendent of Highways shall follow the procedures outlined in the Town of North Hempstead Tree Policy, adopted by resolution pursuant to § 20A-4(C), with respect to considering and issuing tree removal permits under this section.**

C. The application for a permit shall be made on such form or forms as may be prescribed by the Superintendent of Highways and shall include:

(1) Name and address of the applicant; **status of legal entity; status of the applicant with respect to the land.**

(2) Purpose of proposed activity for which a permit is required.

(3) Site of proposed activity, including the section, block and lot number of the property affected or adjacent to the tree.

(4) An attached sketch or plan of the area showing all existing, heavily wooded areas on the site and showing the tree or sapling type and size range.

(5) The nature of the proposed activity.

**(6) The reason tree removal is sought.**

**(7) The condition of each tree with respect to disease and danger of falling.**

**(8) A description of the size and type of each tree to be removed, including common name and/or botanical name.**

**(9) Photos of each tree to be removed.**

**(10) Written consent of the owner or owners of the property adjacent to the tree, if the applicant is not the owner or sole owner of such property.**

D. Any permit granted shall contain a definite description of work allowed by the permit and shall contain a definite date of expiration. Any permit shall be void if its terms are violated or if the work is not completed on or before the expiration date, except that, for good cause shown, the Superintendent of Highways may extend the expiration date in cases where the work is substantially completed.

E. Written notice of completion of the work allowed by the permit shall be given to the Superintendent of Highways within five [~~working~~] **business** days after completion.

F. This section shall not apply in emergencies wherein the Town official determines that public health, safety or welfare will be affected.

G. This section shall not apply to the removal of trees located on private property. The removal of such trees is governed by §§ 2-9T, 2-14E, 2-28C(13), 2-75, 70-220, 70-221, 70-222, 70-225M and § 20A-5.2.

#### **§ 20A-5.2 Permit required; application; notice of completion for tree removal on private property.**

[Added 4-2-2002 by L.L. No. 5-2002]

A. No person shall remove, destroy or substantially alter the habitat of any tree to cause the death of any tree which is [~~10~~] **six** inches or greater in diameter and located within a front yard unless a

tree removal permit is first obtained from the Commissioner of Buildings and the action is not in connection with any other activity for which a permit is required under § 2-9A.

B. The application for a permit shall be made on such forms as may be prescribed by the Commissioner of Buildings and shall include:

- (1) Name and address of the applicant and status of legal entity.
- (2) The status of the applicant with respect to the land.
- (3) Written consent of the owner or owners of the land, if the applicant is not the owner or sole owner.
- (4) Description and purpose for the proposed activity for which a permit is required.
- (5) Location of proposed activity, including section, block and lot number and street address of the property(s) affected by or adjacent to the tree.
- (6) A plot plan of the front yard of the lot drawn to scale to include all existing buildings and trees within and adjacent to said area delineating all trees to be removed, preserved, or planted. The plot plan shall identify each tree proposed for removal or planting with diameter and type, including common name and/or botanical name.
- (7) Condition of the tree with respect to disease and danger of falling.
- (8) A diagram showing the proposed location. The location of any replacement tree shall be approved by the Building Commissioner.**
- (9) Photos of each tree to be removed.**
- (10) A description of the size and type of each tree to be removed, including common name and/or botanical name.**

([§]11) Such other information as may reasonably be required by the Building Commissioner to establish compliance with this section, including, but not limited to, the following:

- (a) A signed statement from a New York State certified arborist indicating the health of the tree.
- (b) An erosion control plan.
- (c) [~~Photos of each tree to be removed.~~] **Reserved.**
- (d) A survey noting the location of any existing structures and utilities endangered by the tree.
- (e) Alternative mitigation if the tree acts as a visual and/or noise barrier to a road or highway.
- (f) Proposed methods to ensure the protection of remaining trees. A copy of the Tree Standards and Specifications to be promulgated by the Building Commissioner will be provided to the applicant.
- (g) Flagging of each tree to be removed.

C. In making the determination to grant or deny the application, the Building Commissioner shall be guided by the following criteria:

- (1) The necessity of removal.
- (2) The preservation and enhancement of the aesthetics of neighborhoods.
- (3) The ecologic and aesthetic value of trees.
- (4) The ability to replace trees that are removed.
- (5) The significance of the tree for the neighborhood due to:
  - (a) The size of the tree;
  - (b) The rarity of the species; and
  - (c) The historical value of the tree.
- (6) The effect of removal on:
  - (a) The character of the site with respect to vegetation management practices.
  - (b) Ecological systems.
  - (c) The screening of any road or highway bordering the property in question.
- (d) Erosion control from the parcel on which the tree is to be removed and its impact on adjacent parcels.
- (e) The character of the neighborhood.

- (7) The condition of the tree with respect to disease and danger of falling. In the event that the condition of the tree is not evident, the Commissioner of Buildings maintains the right to require the applicant to submit proof from a New York State certified arborist.
- (8) The proximity of the tree to existing structures.
- (9) Whether the tree endangers the usefulness of a public sewer or utility.
- (10) Whether denial of the permit or the replacement requirement will result in unnecessary hardship or severe financial loss to the applicant.

D. Any permit granted shall contain a description of work allowed by the permit and shall contain a date of expiration. Any permit shall be void if its terms are violated or if the work is not completed on or before the expiration date, except that, for good cause shown, the Commissioner of Buildings may extend the expiration date in cases where the work is substantially completed.

E. Written notice of completion of the work allowed by the permit shall be given to the Building Commissioner within five working days after completion.

**F. The Building Commissioner shall issue a certificate of completion if it is found that the proposed tree removal and tree replacement, and any payment required into the tree preservation fund, has been completed substantially in accordance with the permit and the laws applicable thereto.**

#### **§ 20A-6 Removal of trees constituting a nuisance.**

A. Public rights-of-way and Town-owned public places. If, in the opinion of the Town official, any tree on a public right-of-way or Town-owned public place constitutes a hazard to adjoining public rights-of-way or to persons using the adjoining public rights-of-way, or if its roots are causing excessive damage to the curb, gutters or sidewalks, or if **the tree or its roots** unduly interferes with any **public sewer [system] or house connection sewer** or public utility, the Town official may remove the tree or consent to its removal.

B. Private property.

(1) If, in the opinion of the Superintendent of Highways, any tree on private property constitutes a danger to a public right-of-way, to the public or to public property or in any way endangers the usefulness of a public sewer or public utility, he shall issue a notice to the property owner to remove such tree or substantially alter its habit within 10 days. Upon failure by the property owner to do the same, the Superintendent of Highways shall schedule a hearing, giving not less than 10 days' notice, to allow the property owner an opportunity to show the work to be unnecessary.

**(a) If, in the opinion of the Commissioner of Buildings, any tree on a private property, including its root system, unduly interferes with any house connection sewer, the Commissioner of Buildings may consent to its removal upon application therefor.**

(2) If, after the hearing, the Superintendent of Highways determines that removal or alteration of the habit of the tree is necessary, the property owner shall cause such work to be done within 10 days after receiving written notice of the results of the hearing. Upon the failure by the property owner to have such work performed, the Superintendent of Highways may cause such work to be done by the Town, and the total expense thereof shall be borne by the property owner. The expense so incurred shall be assessed by the Town Board on the real property on which the tree is located and shall constitute a lien on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other charges.

(3) If the property owner is a nonresident, a notice to remove or alter the habit of a tree on his property mailed to his last known address shall be sufficient service thereof.

(4) Emergency tree removal on private property. In the event that any accident or natural disaster shall cause a tree(s) to be in danger of falling or otherwise be in such condition as to seriously

endanger persons or property, the owner of such tree(s) shall immediately contact the Commissioner of Buildings describing the location of the tree(s), extent of the damage, and any emergency measures required to resolve the problem. Upon verbal approval by the Building Commissioner, the owner shall immediately remedy such situation and shall immediately take all such necessary steps to make said location safe and secure. Such owner must apply for a tree removal permit within 48 hours after such natural disaster or serious accident shall have developed. [Added 4-2-2002 by L.L. No. 5-2002]

#### **§ 20A-7 Replacement of trees in tree lawn.**

[Amended 3-11-1980 by L.L. No. 3-1980]

A. Removal by Superintendent of Highways. Whenever the Superintendent of Highways deems it necessary to remove, or cause to be removed, a tree or trees from a tree lawn in connection with the paving or repair of a sidewalk or the paving or widening of the portion of a public right-of-way used for vehicular traffic **or for any other reason**, the Town shall replant such trees or replace them **in accordance with the Town of North Hempstead Tree Policy** ~~[at the discretion of the Superintendent of Highways]~~.

B. Removal pursuant to permit. Whenever a person removes, or causes to be removed, a tree or trees from a tree lawn pursuant to § 20A-5.1 of this chapter, such person shall replant or replace such trees at the discretion of the Superintendent of Highways. Such requirement by the Superintendent of Highways shall be a condition contained in any permit so issued, and the notice of completion filed by the permit holder pursuant to § 20A-5.1E shall establish that the permit holder has complied with this condition of the permit.

#### **§ 20A-8 Public utilities.**

A. Any person doing business as a public utility and subject to the jurisdiction of the New York State Public Service Commission and any duly constituted public agency authorized to provide utility service shall notify the Superintendent of Highways of planned intent to work in any public right-of-way, where activity includes the removal or alteration of the habit of any tree, at least five ~~[working]~~ **business** days **prior** to commencing such work, whenever possible. The Superintendent of Highways shall review such notice and, where necessary, impose reasonable conditions and standards so as to promote the intent of this subsection.

B. ~~[Whenever possible]~~ **Except in emergencies wherein the public utility determines that public health, safety or welfare will be affected**, a public utility shall post a notice upon any tree in a public right-of-way at least five **business** days prior to the planned work, the form of which notice shall conform to § 20A-5.1B of this chapter.

C. Whenever a public utility removes, or causes to be removed, a tree or trees from a tree lawn, the public utility shall replant or replace such trees **in accordance with the Town of North Hempstead Tree Policy** ~~[at the discretion of the Superintendent of Highways]~~. **All required plantings shall occur between April 1 and December 1 and 90 days after the tree removal.**

[Added 3-11-1980 by L.L. No. 3-1980]

#### **§ 20A-9 Replacement of trees in front yard of private property.**

[Added 4-2-2002 by L.L. No. 5-2002]

Each tree removed of a diameter of ~~[40]~~ **six** inches or greater is subject to the tree replacement guidelines enumerated in this section~~[-]~~. **Failure to comply with the tree replanting requirements set forth in this section shall constitute a separate and distinct offense hereunder.**



A. ~~[Fifty percent of the total tree(s) diameter removed must be replaced].~~ **Replacement tree(s) must be a minimum of six feet in height; measured from the base of the trunk to the end of the upper most point of the tree. Except as provided for in § 20A-9(D):**

(1) **Each tree removed having a diameter measuring between six inches to thirty inches shall require a replacement tree to be planted.**

(2) **Each tree removed having a diameter greater than thirty inches will require the planting of two replacement trees.**

B. The tree(s) to be planted in replacement shall be located in the front yard of the same parcel from which the tree(s) is proposed to be removed.

C. ~~[The proposed location(s) of the new tree(s) shall be approved by the Building Commissioner.]~~ ~~[D.]~~ The tree(s) to be planted in replacement shall be from a similar size class or from a larger size class, **unless a smaller size class is determined to be more appropriate, as determined by the Tree Advisory Committee.** Size classes are enumerated in the Tree Standards and Specifications to be promulgated by the ~~[Building Commissioner]~~ **Tree Advisory Committee established pursuant to Chapter 20A.**

~~[E]D.~~ If the Building Commissioner determines that the front yard of the site does not allow for the planting of the required number of trees, the Building Commissioner shall require the applicant to plant the maximum number of trees possible, with ~~[the]~~ **any remaining requirement satisfied by the trees to be replaced with shrubbery, provided the plant selection has met his prior approval, as a condition of a tree removal permit. If the site does not permit the planting of shrubs, the Building Commissioner shall require the applicant to]** **payment of an additional fee to the Building Department for each tree unable to be planted** to the ~~[Commissioner of Buildings]~~ in ~~[an]~~ **the amount [determined by the applicant and confirmed by the Commissioner to be equal to the estimated cost of the required number of trees and/or shrubs] set forth in § 20A-12. The fee shall be allocated to the Town's Tree Preservation Fund.**

~~[F]E.~~ All required plantings shall occur between April 1 and December 1 and 90 days after the tree removal.

~~[G]E.~~ If plantings cannot occur within 90 days of the removal due to the above planting time restrictions specified in § 20A-9~~[F]E~~, the Commissioner of Buildings may require the applicant to deposit a performance bond or a cash deposit in the form of a certified check with the Commissioner of Buildings in an amount which shall be determined ~~[by the applicant and confirmed]~~ by the Commissioner to be equal to the estimated cost of planting the required number of trees ~~[and/or shrubs]~~ and, if applicable, stabilizing the site. The term of said deposit or performance bond shall not exceed a period of six months, and the deposit or bond shall not be released until the plantings have been satisfactorily completed in accordance with the approved tree removal permit.

(1) In the event of a default, such bond or cash deposit shall be forfeited to the Town **Building Department and the funds shall be applied to the Tree Preservation Fund.** ~~[Parks Department for additional plantings in Town parks, and the applicant shall be]~~ **If a permittee is** found to be in violation of the conditions of the tree removal permit~~[-F]~~, **the** Commissioner of Buildings shall determine the remedy of the violation; however, in no circumstances shall such forfeiture of the bond serve as a remedy of the violation.

(2) Upon satisfactory completion of the contemplated work in accordance with the application and this chapter, such bond or cash deposit shall be released by the Commissioner of Buildings. Satisfactory completion of the work shall be evidenced by the Commissioner of Buildings.

## **§ 20A-10 Abuse of trees.**

A. Unless specifically authorized by the Superintendent of Highways, no person shall intentionally damage, cut, carve, transplant or remove any tree on a public right-of-way, attach or maintain any rope, wire, nails, advertising posters or other contrivance to any tree in a public right-of-way, allow

any gaseous, liquid or solid substance which is harmful to such trees to come in contact with them or set fire or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree in a public right-of-way, except that a notice to remove a tree may be posted on that tree pursuant to § 20A-5B of this chapter. [Amended 3-11-1980 by L.L. No. 3-1980]

B. Whenever necessary and practical, in the opinion of the Superintendent of Highways, all trees in a public right-of-way or on Town-owned property within a radius of 10 feet of any excavation or construction performed by any person shall be guarded by a fence, frame or box of not less than four feet in height and eight feet square or at a distance in feet from the tree equal to the diameter of the tree. All dirt, debris, rubble or building or construction material shall be kept outside the enclosure.

C. No person shall deposit, place, store or maintain upon any Town-owned public place any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and nutrients to the roots of any tree growing therein except by written permission of the [~~Commissioner of Parks and Recreation~~] **Superintendent of Highways or the Commissioner of the department having jurisdiction over the location.**

### **§ 20A-11 Tree removal permit fees for tree removal on private property.**

[Added 4-2-2002 by L.L. No. 5-2002]

A. All fees prescribed in this section shall be collected by the Building [~~Commissioner~~] **Department**, and no permits shall be issued by the Building Commissioner until such fees have been paid.

B. The "estimated cost" herein referred to means the amount of money that would ordinarily be expended for healthy trees and shrubs.

C. For a permit for the removal of trees, the fee shall be in the amount indicated in the Town of North Hempstead Fee Schedule. [Amended 4-11-2006 by L.L. No. 5-2006]

### **§ 20A-12 Tree Preservation Fund**

**A. Establishment of Tree Preservation Fund. The Comptroller of the Town of North Hempstead is hereby directed to establish a separate line item under the Town's general fund which will be designated as the Tree Preservation Fund. All permit fees and other fees which are required pursuant to this chapter to be paid into said fund shall be delivered to the Town's Comptroller and segregated into a separate line item of the general fund. The money in the Tree Preservation Fund shall be used for the planting and maintaining of trees by the Town, as directed by the Town Board in consultation with the Tree Advisory Committee.**

**B. Purpose. The Tree Preservation Fund shall be a fund to receive permit fees and in-lieu payments from applicants to satisfy tree replacement requirements as set forth in this Chapter and § 2-9(T), which cannot be met on-site where the Building Commissioner determines that it is impracticable or impossible to do so, or where the Building Commissioner determines that, because of relevant site planning considerations, it is not warranted. In addition, any public or private entities that wish to donate to the Town of North Hempstead to provide trees to be planted may donate to the Tree Preservation Fund for said purpose.**

**C. Applicability. The Tree Preservation Fund applies to all private properties seeking tree removal permits in the Town of North Hempstead pursuant to this chapter and § 2-9(T).**

#### **D. Use of funds.**

**(1) Payments and contributions to the Tree Preservation Fund shall be used for the sole purpose of planting and maintaining trees, including fertilizing, pruning and trimming, and other applicable landscaping projects for public benefit on public property or private property within a public easement within the Town of North Hempstead. Funds should, if feasible, first be applied to projects within the closest proximity to where the tree removal has occurred.**

**(2) Funds in the Tree Preservation Fund shall be administered by the Town's Comptroller in consultation with the Tree Advisory Committee. Projects and fund allocation shall be approved by the Town Board.**

**(3) Proposed landscaping may include trees, shrubs, and other permanent plant materials. Planting and maintenance includes purchase, transportation, mulching, watering, fencing and labor associated with replacement plantings, and other applicable landscaping. The Tree Preservation Fund may be used to fund other associated project tasks including the installation of irrigation systems to support plantings, design, tree inventory, Tree Master Plan, tree boxes, tree grates (tree grates may only be installed following approval by the Tree Advisory Committee) and soil amendments that enhance and promote long-term sustainability of plantings. Public lands include parks, preserves, public open spaces, community and civic facilities, and land within public rights-of-way within the Town.**

**(4) The Town's Comptroller, in consultation with the Tree Advisory Committee, shall provide an annual report of the Tree Preservation Fund to include an itemized list of receipts and expenses, a list of projects completed, and the current balance remaining in the fund. The Annual Report shall also include a list of proposed projects and an estimated budget for the following year. The Annual Report shall be submitted to the Town Board annually by November 15 for review and approval.**

**E. Required Contribution.**

**(1) Tree removal on private property in connection with Section 2-9(T). The required contribution shall be \$500.00 per tree required but unable to be replaced.**

**(2) Tree removal on front yard of private property pursuant to Chapter 20A. The required contribution shall be \$500.00 per tree required but unable to be replaced.**

**(3) Payment into the Tree Preservation Fund shall be made prior to the issuance of any Certificate of Completion issued by the Building Department related to the tree removal.**

**§ 20A-13 Tree Advisory Committee.**

**A. The Town Board has heretofore established a Tree Advisory Committee for the Town of North Hempstead. Said Tree Advisory Committee members shall serve without compensation and at the pleasure of the Supervisor.**

**B. The Tree Advisory Committee shall meet at least quarterly for the following purposes:**

**1) Make recommendations concerning new or amended legislation related to the protection and enhancement of the trees of the Town;**

**2) Identify varieties and tree species suitable for planting in the Town;**

**3) Compile an inventory of street trees, landmark trees and other significant trees in the Town;**

**4) Make recommendations concerning the development of a community forestry work plan addressing the planting, maintenance and removal of trees;**

**5) Promote programs and projects that protect and improve Town trees and increase public awareness of the economic and environmental benefits of trees;**

**6) To administer, in consultation with the Comptroller, the funds in the Tree Preservation Fund;**

**7) Make recommendations to the Town Board regarding the maintenance, selection and planting of trees located within the curbside or public right-of-way or on Town owned property. The recommendations of the Committee must be approved by the Town Board;**

**8) Make recommendations for the development of a Tree Master Plan, which shall be reviewed and updated annually;**

**9) To assist the Comptroller in the preparation of the Annual Report as set forth in § 2-9T(5)(d)(1)(d)(4);**

**10) To assure compliance with the requirements relating to the Town's designation as a Tree City USA;**

- 11) The Tree Advisory Committee shall issue an annual report to the Town Board by November 15 of each year, which shall include a summary of tree-related activities for the year; and**  
**12) Perform such other duties as the Supervisor may assign to the Tree Advisory Committee.**

**§ 20A-1[2]4 Penalties for offenses.**

[Amended 8-21-1990 by L.L. No. 9-1990; 4-2-2002 by L.L. No. 5-2002; 12-8-2009 by L.L. No. 20-2009]

**A.** Any person who violates any of the provisions of this chapter shall be deemed guilty of a violation and shall be liable for a fine of not less than \$[45]350 nor more than \$[5]1,000 or imprisonment for not more than 15 days, or both, for conviction of a first offense; for conviction of a second **or subsequent** offense, both of which were committed within a period of five years, by a fine of not less than \$[3]600 nor more than \$[4]2,000 or imprisonment for not more than 15 days, or both. Each violation shall constitute a separate offense and is punishable accordingly.

**B. In addition, this chapter may be enforced by civil action, including an injunction,**

**and any person who has violated or permitted a violation of this chapter may be directed by the Town to replace any trees removed, destroyed or substantially altered in violation of this chapter with new trees having a minimum height of six feet measured from the base of the trunk to the end of the upper most point of the tree, and a diameter not less than 6 inches when measured at a height of 4 1/2 feet above the base of the trunk.**

**§ 20A-1[3]5 Severability.**

If any clause, sentence, paragraph, section, word or part of this chapter is adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part of this chapter directly involved in the controversy in which such judgment is rendered.

**§ 20A-1[4]6 When effective.**

**This chapter shall take effect immediately upon filing with the Secretary of State.**

**Section 3.**

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

; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on March 18, 2021 via Zoom, Local Law No. \_\_ of 2021 was adopted. The Local Law amends Chapter 20A of the Town Code entitled “Environmental Planning and Control of Trees” in order to make amendments to the Town’s tree code relative to the preservation of trees on public and private property.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney      Town Clerk      Planning      Building

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**PROPOSED RESOLUTION**

**\*\*\*\*offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. - 2021**

**A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE TOWN'S TREE POLICY  
PURSUANT TO SECTION 20A-4 OF THE TOWN CODE.**

**WHEREAS**, pursuant to Section 20A-4(C) of the Code of the Town of North Hempstead (the "Town Code"), the Town Board is authorized to adopt and amend the Town's policy governing the removal of trees from a public right-of-way and Town-owned public places following a public hearing; and

**WHEREAS**, pursuant to Resolution No. 384-2008, the Town Board adopted the Town's tree policy, which governs the removal of trees from a public right-of-way and Town-owned public places (the "Tree Policy"); and

**WHEREAS**, the Town Board wishes to amend the Tree Policy; and

**WHEREAS**, due notice has been heretofore given of a public hearing to be held on the 24<sup>th</sup> day of February, 2021, which was continued until March 18, 2021, concerning the adoption of an amended Tree Policy; and

**WHEREAS**, the Town Board has carefully considered the proposed amended Tree Policy and conducted said hearing on March 18, 2021, with respect to said policy, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, the Town Board finds it is in the best interests of the Town to adopt the amended Tree Policy governing the removal of trees from a public right-of-way and Town-owned public places pursuant to Section 20A-4 of the Town Code.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board does hereby adopts the amended Tree Policy governing the removal of trees from a public right-of-way and Town-owned public places pursuant to Section 20A-4 of the Town Code, which shall read as follows:

**Town of North Hempstead Tree Policy**

The Town Board is authorized pursuant to Section 20A-4 of the Town Code to adopt and amend the Town's Tree Removal Policy, which governs the removal of trees from a public right-of-way and

Town-owned public places. This policy is intended to provide reasonable public notice of the removal of a tree(s), is designed to minimize the removal of trees other than for public safety or other public benefit and sets forth replanting requirements.

Under this policy, the Town has determined that it is necessary to have more than one process for tree removals undertaken by the Town, depending on the circumstances of the tree removal. A *Category 1 Tree Removal* will include trees that are to be removed in conjunction with a sidewalk, curb or other right-of-way project, regardless of size or scope of the project. A *Category 2 Tree Removal* will include all other tree removals by the Town from the public right-of-way, as well as removals from parks or other Town-owned property. Procedures related to a *Category 3 Tree Removal* or *Category 4 Tree Removal* shall be followed by the Town upon application from a private applicant seeking to remove a tree on a public right-of-way and/or private property pursuant to Town Code Chapter 20A.

As defined by the Town Code, a tree is “Any living woody plant which is six inches or more in diameter at a height of 4 1/2 feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches.”

## **I. CATEGORY 1 TREE REMOVAL** **Sidewalk, Curb Cut or Other Right-of-Way Work**

The Town of North Hempstead Sidewalk District is responsible for maintaining sidewalks within the unincorporated areas of the Town. The Sidewalk District undertakes routine sidewalk replacement projects and capital funded projects. The Sidewalk District also completes repairs and ongoing maintenance on sidewalks that are identified within this policy. Based on the location of sidewalks, it is necessary for the Sidewalk District to address existing conditions during its maintenance and replacement efforts, which include but are not limited to conditions relating to trees and curbs.

The Town is cognizant of the importance of trees for the environmental, health and aesthetic role that they play in the various areas of our Township. As a matter of policy, the Town is committed to preserving existing trees when feasible during sidewalk projects.

The Town is aware of the sometimes inherent conflict in its efforts to preserve existing trees and maintain safe sidewalks and curbs. The Town further recognizes that during certain projects tree roots have caused uplifting and/or damage to sidewalks and/or roadside curbs. Trees will be removed only when necessary to ensure public health, safety and welfare of the constituents of the Town. Trees removed will be re-planted one for one unless the circumstances dictate otherwise (space restrictions, utility issues, etc.).

For these reasons the Town has established the following policy to address these ongoing conflicts:

### **1. Identification of work**

The Sidewalk District will undertake projects based on: (a) proactive identification; (b) constituent requests for repair and/or replacement; and (c) requests made by the Town Supervisor and Councilmembers. Requests for large projects should be sent by the Supervisor and Councilmembers to the Sidewalk District prior to the months of August and September for potential inclusion into the following year’s Capital Plan. The Sidewalk District also responds to and completes emergency work when necessary.

### **2. Inspection of work**

In response to work identified in Paragraph 1 above, the Sidewalk District will inspect work areas to determine the following:

- (a) If a repair of the sidewalk(s) is necessary;
- (b) If a replacement of the sidewalk(s) is necessary;

- (c) If the sidewalk work can be completed without removal of the tree while maintaining safety standards;
- (d) If the sidewalk work requires the removal of a tree(s);
- (e) If a section(s) of curb needs to be replaced or repaired due to the sidewalk work; and

Items (c), (d) and (e) will be determined by an arborist, either under the Town's employ or by an approved contractor. The arborist shall also make recommendations about feasibility and location for tree re-plantings. The Sidewalk District shall be guided by the arborist report. No action with respect to any tree, except in emergency circumstances, shall be taken until such arborist report is obtained.

### **3. Determination of final scope of work**

Upon the completion of the inspection specified in Section 2, a final scope of work will be developed. Any action with respect to a tree proposed to be removed or included in the final scope of work shall be supported by the arborist report. Any tree removal recommendations contained in the final scope of work must specify, based on the arborist report, whether the tree must be removed or, in the alternative, can be safely left as is, or whether other steps, such as repositioning of the sidewalk, among others remedies, can be taken that will allow the tree to remain.

### **4. Notification of work**

The Sidewalk District shall be responsible for providing notification of work to be undertaken when done in connection with a tree removal, to the following:

- (a) The Councilmember for the area in which the work is to be undertaken and their legislative aide prior to the start of work.

- (b) For any tree to be removed, the following notice shall be conspicuously posted on the tree no less than 5 working days prior to the removal of the tree:

#### **NOTICE OF INTENT TO REMOVE THIS TREE**

*This tree shall be removed under the authority of the Town of North Hempstead in connection with a right-of-way project. An arborist report has been obtained by the Town supporting removal of this tree. A copy of the arborist report can be obtained by contacting 311 or (516) 869-6311.*

- (c) If the public health, welfare or safety is immediately endangered, the tree may be removed without public notice.

- (d) Whenever possible, the Highway Department shall take photographs prior to the tree being cut down, records of which shall be retained in accordance with applicable law.

### **5. Performance of work**

When necessary, the Sidewalk District shall coordinate sidewalk repair and/or replacement with Highway Department activity, including but not limited to tree and stump removal, etc. Both the tree removal and stump removal must occur prior to any sidewalk work occurring. The Town, its authorized contractor(s), or electrical utility (if the removal involves electrical wires) will complete the work identified.

### **6. Completion of work**



The Sidewalk District will complete their work and notify the Highway Department of the property or properties that require tree plantings. The Highway Department will follow the replanting policy set forth in the Tree Replanting Policy (see Section IV).

## **II. CATEGORY 2 TREE REMOVAL**

### **All other tree removals performed by the Town**

When the Superintendent of Highways, the Commissioner of Parks and Recreation, the Executive Director of SWMA/Commissioner of Solid Waste, or the Commissioner of Administrative Services intends to have a Town tree cut down from a public right of way, park or other Town owned property[1], when such work is not done in conjunction with a *Category 1 Tree Removal* project referenced above, the following steps shall be taken:

- 1) A notice of intent to remove such tree shall be posted on the tree for a period of not less than five (5) business days;
- 2) Simultaneously with the posting of such notice, notice by e-mail shall be given to the Supervisor, the Council Member in whose district the tree is located and 311;
- 3) The notice posted on the tree shall include the statement that any resident who would like to object to the removal of the tree shall call 311 on or before a date certain;
- 4) 311 shall immediately notify both the Supervisor and the appropriate Council Member when an objection is received, including the name, address, telephone number and e-mail address of each such resident calling to object;
- 5) Either the Supervisor or the Council Member may request that an independent arborist be retained to inspect the tree and make recommendations as to whether the tree must be removed or, in the alternative, can be safely left as is, or whether trimming or other precautionary steps can be taken that will allow the tree to remain;
- 6) If a report is requested by either the Supervisor or Council Member, no action shall be taken until such report is provided to both. Following receipt of the report, unless the Supervisor and/or Council Member direct otherwise, the recommendation of the arborist shall be followed by the Department having jurisdiction;
- 7) The Town shall maintain a list of independent arborists qualified to make a report when one is requested. In no event shall such arborist be hired to cut down the tree;
- 8) If the public health, welfare or safety is immediately endangered, the tree may be removed without public notice. In such a case, the Supervisor and Council Member shall be notified in advance by e-mail or telephone, if possible. Whenever possible, photographs shall be taken by the Highway Department prior to the tree being cut down;
- 9) The Highway Department will follow the replanting policy set forth in the Tree Replanting Policy (see Section IV).

## **III. CATEGORY 3 TREE REMOVAL**

**By a private applicant for tree removal on a public right-of-way pursuant to Town Code § 20A-5.1**

A. When the Superintendent of Highways receives a permit application seeking to have a Town tree cut down from a public right of way (not done in conjunction with a *Category 1 or Category 2 Tree Removal* and not related to a curb cut application), the following steps shall be taken:

- (1) Simultaneously with the Superintendent of Highways providing the applicant with a notice of intent to remove such tree, the Superintendent of Highways shall notify by e-mail the Supervisor, the Council Member in whose district the tree is located and 311;
- (2) The notice posted on the tree shall include the statement that any resident who would like to object to the removal of the tree shall call 311 on or before a date certain;
- (3) 311 shall immediately notify both the Supervisor and the appropriate Council Member when an objection is received, including the name, address, telephone number and e-mail address of each such resident calling to object;
- (4) Either the Supervisor or the Council Member may request that an independent arborist be retained by the Town to inspect the tree and make recommendations as to whether the tree must be removed or, in the alternative, can be safely left as is, or whether trimming or other precautionary steps can be taken that will allow the tree to remain;
- (5) If a report is requested by either the Supervisor or Council Member, no permit shall be issued by the Highway Department until such report is provided to both. Following receipt of the report, unless the Supervisor and/or Council Member direct otherwise, the recommendation of the arborist shall be followed by the Highway Department;
- (6) The Town shall maintain a list of independent arborists qualified to make a report when one is requested. In no event shall the Town retain an arborist who has also been hired by the applicant to cut down the tree; and
- (7) The Highway Department will follow the replanting policy set forth in the Tree Replanting Policy (see Section IV).

B. When the Superintendent of Highways receives a permit application seeking to have a Town tree cut down from a public right of way in conjunction with a curb cut application, the Superintendent of Highways shall be guided by the following criteria in making the determination to grant or deny the application:

- (1) The ability of the applicant to rearrange the layout of the proposed curb cut to minimize the removal of trees.
- (2) The necessity of removal of the tree in question.
- (3) The condition of the tree with respect to disease and danger of falling. In the event that the diseased condition of the tree is not evident, the Superintendent of Highways maintains the right to require the applicant to submit proof from a New York State certified arborist.
- (4) The proximity of the tree to proposed or existing curb cut.
- (5) The significance of the tree in regard to:
  - [a] The size of the tree.
  - [b] The rarity of the species.
  - [c] The historical value of the tree.
- (6) The effect of removal on:
  - [a] The character of the location with respect to vegetation management practices.
  - [b] Ecological systems.

[c] The existing screening of any road or highway bordering the location in question.

[d] Erosion control from the location on which the tree is to be removed and its impact on adjacent parcels.

(7) Whether a denial of the permit will result in unnecessary hardship or severe financial loss to the applicant.

#### **IV. CATEGORY 4 TREE REMOVAL**

**By a private applicant for tree removal on a public right-of-way or private property pursuant to Town Code Chapter 20A, when tree roots infiltrate the house connection sewer.**

In reviewing an application for tree removal from a public right-of-way or private property in connection with an application for removal based on tree roots interfering with a house connection sewer, the Superintendent of Highways or the Commissioner of Buildings shall require the following prior to issuing a tree removal permit:

1) A paid invoice from a plumber or other drain cleaning service professional for work performed on the house connection sewer at the property resulting from damage caused by tree roots (from the tree sought to be removed) having infiltrated the house connection sewer causing damage.

#### **V. REPLANTING POLICY**

A. Any tree removed by the Town shall require the Highway Department to replant a tree in accordance with the following:

The properties requiring a replacement tree(s) will be included in the nearest scheduled planting schedule. The Highway Department will be responsible for maintaining a list of properties requiring tree(s) planting and keep a record confirming the date when such plantings occur.

Use of root barriers will be implemented where possible. Appropriate tree species for planting shall be determined by the Town's Tree Advisory Board, in consultation with the Town's horticulturist and/or arborist (whether a town employee or contractor). Replacement tree(s) will be based on available stock and the most appropriate tree species for the location(s) with a focus on disease resistant, drought resistant, deep rooted species to ensure a long life and avoid future sidewalk lifts, if applicable. If, based on the recommendation of an arborist, a replacement tree is unable to be planted at said property due to physical restrictions in the utility trip/right-of way area, the Highway Department will review the Tree Planting Service Requests and choose the next-in-line service request (based on creation date) and plant the replacement tree at that location (if suitable for tree planting).

Educational material will be provided to the property owner(s) on tree maintenance when the replacement tree(s) is planted. This material will be focused on best practices for watering and maintaining the tree both at its current age and moving forward.

B. The above provisions notwithstanding, in any case where a property owner or utility seeks to plant or replant a tree in the Town's Right-of-Way, the following process shall be complied with:

- 1) The property owner or utility shall file a tree planting permit application with the Highway Department together with the requisite permit fee, prior to undertaking any tree planting.
- 2) If a property owner or utility procures a tree meeting the Town's tree planting specifications, the property owner or utility may arrange with the Highway Department for the planting of the tree in the adjacent Right-of-Way. No permit is required if the Town plants the tree.

**VI. Effective Date**

This policy shall become effective immediately upon its adoption by the Town Board.

**RESOLVED** that a copy of the Tree Policy shall be on file in the Office of the Town Clerk.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays

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**[1] The provisions of this category shall not apply to the Town/SWMA landfill properties in Port Washington. Maintenance of the landfill is governed by a 1992 consent decree as well as a Town/SWMA DEC agreement. Lands surrounding the transfer station and around the retention basins, as well as SWMA administration property remain subject to the provisions of this category.**

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**Councilperson Ferrara offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 133 - 2021**

**A PUBLIC HEARING TO CONSIDER THE APPLICATION OF GARDEN CITY PARK ASSOCIATES, LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 2407 -2475 JERICHO TURNPIKE AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 612, LOT 51.**

**WHEREAS**, Garden City Park Associates, LLC (the “Applicant”) has applied (the “Application”) to the Town to partition a 43,475 s.f. former grocery store into five individual retail spaces within an established shopping center on a 7.12-acre site located at 2407-2475 Jericho Turnpike, New Hyde Park and identified on the Nassau County Land and Tax Map as Section 9, Block 612, Lot 51 (the “Premises”); and

**WHEREAS**, it has been determined that the Application is subject to site plan review pursuant to § 70-219 of the Code of the Town of North Hempstead (the “Town Code”); and

**WHEREAS**, all necessary reports, recommendations, and comments on the Project have been filed with this Board by the Commissioner of Planning and Environmental Protection (the “Planning Commissioner”) of the Town of North Hempstead (the “Town”) pursuant to Town Code § 70-219 (A)(4); and

**WHEREAS**, the Town Clerk, pursuant to and in accordance with Town Code §§ 70-219(F)(1) and 70-240(A), has published notice of a public hearing scheduled for February 24, 2021, which hearing was continued to March 18, 2021, for the site plan review (the “Public Hearing”), as authorized and directed by the Town Board pursuant to Resolution No. 26-2021, adopted on January 21, 2021; and

**WHEREAS**, the Applicant has furnished proof of service of notice of the Public Hearing to the affected property owners within a 300-foot radius of the Premises as required by § 70-219(F)(2) of the Town Code, and filed an affidavit as to the mailing of such notices as required thereunder; and

**WHEREAS**, the Town’s Department of Building Safety, Inspection and Enforcement (the “Building Department”) issued an Updated Notice of Disapproval on December 3, 2020 citing the following items: (1) the plans submitted propose to install a new electric service transformer with garden wall screening and two additional garden walls to screen the two existing electrical transformers which is not permitted pursuant to § 70-134; (2) the plans submitted propose to install a new electric service transformer with garden wall screening and two additional garden walls to screen the two existing electrical transformers in the required landscape buffer which is not

permitted pursuant to § 70-203(G); and (3) the application requires site plan review pursuant to Town Code § 70-219; and

**WHEREAS**, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the “Commission”) was furnished with copies of the site plan and the Short Environmental Assessment Form Part 1, (the “SEAF”); and

**WHEREAS**, pursuant to a letter dated January 29, 2021, the Nassau County Planning Commission recommended local determination; and

**WHEREAS**, the Planning Department has reviewed the Application and tentatively recommends approval of same; and

**WHEREAS**, it is required that a “lead agency” be established to review the Action pursuant to the rules and regulations for implementation of the New York State Environmental Quality Review Act as set forth in Title 6, Part 617.6 (b) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (“SEQRA Regulations”); and

**WHEREAS**, this Board, through action of the Planning Department pursuant to Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

**WHEREAS**, this Board has reviewed the recommendation of the Planning Department, dated January 6, 2021, that a Negative Declaration be issued determining that the Action constitutes an “unlisted” action pursuant to Section 617.2 (al) of the SEQRA Regulations and has further determined that the Action will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Short Environmental Assessment Form Part 1 (the “SEAF”);

**WHEREAS**, this Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on February 24, 2021 via Zoom, which was continued to March 18, 2021, and afforded all interested persons the opportunity to be heard; and

**WHEREAS**, this Board now wishes to render a decision on this Application.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Board hereby adopts the Planning Department’s recommendation and determines that the Action is an “unlisted action” which will not result in any significant adverse impact on the environment, based upon the analysis set forth in the SEAF, and upon the testimony and reports adduced at the Public Hearing; and be it further

**RESOLVED** that this Board finds that the Application and site plan are in compliance with Chapter 70 of the Town Code, and this Board further finds that the site plan is consistent with the spirit and intent of Town Code § 70-219; and be it further

**RESOLVED** that, pursuant to Town Code § 70-219(B), the site plan is hereby approved; and be it further

**RESOLVED** that a copy of this approval shall be filed with the Commissioner of Building Safety, Inspection and Enforcement (the “Building Commissioner”), and the Building Commissioner is hereby authorized and directed to issue a building permit, upon compliance with the building

permit application requirements as set forth in the Town Code, and any other conditions or requirements imposed by any other governmental entity having jurisdiction over the property, and to take such other action as may be necessary to effectuate the foregoing.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

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**PROPOSED RESOLUTION**

**\*\*\*\*offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. -2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW  
AMENDING SCHEDULE XXVII OF THE UNIFORM TRAFFIC CODE ENTITLED  
"SNOW EMERGENCY ROUTES."**

NO RESOLUTION.



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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 134 - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 14 OF THE TOWN CODE ENTITLED "DOGS."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 14 of the Town Code entitled "Dogs" in order to modify the specified weather conditions, including extreme heat and cold, in which a person can tether, leash, fasten, secure, restrain, chain, tie, pen or otherwise confine a dog outdoors; and

**WHEREAS**, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

**WHEREAS**, due notice has been heretofore given of a public hearing to be held on the 18th day of March, 2021 concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on March 18, 2021, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

**NOW, THEREFORE, BE IT**

**RESOLVED** that Local Law No. 4 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 4 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 14 OF THE TOWN CODE  
ENTITLED “DOGS”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead as follows:

**Section 1. Legislative Intent.**

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 14 of the Town Code entitled “Dogs” in order to establish new regulations and amend existing regulations addressing the outside tethering of dogs and adjust the penalties for certain offenses.

**Section 2.**

Section 14-9 of Chapter 14 of the Town Code is hereby amended as follows:

§ 14-9. Dogs to be restrained.

A. It shall be unlawful for a dog to be on public property or on private property without the consent of the owner or person in possession of such private property unless the dog is effectively restrained in the immediate custody and control of its owner or possessor by a chain or leash not exceeding six feet in length. A person owning or possessing a dog which is not so restrained, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this chapter. It shall be presumed that the presence of a dog on private property of a person other than the dog's owner or possessor is without the consent of the owner or person in possession of such private property.

B. It shall be unlawful for any person to tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors or cause such dog to be restrained in a manner that:

1. Restricts such dog's access to suitable food, fresh, potable water and dry ground;
2. Does not provide such dog with shelter appropriate to its breed, physical condition, and the climate as defined by § 353-b of the New York State Agriculture and Markets Law; or
3. Unreasonably limits the movement of such dog because the restraint is too short for the dog to move around or for the dog to urinate or defecate in a area separate from the area where the dog must eat, drink or lie down.

C. Notwithstanding the provisions of Subsection **B** of this section, no person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any object with a device that:

1. Is a choke collar, pinch collar, prong collar or a similar collar that restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog and which may cause choking or causes substantial discomfort to the dog;
2. Is embedded, partially embedded or may become embedded in the dog's skin;
3. Has weights attached or contains links that are more than 1/4 inch thick;

4. Weighs more than 12.5% of the dog's total body weight, not to exceed 15 pounds for any dog;
  5. Is less than 15 feet in length, except that the device may be in a shorter length if the length of 15 feet may allow activity prohibited by Section 14-9(C)(7) below;
  6. Because of its design or placement is likely to become entangled;
  7. Is long enough to allow such dog to move outside of its owner's property;
  8. Would allow the restrained dog to move over an object, including any fencing, barrier, or edge that could result in the strangulation of or injury to such dog; or
  9. Is fixed (i.e., does not swivel) on either end.
- D. No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for more than one continuous hour in any continuous twelve-hour period between the hours of 6:00 a.m. and 11:00 p.m.
- E. No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors between the hours of 11:00 p.m. and 6:00 a.m.
- F. Multiple dogs shall not be tethered or restrained in such a manner that they are able to come into contact with one another at any point in time while restrained.
- G. No person shall tether, leash, fasten, secure, restrain, chain, tie, pen or otherwise confine outdoors a dog **for more than a period of 30 minutes** when:
1. The temperature is below [~~32~~] **35°** F.;
  2. The temperature is above [~~90~~] **85°** F.;
  3. The National Weather Service has issued a heat or wind chill advisory, watch or warning; or
  4. Conditions are not appropriate due to the breed, physical condition and climate, as established pursuant to New York State Agricultural and Markets Law § 353-b.
- H. The provisions of this section shall not apply to any federal, state or local law enforcement agency.
- I. Notwithstanding the provisions of this section, no person shall allow a tethered, leashed, fastened, chained, tied, secured or restrained dog to be taunted, prod, hit, harassed, threatened, attacked or otherwise harmed by humans or other animals.
- J. The provisions of this section shall not be construed to prohibit the Animal Warden, the American Society for the Prevention of Cruelty to Animals, the Nassau County Society for the Prevention of Cruelty to Animals or any law enforcement officer or peace officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.

K. Nothing in this section shall be construed to affect any other protections afforded to animals under any provision of law, including, but not limited to, the requirement of adequate shelter pursuant to § 353-b of the New York State Agriculture and Markets Law.

**Section 3.**

Section 14-19 of Chapter 14 of the Town Code is hereby amended as follows:

§ 14-19. Severability.

~~[If any clause, sentence, section, paragraph or provision of this chapter shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter which shall remain in full force and shall be deemed severable.]~~ **If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.**

**Section 4.**

This Local Law shall be effective upon filing with the Secretary of State.

; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on March 18, 2021 via Zoom, Local Law No. of 2021 was adopted. The local law amends Chapter 14 of the Town Code entitled “Dogs” in order to establish new regulations and amend existing regulations addressing the outside tethering of dogs and adjust the penalties for certain offenses.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

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**PROPOSED RESOLUTION**

**\*\*\*\*offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. -2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 70 of the Town Code entitled "Zoning" in order to modify the types of signs that are prohibited within the Town of North Hempstead; and

**WHEREAS**, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

**WHEREAS**, due notice was heretofore given of a public hearing to be held on March 18, 2021 via Zoom, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

**WHEREAS**, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the "Commission") was furnished with a copy of the proposed amendment and we await their response; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on March 18, 2021 via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

**WHEREAS**, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

**RESOLVED** that Local Law No. of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. \_\_ OF 2021**

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

**BE IT ENACTED** by the Town Board of the Town of North Hempstead as follows:

**Section 1. Legislative Intent.**

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 70 of the Town Code entitled “Zoning” in order to modify the types of signs that are prohibited within the Town of North Hempstead.

**Section 2.**

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-197. Sign prohibitions.

- A. No sign shall be erected on the roof of any building or structure, nor shall any part of a sign project higher than the roof line.
- B. No sign shall be painted on the surface of the walls or roofs of any building or structure.
- C. No sign shall be constructed of cloth, oil cloth, paper or other destructible material for display outside of any building except signs permitted under § 70-196F.
- D. No banners and/or pennants, **balloons or other gas-filled figures, advertising or message flags, bunting**, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices constructed of cloth, oil cloth, paper, plastic, **nylon** or other destructible or indestructible material shall be erected or maintained across any street or attached to or upon any building or part thereof or upon any premises. [Amended 3-19-1974 by L.L. No. 4-1974]
- E. No sign or any part thereof, including lighting devices and reflectors, shall be placed so as to frame, ~~or~~ outline **or hang from [two or more] any window, door or side[s]** of any wall of a building, **or prevent or inhibit free ingress to or egress from any door, window, fire escape or any required exit.**
- F. No sign designed generally for the use of vertical lighting shall be erected.
- G. No sign which directs attention to a business, service, entertainment or commodity conducted, sold or offered, elsewhere than upon the premises shall be erected or maintained.
- H. No sign, **including handbills and stickers**, shall be **affixed or attached to another sign, traffic signal, controller cabinet or supporting structure, fire hydrant, bridge, streetlight, [any]**

tree, fence or utility pole, unless required for safety purposes and placed by the utility. It shall be presumed that any person, business or entity identified on any sign, poster, sticker or advertising device regulated under this section, or the owner, agent, registrant, manager, business, entity or person in charge of any telephone number, website, entity, business or address identified on any sign, poster, sticker or advertising device regulated under this section, is responsible for the placement of that sign, poster or sticker. This presumption shall be rebuttable.

I. No sign shall be erected which directs, emits, radiates or reflects any beam, ray, gleam or glare of light away from the lot on which such sign is located.

J. All signs which direct, emit, radiate or reflect any beam, ray, gleam or glare of light on an abutting residential district shall be extinguished within one-half (1/2) hour after the close of business and in no event later than 11:00 p.m. The close of business shall be deemed to be that time at which the premises are closed to the general public. Lights within business establishments may be kept on during the entire night, provided that the total amount of illumination does not exceed 20 footcandles.

K. No sign shall be erected or maintained which might be confused as any traffic sign or which might interfere with the vision or discernment of any traffic sign or which might cause danger to public travel.

L. Except as otherwise permitted in this ordinance, no sign shall be erected or maintained which extends or projects into any right-of-way.

M. No sign, display or advertising device not heretofore classified in this Article shall be permitted in any use district.

N. No sign shall be permitted within 500 feet of the border of any state park or parkway unless the applicant first complies with the appropriate provisions of the Conservation Law.

O. ~~[There shall be no moving parts or any]~~ No flashing, **blinking, rotating,** changing, intermittent, **animated** or **moving light or lights shall be permitted to constitute a part of any sign, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use. Time and temperature displays are not prohibited by this section, nor are message boards, provided that the message is not changed more than once per day.** [~~varying illumination in connection therewith.~~] [Added 10-15-1968]

### Section 3.

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

; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

### NOTICE OF ADOPTION

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on March 18, 2021 via Zoom, Local Law No. \_\_ of 2021 was adopted. The Local Law



amends Chapter 70 of the Town Code entitled “Zoning” in order to modify the types of signs that are prohibited within the Town of North Hempstead.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc:      Town Attorney              Town Clerk              Planning              Building

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 135 - 2021**

**A PUBLIC HEARING TO CONSIDER THE APPLICATION OF THOMAS LEE FOR AN APPEAL FROM A DISAPPROVAL BY THE COMMISSIONER OF BUILDING SAFETY, INSPECTION AND ENFORCEMENT OF A STRUCTURE (DOCK) APPLICATION PURSUANT TO CHAPTER 42 OF THE TOWN CODE FOR THE PROPERTY LOCATED AT 29 THE TERRACE, PLANDOME, NEW YORK 11030, AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 3, BLOCK 235, LOT 35.**

**WHEREAS**, Thomas Lee (the “Applicant”) residing at 29 The Terrace, Plandome, NY 11030, identified on the Nassau County Land and Tax Map as Section 3, Block 235, Lot 35 (the “Premises”), has applied to the Town Clerk (the “Town Clerk”) of the Town of North Hempstead (the “Town”) for a permit under Chapter 42 of the Code of the Town of North Hempstead (the “Town Code”) for the construction of a recreational dock facility off of the existing seawall including a proposed 4 foot by 240 foot catwalk, leading to a 3 foot by 45 foot aluminum ramp with an 8 foot by 30 foot float supported by 12 inch diameter piles (the “Application”); and

**WHEREAS**, the Town Clerk referred the Application to the Commissioner of Building Safety, Inspection and Enforcement (the “Building Commissioner”) pursuant to Town Code § 42-7 (A)(1); and

**WHEREAS**, by determination dated December 14, 2020, the Building Commissioner disapproved the Application, based upon its inconsistency with (i) Town Code §42-9A(2), which restricts structures (inclusive of the steps, catwalk, ramp and float) from projecting into the waterway the lesser of the distance required to reach navigable water depth, or a length exceeding 150 feet, (ii) §42-9B(2)(b), which requires the height of a structure to be a minimum of three feet and a maximum of eight feet above the mean high water as defined by the Datum Plane, and (iii) Town Code §42-9B (10), which limits the width of docks such as the float to six feet for a residential permit (the “Determination”); and

**WHEREAS**, the Town Clerk notified the Applicant of the Determination by letter dated December 18, 2020; and

**WHEREAS**, the Applicant, by and through its consultant, Land Use Ecological Services, Inc., timely filed a notice of appeal seeking review by the Board of the Determination under Town Code §42-12 (the “Appeal”); and

**WHEREAS**, Town Code §42-11 requires the Appeal to be heard by the Town Board at a public hearing; and

**WHEREAS**, pursuant to Resolution No. 70-2021, duly adopted by the Town Board on February 24, 2021, a public hearing on the Appeal was scheduled for March 18, 2021 at 7:00pm via Zoom before this Board; and

**WHEREAS**, at its meeting on March 1, 2021, the Town of North Hempstead Waterfront Advisory Committee (the “Committee”), having heard the recommendations of the Town’s Chief Bay Constable, recommended approval of the Application; and

**WHEREAS**, having received the Determination and the Appeal, and having heard testimony on the Appeal at the public hearing held on March 18, 2021 via Zoom, and having received the Committee’s recommendation to approve the Application, the Board wishes to render a determination on the Appeal.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Appeal be and hereby is granted and the Determination is hereby reversed; and be it further

**RESOLVED** that the Town Clerk shall issue the appropriate permit consistent with this resolution in accordance with §42-11(E) of the Town Code.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Planning      Town Clerk      Buildings

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**ORDINANCE NO. 6 - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING BIRCH STREET IN PORT WASHINGTON, NEW YORK.**

**NOTICE IS HEREBY GIVEN** that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

**ORDINANCE NO. T.O. 6 - 2021  
PORT WASHINGTON, NEW YORK**

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL:**

**ADOPT:**

**1. BIRCH STREET – SALEM LANE – FULL STOP**

All Traffic Southbound on Birch Street shall come to a Full Stop at its intersection with Salem Lane.

**2. CLIFF WAY – SALEM LANE – FULL STOP**

All Traffic Northbound on Cliff way shall come to a Full Stop at its intersection with Salem Lane.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. **PENALTIES:** “A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable”.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**ORDINANCE NO. 7 - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING LEWYT STREET IN PORT WASHINGTON, NEW YORK.**

**NOTICE IS HEREBY GIVEN** that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

**ORDINANCE NO. T.O. 7 - 2021  
PORT WASHINGTON, NEW YORK**

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL:**

**ADOPT:**

1. LEWYT STREET – NORTH SIDE – 25 M.P.H. –  
From the east curb line of S Bayles Avenue, east, to its terminus.
2. LEWYT STREET – SOUTH SIDE – 25 M.P.H. –  
From the east curb line of S Bayles Avenue, east, to its terminus.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. **PENALTIES:** “A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable”.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

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**Councilperson Russell offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**ORDINANCE NO. 8 - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING  
PARK AVENUE IN NEW CASSEL, NEW YORK.**

**NOTICE IS HEREBY GIVEN** that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

**ORDINANCE NO. T.O. 8 - 2021  
NEW CASSEL, NEW YORK**

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL:**

**ADOPT:**

**1. PARK AVENUE – HOPPER STREET – FULL STOP**

All Traffic Eastbound on Park Avenue shall come to a Full Stop at its intersection with Hopper Street.

**2. 4th Ave – HOPPER STREET – FULL STOP**

All Traffic Westbound on 4th Avenue shall come to a Full Stop at its intersection with Hopper Street.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. **PENALTIES:** “A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable”.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.



**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**ORDINANCE NO. 9 - 2021**

**A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION  
OF ORDINANCES AFFECTING CARLTON AVENUE IN PORT WASHINGTON, NEW  
YORK.**

**NOTICE IS HEREBY GIVEN** that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

**ORDINANCE NO. T.O. 9 - 2021  
PORT WASHINGTON, NEW YORK**

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL:**

**RESCIND:**

1. T.O. #9-1991

Adopted February 19, 1991

**CARLTON AVENUE – EAST SIDE – THREE HOUR PARKING**

From a point 25 feet north of the north curblines of Charles Street, north to a point opposite the south curblines of Third Avenue.

**ADOPT:**

1. **CARLTON AVENUE – EAST SIDE – THREE HOUR PARKING**

From a point 25 feet north of the north curblines of Charles Street, north for a distance of 321 feet.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. **PENALTIES:** “A violation of this ordinance shall be punishable by a fine not in excess of Thirty (\$30.00) Dollars, plus any surcharge payable to other governmental entities.”

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

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**Councilperson Ferrara offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**ORDINANCE NO. 10 - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING DENTON AVENUE IN NEW HYDE PARK, NEW YORK.**

**NOTICE IS HEREBY GIVEN** that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

**ORDINANCE NO. T.O. 10 - 2021  
NEW HYDE PARK, NEW YORK**

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL:**

**ADOPT:**

1. DENTON AVENUE – WEST SIDE – NO STOPPING HERE TO CORNER  
From the North curb line of West End Avenue, North, for a distance of 45 feet.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: “A violation of this ordinance shall be punishable by a fine not in excess of Thirty (\$30.00) Dollars, plus any surcharge payable to other governmental entities.”

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD**

**WAYNE H. WINK, JR.**  
**TOWN CLERK**

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**Councilperson Ferrara offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**ORDINANCE NO. 11 - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE  
AFFECTING CHERRY LANE IN NEW HYDE PARK, NEW YORK.**

**NOTICE IS HEREBY GIVEN** that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

**ORDINANCE NO. T.O. 11 - 2021  
NEW HYDE PARK, NEW YORK**

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL:**

**ADOPT:**

**1. CHERRY LANE – WEST SIDE – NO PARKING ANYTIME**

From a point 100 feet north of the north curb line of Jericho Turnpike, north for 200 feet.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. **PENALTIES:** “A violation of this ordinance shall be punishable by a fine not in excess of Thirty (\$30.00) Dollars, plus any surcharge payable to other governmental entities.”

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD**

**WAYNE H. WINK, JR.**  
**TOWN CLERK**

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 136 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to further assist those establishments affected by the COVID-19 pandemic by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on April 22, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of the Local Law amending Chapter 70 of the Town Code entitled, "Zoning" in order to further assist those affected by the COVID-19 pandemic by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing as required by law, which notice shall be in substantially the following form:

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead, on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to further assist those establishments affected by the COVID-19 pandemic by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses.

**PLEASE TAKE FURTHER NOTICE** that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.



**PLEASE TAKE FURTHER NOTICE** that the full text of the proposed Local Law will be posted on the Town's website and be on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

**PLEASE TAKE FURTHER NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Town Clerk

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 137 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 42 OF THE TOWN CODE ENTITLED "PUBLIC WATERWAYS; STRUCTURES."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 42 of the Town Code entitled "Public Waterways; Structures" in order to update and clarify the requirements for obtaining a structure permit.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on April 22, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 42 of the Town Code entitled "Public Waterways; Structures" in order to update and clarify the requirements for obtaining a structure permit; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing as required by law, which notice shall be in substantially the following form:

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead, on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 42 of the Town Code entitled "Public Waterways; Structures" in order to update and clarify the requirements for obtaining a structure permit.

**PLEASE TAKE FURTHER NOTICE** that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.

**PLEASE TAKE FURTHER NOTICE**, that the full text of the proposed Local Law will be posted on the Town's website and be on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

**PLEASE TAKE FURTHER NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Town Clerk

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 138 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "GOVERNMENTAL OPERATIONS".**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 24 of the Town Code entitled "Governmental Operations" in order to establish a preference for Service Disabled Veteran Owned Businesses (SDVOB) by authorizing the Town to award contracts (which are not subject to General Municipal Law section 103) for goods and services to a bidder, proposer or offeror (collectively the "bidder") other than the lowest responsible bidder where such other bidder is certified by the State of New York as a SDVOB.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on April 22, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 24 of the Town Code entitled "Governmental Operations" in order to establish a preference for Service Disabled Veteran Owned Businesses (SDVOB) by authorizing the Town to award contracts (which are not subject to General Municipal Law section 103) for goods and services to a bidder, proposer or offeror (collectively the "bidder") other than the lowest responsible bidder where such other bidder is certified by the State of New York as a SDVOB; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing as required by law, which notice shall be in substantially the following form:

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead, on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 24 of the Town Code entitled "Governmental Operations" in order to establish a preference for Service Disabled Veteran Owned Businesses (SDVOB) by authorizing the Town to award contracts (which are not subject to General Municipal Law section 103) for goods and services to a bidder, proposer

or offeror (collectively the “bidder”) other than the lowest responsible bidder where such other bidder is certified by the State of New York as a SDVOB.

**PLEASE TAKE FURTHER NOTICE** that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.

**PLEASE TAKE FURTHER NOTICE** that the full text of the proposed Local Law will be posted on the Town’s website and be on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

**PLEASE TAKE NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney Town Clerk

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 139 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE REQUEST OF PORT WASHINGTON CENTER, LLC FOR THE ELIMINATION OR MODIFICATION OF RESTRICTIVE COVENANTS FOR THE PREMISES LOCATED AT 319-374 PORT WASHINGTON BOULEVARD, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 5, BLOCK J, LOTS 17, 434, 1028, 1029 AND 1099.**

**WHEREAS**, Port Washington Center, LLC (the "Petitioner") is the owner of real property located at 319-374 Port Washington Boulevard, Port Washington, New York, identified on the Nassau County Land and Tax Map as Section 5, Block J, Lots 17, 434, 1028, 1029 and 1099 (the "Premises"); and

**WHEREAS**, the Premises is encumbered by a Declaration of Restrictive Covenants dated April 5, 1972, which, among other conditions, restricts the use of a portion of the Premises exclusively to off-street parking (the "Declaration"); and

**WHEREAS**, Petitioner is seeking to demolish an existing 9,479 square foot retail building located on Lot 1029 and thereafter use Lot 1029 for parking, and to construct a new 10,276 square foot extension to an existing 9,008 square foot grocery store to be constructed on the south westerly portion of the Premises currently used for parking and subject to the Declaration (the "Proposal"); and

**WHEREAS**, the Proposal requires that the Declaration be amended to modify or eliminate the restrictive covenant (the "Amended Declaration"); and

**WHEREAS**, any modification or elimination of the restrictive covenant requires the consent of the Town Board of the Town of North Hempstead.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on the 22nd day of April, 2021 at 7:00 P.M. via Zoom, to consider the Amended Declaration; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish and post a Notice of Hearing, as required by law, which notice shall be in substantially the following form:

## NOTICE OF HEARING

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead, on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, to consider a proposed amendment to a Declaration of Restrictive Covenants dated April 5, 1972, which, among other conditions, restricts the use of a portion of the Premises located at 319-374 Port Washington Boulevard, Port Washington, New York, identified on the Nassau County Land and Tax Map as Section 5, Block J, Lots 17, 434, 1028, 1029 and 1099, exclusively to off-street parking.

**PLEASE TAKE FURTHER NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 140 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF PORT WASHINGTON CENTER, LLC FOR A CHANGE OF ZONE FROM 'PARKING' TO 'BUSINESS-A' FOR THE PREMISES LOCATED AT 319-374 PORT WASHINGTON BOULEVARD, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 5, BLOCK J, LOTS 17, 434, 1028, 1029 AND 1099.**

**WHEREAS**, Port Washington Center, LLC (the "Petitioner") has filed a petition (the "Petition") to rezone (the "Change of Zone") a 0.38-acre portion of a 2.56-acre site located at 319-374 Port Washington Boulevard, Port Washington, New York and designated on the Nassau County Land and Tax Map as Section 5, Block J, Lots 17, 434, 1028, 1029 and 1099 (the "Premises"), from 'Parking' to 'Business-A', in order to construct a new 10,276 square foot extension to an existing 9,008 square foot grocery store on the south westerly portion of the Premises currently used for parking; and

**WHEREAS**, Town Code Section 70-237 permits the Town Board (the "Board") of the Town of North Hempstead to consider such petition for a Change of Zone after notice and a public hearing pursuant to Town Code Section 70-238.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on April 22, 2021 via Zoom, at 7:00 p.m. to consider the Petition for the Change of Zone for the Premises, at which public hearing all interested persons will be afforded an opportunity to be heard; and be it further

**RESOLVED** that the Commissioner of Planning and Environmental Protection shall immediately notify the Applicant of the date and time of said hearing and the Applicant shall notify certain property owners of said date and time pursuant to Town Code § 70-238(B)(2) and; and be it further

**RESOLVED** that the Applicant shall also comply with the sign notice requirements pursuant to Town Code § 70-238(B)(3); and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish and post a Notice of Hearing, as required by law, which notice shall be in substantially the following form:

**NOTICE OF HEARING**



**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead, on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, to consider the petition of Port Washington Center, LLC to rezone a 0.38-acre portion of a 2.56-acre site located at 319-374 Port Washington Boulevard, Port Washington, New York from 'Parking' to 'Business-A' in order to construct a new 10,276 square foot extension to an existing 9,008 square foot grocery store on the south westerly portion of the Premises currently used for parking.

**PLEASE TAKE FURTHER NOTICE** that, the property which is the subject of this petition is designated on the Nassau County Land and Tax Map as Section 5, Block J, Lots 17, 434, 1028, 1029 and 1099.

**PLEASE TAKE FURTHER NOTICE** that, effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Planning      Building

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 141 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF WESTBURY JEEP CHRYSLER DODGE, INC. ON BEHALF OF J.R. WESTBURY REALTY, LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 110 STATE STREET, WESTBURY AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 11, BLOCK 58, LOT 134.**

**WHEREAS**, Westbury Jeep Chrysler Dodge, Inc. (the “Applicant”) on behalf of J.R. Westbury Realty, LLC (the “Owner”) has applied (the “Application”) to the Town to install a 8,143 s.f. steel canopy to cover the space between existing buildings on a 1.86-acre site that is used as an auto servicing center on property located at 110 State Street, Westbury and identified on the Nassau County Land and Tax Map as Section 11, Block 58, Lot 134 (the “Premises”); and

**WHEREAS**, it has been determined that the Application requires site plan review pursuant to Town Code § 70-219 (“Site Plan Review”); and

**WHEREAS**, this Board wishes to set a date for a public hearing for the Site Plan Review.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on April 22, 2021 at 7:00 P.M. via Zoom to consider the Application for Site Plan Review; and be it further

**RESOLVED** that the Commissioner shall immediately notify the Applicant of the date and time of the hearing so that the Applicant may provide notice of the hearing for the Site Plan Review to certain property owners pursuant to Sections 70-219(F)(2) and 70-240 of the Town Code; and be it further

**RESOLVED** that the Applicant shall also comply with the sign notice requirements pursuant to Town Code § 70-219(F)(3); and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of hearing as required by § 70-219(F)(1) of the Town Code, which notice shall be in substantially the following form:

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board at the Town of North Hempstead on April 22, 2021 at 7:00 p.m. via Zoom, on the application for site plan review submitted by Westbury Jeep Chrysler Dodge, Inc. on behalf of J.R. Westbury Realty, LLC to enable the installation of a 8,143 s.f. steel canopy over the gap between existing buildings on a 1.86-acre site that is used as an auto servicing center.

**PLEASE TAKE FURTHER NOTICE** that all interested persons shall have an opportunity to be heard concerning the application for site plan review at the public hearing.

**PLEASE TAKE FURTHER NOTICE** that the property which is the subject of this application is known as 110 State Street, Westbury and designated on the Nassau County Land and Tax Map as Section 11, Block 58, Lot 134.

**PLEASE TAKE FURTHER NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the meeting. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney Planning Building

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 142 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A PETITION TO DESIGNATE A SECONDARY HONORARY STREET NAME FOR A PORTION OF S. MARYLAND AVENUE IN PORT WASHINGTON PURSUANT TO SECTION 10-5 OF THE TOWN CODE.**

**WHEREAS**, Article II, Section 10 of the Code of the Town of North Hempstead (the Town Code”) establishes criteria for designating a secondary honorary name for an existing street or portion of existing street; and

**WHEREAS**, the Port Washington Fire Department (the “Petitioner”) has applied for a secondary honorary street name for a portion of S. Maryland Avenue in Port Washington, from the corner of Main Street to the corner of Bernard Avenue, to be known as “S.F. Falconers Way” (the “Petition”); and

**WHEREAS**, it has been determined that the Petition requires a public hearing pursuant to Town Code §10-5; and

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the Petition, affording all interested parties the opportunity to be heard.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing shall be held on April 22, 2021 at 7:00 P.M. via Zoom, to consider the Petition for a secondary honorary street name for a portion of S. Maryland Avenue in Port Washington, from the corner of Main Street to the corner of Bernard Avenue, to be known as “S.F. Falconers Way”, at which public hearing all interested persons will be afforded an opportunity to be heard; and be it further

**RESOLVED** that the Town Board hereby authorizes and directs the Town Clerk to forward a copy of the Petition to the local fire department, police department, and post office; and be it further

**RESOLVED** that the Town Clerk be and is hereby authorized and directed to publish a notice of said hearing no fewer than 10 and no more than 20 days prior to the hearing date, which notice shall be in substantially the following form:

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on the 22nd day of April, 2021 at 7:00 P.M. via Zoom, to consider the Petition for a secondary honorary street name for a portion of S. Maryland Avenue in Port Washington, from the corner of Main Street to the corner of Bernard Avenue, to be known as "S.F. Falconers Way".

**PLEASE TAKE FURTHER NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Planning      Building

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 143 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING BANK STREET IN PORT WASHINGTON, NEW YORK.**

**WHEREAS**, a recommendation has been made for the rescission and adoption of an ordinance affecting Bank Street, Port Washington, New York

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by the Town Board of the Town of North Hempstead on the 22<sup>nd</sup> day of April, 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

**PROPOSAL:**

**ADOPT:**

1. **BANK STREET – WEST SIDE – NO PARKING ANYTIME**  
From a point 375 feet south of the south curb line of Main Street, south to its terminus.
2. **BANK STREET – EAST SIDE – NO PARKING ANYTIME**  
From a point 399 feet south of the south curb line of Main Street, south to its terminus.

**RESOLVED** that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

**RESOLVED** that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Public Safety      Comptroller      Traffic Safety



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**Councilperson Russell offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 144 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING LONGFELLOW AVENUE IN NEW CASSEL, NEW YORK.**

**WHEREAS**, a recommendation has been made for the adoption of an ordinance affecting Longfellow Avenue, New Cassel, New York

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by the Town Board of the Town of North Hempstead on the 22nd day of April, 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

**PROPOSAL:**

**ADOPT:**

1. LONGFELLOW AVENUE – LOWELL STREET – FULL STOP  
All Traffic Southbound on Longfellow Avenue shall come to a Full Stop at its intersection with Lowell Street.
2. LONGFELLOW AVENUE – LOWELL STREET – FULL STOP  
All Traffic Northbound on Longfellow Avenue shall come to a Full Stop at its intersection with Lowell Street.

**RESOLVED** that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

**RESOLVED** that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Public Safety      Comptroller      Traffic Safety

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**Councilperson Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 145 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING MOORE STREET IN NEW HYDE PARK, NEW YORK.**

**WHEREAS**, a recommendation has been made for the rescission and adoption of an ordinance affecting Moore Street, New Hyde Park, New York

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by the Town Board of the Town of North Hempstead on the 22nd day of April, 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

**PROPOSAL:**

**ADOPT:**

1. MOORE STREET – EAST SIDE – NO STOPPING ANYTIME  
From the south curblineline of Shelter Rock Road, south for a distance of 100 feet.

**RESOLVED** that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

**RESOLVED** that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney Public Safety    Comptroller Traffic Safety

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**Councilperson Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 146 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING TALBOT STREET AND MOORE STREET IN NEW HYDE PARK, NEW YORK.**

**WHEREAS**, a recommendation has been made for the rescission and adoption of an ordinance affecting Talbot Street, New Hyde Park, New York

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by the Town Board of the Town of North Hempstead on the 22nd day of April, 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

**PROPOSAL:**

**ADOPT:**

1. TALBOT STREET – NORTH SIDE – NO STOPPING HERE TO CORNER  
From the east curblineline of Moore Street, east for a distance of 40 feet.
2. MOORE STREET – EAST SIDE – NO STOPPING HERE TO CORNER  
From the north curblineline of Talbot Street, north for a distance of 40 feet.

**RESOLVED** that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

**RESOLVED** that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney Public Safety    Comptroller Traffic Safety

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 147 - 2021**

**A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.**

**WHEREAS**, 3 GalCreations has generously offered, as a gift, a library book box to be placed at Mary Jane Davies Park; and

**WHEREAS**, Constant Tracker, Inc., of 98 Cuttermill Road, Suite 300A, North Great Neck 11021 has generously offered, as a gift, a ThermaView temperature scanner; and

**WHEREAS**, this Board wishes to accept the Gifts described in this Resolution (the “Gifts”) in accordance with Town Law Section 64.

**NOW, THEREFORE, BE IT**

**RESOLVED** that this Board hereby gratefully accepts the Gifts.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc; Town Attorney

Comptroller

Town Clerk

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 148 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WEST SIDE ENGINEERING, PC RELATED TO THE LEEDS POND CULVERT WEIR ANALYSIS, DPW PROJECT NO. 12-09.**

**WHEREAS**, the Acting Commissioner of Public Works (the “Acting Commissioner”) for the Town of North Hempstead (the “Town”) has recommended that this Board authorize the retention of an engineering consulting firm to provide professional engineering services related to environmental permitting in connection with a Weir analysis at the Leeds Pond Culvert, DPW Project No. 12-09 (the “Services”); and

**WHEREAS**, it has been recommended that the Town enter into an agreement with West Side Engineering, PC, 26 West End Avenue, Massapequa, New York 11758 to provide the Services in an amount not to exceed Five Thousand and 00/100 Dollars (\$5,000.00) (the “Agreement”); and

**WHEREAS**, the Acting Commissioner has requested that this Board authorize the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Agreement be and hereby is authorized; and be it further

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:



Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

DPW

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 149 - 2021**

**A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH N&P ENGINEERING, ARCHITECTURE AND LAND SURVEYING, PLLC FOR STRUCTURAL ENGINEERING DESIGN SERVICES RELATED TO THE TOWN OF NORTH HEMPSTEAD'S SEPTEMBER 11TH MEMORIAL AT MANHASSET VALLEY PARK, MANHASSET.**

**WHEREAS**, the Town of North Hempstead (the "Town") Department of Public Works (the "Department") required the services of an engineering consulting firm to provide professional structural engineering design services for the Town's September 11th Memorial at Manhasset Valley Park, Manhasset (the "Services"); and

**WHEREAS**, the Acting Commissioner of the Department (the "Acting Commissioner") retained N&P Engineering, Architecture and Land Surveying, PLLC, 70 Maxess Road, Melville, New York 11747 (the "Consultant") to provide the Services; and

**WHEREAS**, it has been recommended that the Town Board ratify the Department's actions in using the Consultant to provide the Services and to further authorize the execution of an agreement for the Services for an amount not to exceed Fifteen Thousand Five Hundred and 00/100 Dollars (\$15,500.00) (the "Agreement"); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to ratify the actions of the Department and authorize the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the actions of the Department in using the Consultant to provide the Services be and hereby are ratified; and be it further

**RESOLVED** that the Agreement be and hereby is authorized; and be it further

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

DPW

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 150 - 2021**

**A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH N2 DESIGN + ARCHITECTURE PC FOR THE DESIGN OF A CONCEPTUAL PLAN FOR THE TOWN'S SEPTEMBER 11TH MEMORIAL AT MANHASSET VALLEY PARK, MANHASSET.**

**WHEREAS**, the Town of North Hempstead (the "Town") required the preparation of a conceptual plan for the design of the Town's September 11th Memorial at Manhasset Valley Park, Manhasset (the "Services"); and

**WHEREAS**, the Acting Commissioner of the Department of Public Works (the "Acting Commissioner") retained N2 Design + Architecture PC, 315 Main Street, Port Washington, New York 11050 (the "Consultant") to provide the Services; and

**WHEREAS**, it has been recommended that the Town ratify the Acting Commissioner's actions in using the Consultant to provide the Services and to further authorize the execution of an agreement therefor in consideration of an amount not to exceed Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00), as well as recognition to be given to Consultant for performing the Services, including having Consultant's name appear on a future plaque at the Memorial site (the "Agreement"); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to ratify the actions of the Acting Commissioner and authorize the execution of the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the actions of the Acting Commissioner in using the Consultant to provide the Services be and hereby are ratified; and be it further

**RESOLVED** that the Agreement be and hereby is authorized; and be it further

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement, and take such further action as may be necessary to effectuate the foregoing: and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Project upon receipt of the duly executed Agreement and certified claims therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Comptroller

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 151 - 2021**

**A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BREAKWATER MARINE CONSTRUCTION, INC. FOR THE INSTALLATION AND REMOVAL OF TOWN DOCKS.**

**WHEREAS**, the Town of North Hempstead's Department of Parks and Recreation (the "Department") required the installation of two (2) floating docks and gangways, the Manhasset Crew dock and the Port Rowing dock, at North Hempstead Beach Park in Port Washington for the 2021 Spring season and will require the removal and storage of the docks in the fall of 2021 at the conclusion of the rowing season (the "Services"); and

**WHEREAS**, the Department retained Breakwater Marine Construction, Inc., 92 A. Lexington Avenue, Oyster Bay, New York 11771 (the "Contractor") to provide the Services; and

**WHEREAS**, it has been recommended that the Town Board ratify the Department's actions in using the Contractor to provide the Services and to further authorize the execution of an agreement for the Services for an amount not to exceed Five Thousand Eight Hundred and 00/100 Dollars (\$5,800.00) (the "Agreement"); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to ratify the actions of the Department and authorize the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the actions of the Department in using the Contractor to provide the Services be and hereby are ratified; and be it further

**RESOLVED** that the Agreement be and hereby is authorized; and be it further

**RESOLVED** that the Supervisor is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED**, that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement, on behalf of the Town, and to take any further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed agreement and certified claim therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Comptroller      Parks

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 152 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARRETT CO., INC. FOR ELECTRICAL REPAIR WORK AT HARBOR LINKS GOLF COURSE.**

**WHEREAS**, the Town of North Hempstead (the “Town”) Department of Parks and Recreation requires electrical repairs at the Harbor Links Golf Course in Port Washington (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) solicited three (3) quotes for the Services, in accordance with the Town’s Procurement Policy; and

**WHEREAS**, Barrett Co., Inc., 230 Long Beach Road, Suite E, Island Park, New York 11558 (the “Contractor”) submitted the lowest quotes, proposing to perform the Services for an amount not to exceed Ten Thousand Eight Hundred and 00/100 Dollars (\$10,800.00) (the “Contract Amount”); and

**WHEREAS**, the Director has recommended that the Town enter into an agreement with the Contractor to perform the Services for the Contract Amount (the “Agreement”); and

**WHEREAS**, this Board wishes to authorize the execution of the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Agreement be and is hereby authorized; and be it further

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and oversee the execution of the Agreement, and to take such other action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs Services upon receipt of the duly executed Agreement and certified claims therefor.

**Dated:** Manhasset, New York



March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Comptroller

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**Councilperson Russell offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 153 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE LANDTEK GROUP, INC. FOR UPGRADES TO THE SOFTBALL FIELDS AT CHARLES J. FUSCHILLO PARK, CARLE PLACE.**

**WHEREAS**, the Town of North Hempstead (the “Town”) Department of Parks and Recreation requires the services of a contractor for upgrades to the softball fields at Charles J. Fuschillo Park (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) has recommended that the Town enter into an Agreement with The Landtek Group, Inc., 105 Sweeneydale Avenue, Bay Shore, New York 11706, to provide the Services in consideration of an amount not to exceed Twenty-Five Thousand Three Hundred Eighty-Seven and 90/100 Dollars (\$25,387.90) (the “Agreement”), the terms of which Agreement shall be in accordance with the provisions of the agreement between the Town of Huntington and the Contractor, contract # ES2018-01/O-E entitled “General Construction Requirements Contract”; and

**WHEREAS**, this Board wishes to authorize the execution of the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Agreement be and hereby is authorized; and be it further

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Comptroller      DPW

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**Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 154 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE GREAT NECK CENTER FOR THE VISUAL AND PERFORMING ARTS D/B/A THE GOLD COAST ARTS CENTER TO SPONSOR THE 2021 GOLD COAST INTERNATIONAL FILM FESTIVAL.**

**WHEREAS**, the Great Neck Center for the Visual and Performing Arts, Inc. d/b/a the Gold Coast Arts Center, 113 Middle Neck Road, Great Neck Plaza, New York 11021 (“Gold Coast”), has requested that the Town of North Hempstead (the “Town”) co-sponsor the 2021 Annual Gold Coast International Film Festival (the “Event”), through the provision of funds in an amount not to exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) (the “Town Sponsorship”); and

**WHEREAS**, this Board wishes to authorize the Town to enter into an agreement to provide the Town Sponsorship in exchange for recognition as a co-sponsor of the Event and the right to exercise oversight over the operation of the Event in partnership with Gold Coast (the “Agreement”).

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town shall co-sponsor the Event and provide the Town Sponsorship; and be it further

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, a copy of which will be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and is hereby authorized and directed to negotiate and supervise the execution of the Agreement; and be it further

**RESOLVED** that the Office of the Town Comptroller be and hereby is authorized to pay the costs of the Agreement upon receipt of an executed Agreement and certified claims therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Comptroller

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 155 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HAWKINS DELAFIELD & WOOD LLP FOR LEGAL SERVICES.**

**WHEREAS**, the Town of North Hempstead requires special legal counsel to assist the Town with the drafting and preparation of Special Legislation (the “Special Legislation”) to be proposed for adoption by the New York State Legislature in connection with the Town’s proposed issuance of bonds or notes to finance certain liabilities of the Length of Service Award Programs of the Albertson Engine, Hook & Ladder and Hose Company No. 1 and the Floral Park Centre Fire Company No. 1 (and any other fire companies as may be requested by the Town and agreed upon) (the “Services”); and

**WHEREAS**, it has been recommended that the Town enter into an agreement with Hawkins Delafield & Wood LLP, 7 World Trade Center, 250 Greenwich Street, New York, New York 10007 (“Counsel”) to provide the Services for an amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) payable at the rate of Two Hundred Seventy-Five and 00/100 Dollars (\$275.00) an hour for attorney time (the “Agreement”); and

**WHEREAS**, this Board finds it to be in the best interests of the Town to authorize the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Agreement be and is hereby authorized; and be it further

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and oversee the execution of the Agreement, and to take such other action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of the duly executed Agreement and certified claims therefore.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

Comptroller

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 156 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS WITH VARIOUS AGENCIES TO PROVIDE ACTIVITIES AND SERVICES FOR SENIOR CITIZENS WITHIN THE TOWN OF NORTH HEMPSTEAD.**

**WHEREAS**, the Town has heretofore appropriated a sum of money for assistance to senior citizens, as provided by applicable law; and

**WHEREAS**, the agencies listed below have been endorsed as appropriate and deserving of municipal assistance as they provide various services to senior citizens; and

**WHEREAS**, these agencies will provide recreational, instructional and/or nutritional programs for senior citizens (the "Services") for the period beginning on January 1, 2021 and terminating on December 31, 2021; and

**WHEREAS**, it is the desire of this Board to authorize the execution of agreements for the Services with these agencies, as set forth below.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town enter into agreements for the Services with the agencies listed below; and be it further

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute the agreements on behalf of the Town, copies of which will be on file in the office of the Town Clerk, for an amount not to exceed that set forth below:

Provider	Contract Amount
Great Neck Senior Center, Inc.	\$27,500
Herricks Community Fund, Inc.	\$4,750
SJJCC (Herricks Alzheimers)	\$4,000
EAC, Inc. Port Washington Senior Center	\$15,500
Port Washington Senior Citizens, Inc.	\$23,000
Senior Citizens of Westbury, Inc.	\$30,500
Sid Jacobson JCC Senior Services Dept.	\$10,500
E-Joy / Community Resource Center, Inc.	\$8,000



The Carle Place Senior Citizens, Inc.	\$3,000
Great Neck Mashadi Senior Club	\$13,000
Herricks Senior Citizens Inc.	\$5,500
Milan Foundation	\$3,500
Herricks Leisure Club	\$6,500
Joy Fu Club	\$2,500
Leisure Club of Greater NHP, Inc.	\$5,500
The Leisure Club of Mineola, Inc.	\$5,500
Mineola Golden Age Club, Inc.	\$6,000
New Hyde Park Senior Citizens Inc.	\$5,500
Williston Park Senior Citizens, Inc.	\$9,000
East Williston Seniors	\$2,500
SHAI Senior Center	\$3,000
<b>TOTAL</b>	<b>\$194,750</b>

; and be it further

**RESOLVED** that the Office of the Town Attorney is hereby authorized and directed to supervise the execution of agreements with the organizations listed above; and be it further

**RESOLVED** that the Comptroller be, and hereby is, authorized and directed to pay the costs thereof upon receipt of a fully executed agreement and a duly certified and executed claim therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

Comptroller

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**Councilperson Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 157 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF OYSTER BAY FOR THE RESURFACING OF 1ST STREET IN GLENWOOD LANDING.**

**WHEREAS**, pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law Section 119-o, municipal corporations are empowered to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis; and

**WHEREAS**, the Town desires to enter into an intermunicipal agreement with the Town of Oyster Bay (“Oyster Bay”) in connection with the re-paving of 1st Street in Glenwood Landing, New York (the “Agreement”); and

**WHEREAS**, this Board finds it in the best interests of the Town to authorize the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** the Agreement is hereby authorized; and be it further

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, and to take such other action as may be necessary to effectuate the foregoing, copies of which will be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and any related documents, and to take such further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to deposit any reimbursement received by Oyster Bay in connection with the Agreement into the appropriate Town account.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 158 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN CSEA LOCAL 1000 AFSCME, AFL-CIO, NASSAU MUNICIPAL EMPLOYEES LOCAL #882, TOWN OF NORTH HEMPSTEAD UNIT #7555 AND THE TOWN OF NORTH HEMPSTEAD RELATED TO EMPLOYEE MATTERS DURING THE COVID-19 PANDEMIC.**

**WHEREAS**, pursuant to a resolution duly adopted by this Board, the Town entered into a memorandum of agreement with CSEA LOCAL 1000 AFSCME, AFL-CIO, Nassau Municipal Employees Local #882, Town of North Hempstead Unit #7555 (“CSEA”) (the “Original Agreement”); and

**WHEREAS**, the Original Agreement set forth the terms and conditions for the return of non-essential Town employees covered in the CSEA bargaining unit to their standard work locations;

**WHEREAS**, the Original Agreement expired on or about September 24, 2020; and  
**WHEREAS**, the CSEA and the Town extended the terms of the Original Agreement through December 31, 2020 (the “First Amendment”) and then twice extended the terms of the Original Agreement for an additional period of time from January 1, 2021 through February 24, 2021 (the “Second Amendment”); and February 25, 2021 through March 18, 2021 (the “Third Amendment”); and

**WHEREAS**, the CSEA and the Town now desire to continue the extension of the terms of the Original Agreement for an additional period of time beginning March 19, 2021 through March 31, 2021 (the “Fourth Amendment”); and

**WHEREAS**, Town Board finds it in the best interests of the Town to authorize the extension of the terms in the Fourth Amendment.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the terms of the Fourth Amendment be and hereby are extended; and be it further

**RESOLVED** the Supervisor is authorized and directed to execute, on behalf of the Town, the Fourth Amendment, all as more particularly set forth in a copy which shall be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Fourth Amendment; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Fourth Amendment upon receipt of duly executed document and certified claims therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney    Comptroller    HR

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**Supervisor Bosworth offered the following resolution and moved its-adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 159 - 2021**

**A RESOLUTION AUTHORIZING THE PURCHASE FROM CAROUSEL INDUSTRIES OF NORTH AMERICA, INC. OF ANNUAL HARDWARE MAINTENANCE FOR THE TOWN'S LOAD BALANCING AND NETWORK INTRUSION HARDWARE APPLIANCES.**

**WHEREAS**, the Department of Information Technology and Telecommunications (the "Department") requires maintenance for the Town's Fortinet load balancing and network intrusion hardware appliance (the "Services") and

**WHEREAS**, the Director of Purchasing has recommended that the Town purchase the Services from Carousel Industries of North America, Inc., 659 South County Trail, Exeter, Rhode Island 02822, for a term of one (1) year in consideration of an amount not to exceed Nine Thousand Eight Hundred Ninety Dollars and 99/100 (\$9,890.99) (the "Purchase"); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to authorize the Purchase.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Purchase be and is hereby authorized; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchase upon receipt of certified claims therefore.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

Comptroller

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 160 - 2021**

**A RESOLUTION AUTHORIZING THE PURCHASE FROM NETMOTION WIRELESS OF ANNUAL SOFTWARE MAINTENANCE FOR THE TOWN'S MOBILE FLEET CONNECTIVITY SOFTWARE.**

**WHEREAS**, the Department of Information Technology and Telecommunications (the "Department") requires software maintenance and technical support for the Town's mobile fleet connectivity software (the "Services"); and

**WHEREAS**, the Director of Purchasing has recommended that the Town purchase the Services from NetMotion Software, Inc., 1505 Westlake Avenue N, Suite 500, Seattle, Washington, 98109 for a term of one (1) year in consideration of an amount not to exceed Three Thousand One Hundred Ninety and 70/100 Dollars (\$3,190.70) (the "Purchase"); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to authorize the Purchase.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Purchase be and is hereby authorized; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchase upon receipt of certified claims therefore.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman



cc: Town Attorney

Comptroller

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 161 - 2021**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSIONER FOR THE PORT WASHINGTON GARBAGE DISTRICT.**

**WHEREAS**, a vacancy exists on the Port Washington Garbage District (the “District”) Board of Commissioners due to Mary Giordano’s resignation; and

**WHEREAS**, this Board is empowered, pursuant to Town Law § 215(21), to appoint a qualified person to fill a vacancy in any elective district office, such as Commissioner, until a successor is elected at the District’s next annual election to be held this December 2021; and

**WHEREAS**, Patricia Van Dusen, residing at 47 Wakefield Avenue, Port Washington, New York 11050, is a District resident well-qualified to serve as Commissioner of the District Board; and

**WHEREAS**, this Board finds it in the best interest of the District and Town to appoint Patricia Van Dusen to the District Board as a Commissioner.

**NOW, THEREFORE, BE IT**

**RESOLVED** that Patricia Van Dusen, residing at 47 Wakefield Avenue, Port Washington, New York 11050, be and hereby is appointed to the District Board as a Commissioner for a term beginning immediately and expiring on December 31, 2021.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 162 - 2021**

**A RESOLUTION MAKING APPOINTMENTS TO THE TOWN OF NORTH HEMPSTEAD CLIMATE SMART COMMUNITIES (CSC) TASK FORCE.**

**WHEREAS**, the Town Board of the Town of North Hempstead (the "Board"), pursuant to Resolution No. 51-2021, duly adopted on January 21, 2021, established the Town of North Hempstead Climate Smart Communities Task Force (the "CSC Task Force"); and

**WHEREAS**, the Board is authorized to appoint members to the Task Force; and

**WHEREAS**, the Supervisor has recommended the following appointments to the Task Force:

<b><u>Name</u></b>	<b><u>Start of Term</u></b>	<b><u>End of Term</u></b>
Patricia Katz	March 19, 2021	March 18, 2024
Jael Ferguson	March 19, 2021	March 18, 2024
Jean Celender	March 19, 2021	March 18, 2024
Paula Groothuis	March 19, 2021	March 18, 2023
Rosemary Mascali	March 19, 2021	March 18, 2023
Stephen Cipot	March 19, 2021	March 18, 2023
Carol Frank	March 19, 2021	March 18, 2022
Harriett Becker	March 19, 2021	March 18, 2022
Patrick Farrell	March 19, 2021	March 18, 2022

**WHEREAS**, the appointees shall serve at the pleasure of the Board (the "Appointments"); and

**WHEREAS**, this Board wishes to authorize the Appointments, as recommended by the Supervisor.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the persons listed above are each appointed as a member of the CSC Task Force for the terms specified above; and be it further

**RESOLVED** that the Department of Human Resources shall maintain on file an updated list of appointed members of the CSC Task Force.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney    Human Resources

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 163 - 2021**

**A RESOLUTION AMENDING RESOLUTION NO. 291-2020, ADOPTED JULY 23, 2020, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CAROUSEL INDUSTRIES INC. FOR ANNUAL HARDWARE MAINTENANCE FOR THE AIR CONDITIONING UNITS FOR THE TOWN'S SERVERS.**

**WHEREAS**, pursuant to Resolution No. 291-2020, duly adopted on July 23, 2020, the Town Board authorized the execution of an agreement with Carousel Industries Inc., 659 South County Trail, Exeter, Rhode Island 02822, to provide annual hardware maintenance for the APC air conditioning units in the information technology data center and at the “Yes We Can” Community Center (the “Services”) for a period of one (1) year in consideration of an amount not to exceed Thirteen Thousand Three Hundred Twenty and 00/100 Dollars (\$13,320.00) (the “Resolution”); and

**WHEREAS**, the Commissioner of the Town’s Department of Information Technology and Telecommunications (the “Commissioner”) has requested that the Resolution be amended to provide that the Services be provided for a term commencing retroactively on August 2, 2020 and terminating on February 9, 2022 in consideration of an amount not to exceed Twenty One Thousand One and 95/100 Dollars (\$21,001.95) (the “Amendment”); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to authorize the Amendment.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Resolution be and hereby is amended to reflect the Amendment.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 164 - 2021**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE PART TOWN CAPITAL PROJECTS RESERVE FUND.**

**WHEREAS**, the Town Board (the “Board”) of the Town of North Hempstead (the “Town”) has heretofore established a Part Town Capital Projects Reserve Fund, pursuant to applicable law, for payment on various projects and related expenses; and

**WHEREAS**, the Town has available funds in the Part Town Capital Projects Reserve Fund (the “Fund”); and

**WHEREAS**, the Board desires to transfer monies from the Fund, in the amount of \$95,509.00, to a capital account for the purpose of purchasing vehicles for the Department of Building Safety, Inspection and Enforcement; and

**WHEREAS**, the Board further desires to transfer monies from the Fund, in the amount of \$57,761.00, to a capital account for the purpose of purchasing vehicles for the Department of Public Safety's Code Enforcement Division; and

**WHEREAS**, after careful consideration, the Board finds it in the best interests of the Town to transfer monies from the Fund to the accounts as outlined above (collectively the “Transfers”).

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Board hereby authorizes the Transfers from the Part Town Capital Projects Reserve Fund to the accounts as outlined above; and be it further

**RESOLVED** that the Offices of the Town Attorney and Comptroller are hereby directed to take such action as may be necessary to effectuate the foregoing.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:



Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney Comptroller

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 165 - 2021**

**A RESOLUTION TERMINATING THE AGREEMENT WITH TDI CONSTRUCTION, INC. IN CONNECTION WITH PORT WASHINGTON SAFE ROUTES TO SCHOOL, PORT WASHINGTON, NEW YORK. DPW PROJECT NO. 12-18R2.**

**WHEREAS**, pursuant to Resolution No. 464-2020, the Town Board awarded a bid to TDI Construction, Inc. in connection with Port Washington Safe Routes to School, Port Washington, New York, DPW Project No. 12-18R2; and

**WHEREAS**, the Town of North Hempstead (the "Town") entered into a contract with TDI Construction, Inc., 60-70 74th Street, Middle Village, NY 11379 ("TDI") for Port Washington Safe Routes to School, Port Washington, New York, DPW Project No. 12-18R2 (the "Contract"); and

**WHEREAS**, following numerous conversations with the Town Department of Public Works, TDI has been unable to fully comply with the Contract requirements; and

**WHEREAS**, the Contract allows for termination of the agreement by the Acting Commissioner following a vote by this Board; and

**WHEREAS**, the Acting Commissioner of the Town Department of Public Works has determined that this Contract shall be terminated and has requested that this Board so authorize.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Contract with TDI in connection with Port Washington Safe Routes to School, Port Washington, DPW Project No. 12-18R2 shall be terminated in accordance with the determination of the Acting Commissioner.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

DPW

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 166 - 2021**

**A RESOLUTION AUTHORIZING AND APPROVING A STIPULATION OF SETTLEMENT.**

**WHEREAS**, the Board of Zoning Appeals (the “BZA”) of the Town of North Hempstead (the “Town”) is a respondent in two separate but related lawsuits filed in Nassau Supreme Court (the “Court”) under Index No.: 606625/2020 and 606683/2020; and

**WHEREAS**, the Town Attorney has requested the approval of the Town Board to execute separate Stipulations of Settlement between the BZA and the respective petitioners for the purpose of resolving issues related to the lawsuits, as more particularly described in the Stipulations of Settlement, copies of which will be on file in the Office of the Town Attorney; and

**WHEREAS**, after careful consideration, the Board finds it in the best interests of the Town to authorize the execution of the Stipulations of Settlement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby authorizes the execution of the Stipulations of Settlement between the BZA and the respective petitioners to resolve the issues related to the lawsuits as more particularly described above and in the Stipulations of Settlement, copies of which will be on file in the Office of the Town Attorney.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 167 - 2021**

**A RESOLUTION AUTHORIZING THE PAYMENT OF A CLAIM AGAINST THE TOWN OF NORTH HEMPSTEAD AND AUTHORIZING AND DIRECTING THE COMPTROLLER OR DEPUTY COMPTROLLER TO PAY THE COSTS THEREOF.**

**WHEREAS**, the Town Attorney has requested the approval of the Town Board for settlement and payment of a claim as more particularly described herein below, for the reasons set forth in a memorandum to the Board on file in the Office of the Town Attorney; and

**WHEREAS**, the Board deems it to be in the best interests of the Town to approve the request of the Town Attorney.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the settlement and payment of the following claim, in the amount set forth herein, be and the same is approved by this Board in all respects:

<u>Claimant</u>	<u>File No.</u>	<u>Amount</u>
GEICO a/s/o Christina Levitt v. TONH	TD-19-0038	\$300.00

**RESOLVED** that the Office of the Comptroller be and hereby is authorized and directed to pay the amount set forth above upon receipt of a properly executed and certified claim therefor.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney Comptroller

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 168 - 2021**

**A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.**

**WHEREAS**, the approval of this Board has been requested for the employment, appointment, transfer, adjustment, correction, change in grade or salary and/or termination of certain individuals, employees and/or officials in various departments of the Town of North Hempstead (the “Town”) as more particularly set forth in a memorandum on file in the Office of the Commissioner of Human Resources; and

**WHEREAS**, the Board believes it is in the best interests of the Town to approve the request.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the following employments, appointments, transfers, adjustments, corrections, changes in grade or salary, and/or terminations are hereby adopted and approved:

**ALL APPOINTMENTS PENDING COMPLETION OF PAPERWORK AND CIVIL SERVICE APPROVAL**

**SEE EXHIBIT A**

; and be it further

**RESOLVED** that the above listed employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary are hereby appointed to the respective positions at a rate of compensation shown next to their names; and be it further

**RESOLVED** that the appointments and employments are subject to the satisfactory completion of a physical examination by a physician; and be it further

**RESOLVED** that the term of appointment and employment of any person to an exempt position shall be at the pleasure of the Town Board; and be it further

**RESOLVED** that the effective date of the foregoing employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary of said individuals, employees and/or



officials in the various departments of the Town shall be that date certified by the Commissioner of Finance; and be it further

**RESOLVED** that the foregoing appointments, employments and terminations are subject to the rules and regulations of the Nassau County Civil Service Commission and New York State Civil Service Law.

**Dated:** Manhasset, New York

March 18, 2021

The vote of the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

**PERSONNEL RESOLUTION**

*Please note that all appointments are pending completion of paperwork and Nassau County Civil Service approval.*

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Dept #	New Dept #	Current Budget Code #	New Budget Code #	Effective Date
PT to FT	Department of Parks and Recreation Parks Public Safety	Allan Teran	Public Safety Officer 1 P/T to Public Safety Officer 1	\$17.25 hourly to \$22.95 hourly / \$47,729 annually	PT to Grade 10, Step 1	922700	122700	A.05.7020.1200	A.05.7020.1000	
Title and Rate Change FT	Department of Parks and Recreation Administration	Eileen Kraneburg	Secretary to the Commissioner of Parks and Recreation to Administrative Assistant to the Parks Commissioner for Administration	\$3,983.00 bi-weekly / \$103,558 annually to \$3,996 bi-weekly / \$103,897 annually	Grade 23, Step 18.5	122900	N/A	A.05.7020.1000	N/A	
Merit Raise FT	Admin Services	Leondo Ferron	Labor Supervisor 2	\$42.96 hourly / \$89,365 annually to \$43.99 hourly / \$91,496 annually	Grade 19, Step 20.5 to Step 22	120600	N/A	A.01.1622.1000	N/A	
Merit Raise FT	DoITT	Jessica Ring	Info Tech Specialist 2	\$3,120 bi-weekly / \$81,120 annually to \$3,210 bi-weekly / \$83,460 annually	Grade 21, Step 10 to Step 11.5	121700	N/A	A.27.1680.1000	N/A	
Merit Raise FT	DoITT	Anthony Cimorelli	Info Tech Specialist 3	\$3,284.40 bi-weekly / \$85,395 annually to \$3,381.50 bi-weekly / \$87,919 annually	Grade 23, Step 7.5 to Step 9	121700	N/A	A.27.1680.1000	N/A	
Merit Raise FT	DoITT	Stephen Bauer	Info Tech Specialist 3	\$4,448.90 bi-weekly / \$115,671 annually to \$4,546.10 bi-weekly / \$118,198 annually	Grade 23, Step 25.5 to 27	121700	N/A	A.27.1680.1000	N/A	
Merit Raise FT	Department of Parks and Recreation Satellite Parks	Brian Every	Groundskeeper 2	\$3,354.70 bi-weekly / \$87,221 annually to \$3,399.90 bi-weekly / \$88,397 annually	Grade 19, Step 13 to Grade 19, Step 14.5	123500	N/A	A.05.7111.1000	N/A	
Merit Raise and Location Change	Department of Parks and Recreation Tully to Satellite Parks	Donald Smallwood Jr.	Equipment Operator 2	\$38.14 hourly / \$79,331 annually to \$38.60 hourly / \$80,292 annually	Grade 15, Step 19 to Grade 15, Step 20.5	123000	123500	A.05.7181.1000	A.05.7111.1000	
Salary Change	Supervisor's Office	Rachel Brinn	Director of Legislative Affairs	\$3,552.38 bi-weekly / \$92,361 annually to \$3,686.96 bi-weekly / \$95,861 annually	N/A	127100	N/A	A.10.1220.1000	N/A	
Title, Grade, Step and Rate Change FT	Parks and Recreation North Hempstead Beach Park	Joseph Iannotti	Park Supervisor 1 to Park Supervisor 2	\$44.89 hourly / \$93,363 annually to \$45.73 hourly / \$95,121 annually	Grade 21, Step 10 to Grade 23, Step 5	123200	N/A	A.05.7183.1000	N/A	
Title, Grade, Step and Rate Change FT	Highways Department	Robert Montgomery	Laborer 1 to Equipment Operator Trainee	\$23.26 hourly / \$48,383 annually to \$23.58 hourly / \$49,045 annually	Grade 9, Step 3 to Grade 11, Step 1	308000	N/A	DA.07.5225.1000	N/A	
PT Rate Change	Department of Highways	Joseph Blaettler	Clerk 1 P/T	\$40.00 hourly to \$45.00 hourly	N/A	971000	N/A	DA.07.5225.1200	N/A	
PT Rate Change	Parking Enforcement	Brian Kilgannon	Parking Meter Servicer P/T	\$16.00 hourly to \$17.00 hourly	N/A	911700	N/A	B.06.3120.1200	N/A	3/18/2021
PT Rate Change	Town Clerk	Anthony Pallisco	Laborer 1 P/T	\$15.00 hourly to \$16.00 hourly	N/A	953000	N/A	B.13.4020.1200	N/A	
PT Rate Change	Town Clerk	Jamel Vanderburg	Clerk Typist 1 P/T	\$16.00 hourly to \$17.00 hourly	N/A	951000	N/A	A.26.1460.1200	N/A	
PT Rate Change	Town Clerk	Henry Krukowski	Public Safety Officer 1 P/T	\$34.00 hourly to \$35.00 hourly	N/A	950000	N/A	A.13.1410.1200	N/A	
PT Rate Change	311 Call Center	Christelle Woel	Attendent / 311 Call Rep	\$15.00 hourly to \$16.00 hourly	N/A	903100	N/A	A.30.1480.1200	N/A	3/19/2021
PT Rate Change	311 Call Center	Anna Woytysiak	Attendent / 311 Call Rep	\$15.00 hourly to \$16.00 hourly	N/A	903100	N/A	A.30.1480.1200	N/A	3/19/2021
New Hire PT	311 Call Center	Robin Solowey	Attendent / 311 Call Rep	\$16.00 hourly	N/A	N/A	903100	N/A	A.30.1480.1200	3/19/2021

**PERSONNEL RESOLUTION**

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Dept #	New Dept #	Current Budget Code #	New Budget Code #	Effective Date
New Hire PT	311 Call Center	Leila Charles	Attendent / 311 Call Rep	\$16.00 hourly	N/A	N/A	903100	N/A	A.30.1480.1200	3/19/2021
New Hire PT	311 Call Center	Irma Gonzalez	Attendent / 311 Call Rep	\$16.00 hourly	N/A	N/A	903100	N/A	A.30.1480.1200	3/19/2021
New Hire PT	Public Safety Parking Enforcement	Christopher Sizemore	Parking Meter Servicer P/T	\$17.00 hourly	N/A	N/A	911700	N/A	B.06.3120.1200	
New Hire PT	Public Safety Code Enforcement	Eric Jimenez	Code Enforcement Inspector P/T	\$20.00 hourly	N/A	N/A		N/A	B.06.3625.1200	
New Hire PT	Public Safety / SWMA	John Quirk	Code Enforcement Inspector P/T	\$25.00 hourly	N/A	N/A	945000	N/A	A.06.3010.1200	
New Hire PT	Sidewalk District	Christopher Romano	Laborer 1 P/T	\$15.00 hourly	N/A	N/A	915500	N/A	SM017.1200	3/22/2021
New Hire PT	DoITT	Michael Spiegel	Laborer 1 P/T	\$15.00 hourly	N/A	N/A	947000	N/A	A.27.1680.1200	3/22/2021
Resignation PT	Department of Parks and Recreation Yes We Can Community Center	Jessica Bates	Recreation Aide P/T	\$14.50 hourly	N/A	933300	N/A	A.05.7141.1200	N/A	3/9/2019
Resignation PT	DoITT	Philip Lowe	Laborer 1 P/T	\$14.00 hourly	N/A	947000	N/A	A.27.1680.1200	N/A	2/20/2021
Termination PT	Town Board	Courtney Taylor	Recreation Aide P/T	\$13.00 hourly	N/A	949000	N/A	A.12.1010.1200	N/A	8/9/2019
Retirement FT	Sidewalk District	Joseph Furino	Equipment Operator 3	\$44.36 hourly / \$92,274 annually	Grade 17, Step 32.5	415000	N/A	SM017.1000	N/A	2/28/2021
Retirement FT	Sidewalk District	Mark Lavenziano	Labor Supervisor 1	\$41.88 hourly / \$87,118 annually	Grade 17, Step 22	415000	N/A	SM017.1000	N/A	3/12/2021

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**Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 169 - 2021**

**A RESOLUTION APPROVING THE ACTION OF THE PROTECTION ENGINE COMPANY 1, PORT WASHINGTON, NEW YORK IN ADDING TO MEMBERSHIP NELSON AGUILAR.**

**WHEREAS**, the Protection Engine Company 1, 14 S. Washington Street, Port Washington, New York, 11050 has advised of adding Nelson Aguilar to membership

**NOW, THEREFORE, BE IT**

**RESOLVED** that the action of the Protection Engine Company 1, 14 S. Washington Street, Port Washington, New York, 11050 in adding Nelson Aguilar, 32 Charles St., Port Washington, NY, 11050, be and the same hereby is approved and the Town Clerk directed to record the names in the Minutes of the Town Board.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Protection Engine Company 1 Town Attorney Comptroller

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 170 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND ENFORCEMENT."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to temporarily suspend Section 2-9 N (7) of the Town Code with respect to tent permits until December 31, 2021.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to temporarily suspend Section 2-9 N (7) of the Town Code with respect to tent permits until December 31, 2021; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to temporarily suspend Section 2-9 N (7) of the Town Code with respect to tent permits until December 31, 2021.

**PLEASE TAKE FURTHER NOTICE** that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

**PLEASE TAKE FURTHER NOTICE** that the full text of the proposed Local Law will be on available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

**PLEASE TAKE NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Town Clerk

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 171 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 48 OF THE TOWN CODE ENTITLED "SIDEWALKS."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 48 of the Town Code entitled "Sidewalks" in order to temporarily suspend the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit until December 31, 2021.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 48 of the Town Code entitled "Sidewalks" in order to temporarily suspend the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit until December 31, 2021; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead, on the 22nd day of April, 2021, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 48 of the Town Code entitled "Sidewalks" in order to temporarily suspend the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit until December 31, 2021.

**PLEASE TAKE FURTHER NOTICE** that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

**PLEASE TAKE FURTHER NOTICE** that the full text of the proposed Local Law will be on available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

**PLEASE TAKE FURTHER NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**Dated:** Manhasset, New York

March 18, 2021

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk**

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman



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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 172 - 2021**

**A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD PARKS FEE SCHEDULE.**

**WHEREAS**, the Town Board of the Town of North Hempstead (“Town Board”) is empowered pursuant to § 39-23 of the Town Code, upon recommendation of the Commissioner of Parks and Recreation (the “Commissioner”), to set the fees and charges for use of facilities and services in Town parks; and

**WHEREAS**, the Town Board adopted a schedule of user fees for the use of Town facilities and services, including certain facilities at various Town parks (the “Fee Schedule”); and

**WHEREAS**, the Commissioner has recommended that the Town Board approve a change in the Fee Schedule to charge a fee in the amount of Fifty and 00/100 Dollars (\$50.00) per week for a North Hempstead resident for each child ages 5 through 14 registered for the Summer Day Camp (the “Camp”) program at the North Hempstead “Yes We Can” Community Center from July 6, 2021 through August 20, 2021 and a fee in the amount of One Hundred Twenty-Five and 00/100 Dollars (\$125) per week for a non-resident for each child registered at the Camp during the season (the “Amendment”); and

**WHEREAS**, the Town Board wishes to approve the Amendment to the Fee Schedule as recommended by the Commissioner.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Fee Schedule shall be amended to reflect the Amendment; and be it further

**RESOLVED** that except as herein modified, the Fee Schedule shall remain unchanged and in full force and effect.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney      Parks and Recreation      Comptroller

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**Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 173 - 2021**

**A RESOLUTION AMENDING RESOLUTION NO. 51-2021, ADOPTED JANUARY 21, 2021, WHICH ESTABLISHED THE TOWN OF NORTH HEMPSTEAD CLIMATE SMART COMMUNITIES (CSC) TASK FORCE.**

**WHEREAS**, pursuant to resolution No. 51-2021, duly adopted on January (the “Resolution”), the Town Board established the Town of North Hempstead Climate Smart Communities Task Force (“CSC Task Force”) setting forth the Terms of Reference for the CSC Task Force including that the terms of the members to be appointed to the CSC Task Force commence on February 25, 2021; and

**WHEREAS**, it has been requested that the Resolution be amended to provide the terms of the members appointed to the CSC Task Force commence on March 19, 2021 (the “Amendment”); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to authorize the Amendment.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Resolution be and hereby is amended to reflect the Amendment.

**Dated:** Manhasset, New York

March 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Seeman

cc: Town Attorney