

**TOWN OF NORTH HEMPSTEAD
BOARD MEETING**

AGENDA



February 11, 2025

10:00 AM

CONTINUATIONS:

1. 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 would amend Chapter 70 of the Town Code entitled "Zoning" in order to establish alternate member positions for the Board of Zoning Appeals. An alternate member shall serve as a member of the Board of Zoning Appeals at the request of the Chairperson or Secretary to the Board when the absence, unavailability or inability of a regular member prevents that member from hearing, participating or voting on a matter which has come before the Zoning Board. Continued from January 14, 2025.

2. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW ESTABLISHING CHAPTER 68 OF THE TOWN CODE ENTITLED "PUBLIC NUISANCES."

Synopsis: The proposed local law would establish Chapter 68 of the Town Code entitled "Public Nuisances". **Will be continued to March 11, 2025, at 10:00 am.**

PUBLIC HEARINGS:

3. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF MANHASSET IMPORTS LLC D/B/A HONDA OF MANHASSET FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 1260 NORTHERN BLVD, MANHASSET AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 3, BLOCK J, LOTS 122, 125, 127 AND 424.

Synopsis: The proposed action is a 2,830 square foot, one-story addition and interior/exterior renovation to an existing automobile showroom and service center on a 28,905 square foot (0.66 acre) site.

4. A PUBLIC HEARING TO CONSIDER THE EXECUTION OF CONTRACTS WITH VARIOUS FIRE COMPANIES FOR FIRE PROTECTION SERVICES TO BE FURNISHED IN FIRE PROTECTION DISTRICTS.

Synopsis: The proposed action is the execution of contracts with Albertson Hook & Ladder, Engine & Hose Co. No. 1; Carle Place Hook, Ladder & Hose Co. No. 1; Floral Park Centre Fire Company No. 1, Inc.; Glenwood Hook & Ladder, Engine & Hose Co. No. 1, Inc.; Alert Engine, Hook, Ladder & Hose Co. No. 1, Inc.; Vigilant Engine & Hook & Ladder Co., Inc.; Rescue Hook & Ladder Co. No. 1 of Roslyn and Roslyn Highlands Hook & Ladder, Engine & Hose Co., Inc. for fire protection services to various Town-operated fire protection districts and contributions to length of service award programs.

5. A PUBLIC HEARING TO CONSIDER THE APPROVAL OF A CONTRACT WITH THE PORT WASHINGTON FIRE DEPARTMENT FOR FIRE PROTECTION SERVICES TO BE FURNISHED WITHIN THE PORT WASHINGTON FIRE PROTECTION DISTRICT.

Synopsis: To consider the approval of a contract with Port Washington Fire Department, Inc. to provide fire protection services within the Port Washington Fire Protection District (including the provision of Length of Service Award Program payments), and further to permit the Department to engage in cost recovery through charging fees for emergency medical services and to establish such fees for emergency medical services within the District.

6. 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 Articles XXII and XXIV in order to establish a process for deeming certain applications to the Town Board or Board of Zoning and Appeals abandoned after a set period of time with no activity on the part of the applicant.

7. 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 entitled "Zoning" in order to revise and/or clarify certain provisions of the "Waterfront Business" zoning district regarding special uses, occupancy, and building height.

8. A PUBLIC HEARING TO CONSIDER THE RESCISSION OF AN ORDINANCE AFFECTING PARK AVENUE IN GARDEN CITY PARK, NEW YORK.

Synopsis: The rescission of this ordinance will remove a No Stopping Anytime restriction on the south side of Park Avenue in Garden City Park.

RESOLUTIONS:

TABLED ITEMS:

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

RESOLUTION NO. 125 - 2025

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 establish alternate member positions for the Board of Zoning and Appeals; 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 January 14, 2025, which hearing was continued to February 11, 2025, 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 local law; and

WHEREAS, by letter dated January 7, 2025, the Nassau County Planning Commission reviewed the case and deferred to the Town to take action as the Town deems appropriate; 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 Sections 617.5(c)(26) and (33) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on February 11, 2025, 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 the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Sections 617.5(c)(26) and (33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 1 of 2025 be and it hereby is adopted, which Local Law reads as follows:

TOWN OF NORTH HEMPSTEAD

LOCAL LAW NO. 1 OF 2025

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

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” in order to establish alternate member positions for the Board of Zoning and Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the Board of Zoning and Appeals.

Section 2.

Article XXIV (Board of Zoning and Appeals) of Chapter 70 of the Town Code is hereby amended as follows:

§ 70-224. Board established; membership; compensation. [Amended 2-27-1973; 6-16-1992 by L.L. No. 3-1992]

There shall be a Board of Zoning Appeals as previously established pursuant to § 267 of the Town Law. The Board shall be known as the "Board of Zoning and Appeals of the Town of North Hempstead." Said Board shall consist of seven members, except that after July 1, 1992, the size of the Board shall be reduced to five members in accordance with § 267 of the Town Law, effective on July 1, 1992. Board members shall receive such compensation as the Town Board shall determine. **Alternate members may be appointed to serve on the Board in accordance with Section 70-230.**

§ 70-230. Alternate members.

A. The Town Board may appoint up to two alternate members of the Board of Zoning and Appeals for a term of two years, with the terms to expire on December 31 of the second year after the date of their appointment. All provisions of state law relating to Board of Zoning and Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as provisions of any local law or ordinance relating to training and continuing education, shall also apply to alternate members. Alternate members shall be compensated per diem at the rate established by the Town Board.

B. The Chairperson, or in his or her absence, the Acting Chairperson, may designate an alternate to substitute for a member when such member is absent or unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the meeting at which the substitution is made. Any limitation of the power of such alternate member to vote which may be set forth in Town Law § 267(11) is hereby superseded.

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 February 11, 2025, Local Law No. 1 of 2025 was adopted. The Local Law amends Chapter 70 of the Town Code entitled "Zoning" in order to establish alternate member positions for the Board of Zoning and Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the Board of Zoning and Appeals.

Dated: Manhasset, New York

February 11, 2025

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK**

Dated: Manhasset, New York

February 11, 2025

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Scott, Councilperson Walsh, Supervisor DeSena.

Nays: Councilperson Dalimonte, Councilperson Troiano.

Absent: Councilperson Liu

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. - 2025

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW ESTABLISHING CHAPTER 68 OF THE TOWN CODE ENTITLED “PUBLIC NUISANCES.”

NO RESOLUTION.

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

RESOLUTION NO. 126 - 2025

A PUBLIC HEARING TO CONSIDER THE APPLICATION OF MANHASSET IMPORTS LLC D/B/A HONDA OF MANHASSET FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 1260 NORTHERN BLVD, MANHASSET AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 3, BLOCK J, LOTS 122, 125, 127 AND 424.

WHEREAS, Manhasset Imports LLC D/B/A Honda of Manhasset (the “Applicant”) has applied to the Town Board of the Town of North Hempstead (the “Town”) to construct a 2,830 square foot, one-story addition and interior/exterior renovation to an existing automobile showroom and service center on a 28,905 square foot (0.66 acre) site (the “Application”) located at 1260 Northern Boulevard, Manhasset and identified on the Nassau County Land and Tax Map as Section 3, Block J, Lots 122, 125, 127 and 424 (the “Premises”); and

WHEREAS, it has been determined that the Application is subject to site plan review pursuant to § 70-219(A)(1) of the Code of the Town of North Hempstead (the “Town Code”) for the construction of a new building greater than 750 square feet; 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 pursuant to Town Code § 70-219(A)(2); and

WHEREAS, the Town Clerk, pursuant to and in accordance with Town Code §§ 70-219(F)(1), has published notice of a public hearing scheduled for February 11, 2025 for the site plan review (the “Public Hearing”), as authorized and directed by the Town Board pursuant to Resolution No. 10602-2025, adopted on January 9, 2025; 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 has complied with the sign notice requirements of § 70-219(F)(3), and filed an affidavit as to the mailing of such notices and posting of a sign as required thereunder; and

WHEREAS, the Town’s Department of Building Safety, Inspection and Enforcement (the “Building Department”) issued a Notice of Disapproval on September 27, 2024 citing the following items requiring Town Board approval: (1) the application requires site plan review pursuant to Town Code § 70-219(A)(1)(a) for the construction of a new building or structure or addition to an existing structure of greater than 750 square feet; 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 (the “SEAF”); and

WHEREAS, pursuant to Resolution No. 10602-25, adopted January 9, 2025, the Nassau County Planning Commission recommended local determination ate; and

WHEREAS, the Town Department of Planning and Environmental Protection (the “Planning Department”) has reviewed the Application and tentatively recommends approval of same with the following conditions: 1) within one (1) year of site plan approval, any gaps in the existing landscaping along Northern Boulevard shall be filled to ensure adequate ground cover. Should the landscaping not be completed within one year, the applicant must submit a detailed landscaping plan for review and approval by the Commissioner of Planning and Environmental Protection; 2) all landscaping, including grassed areas, must be maintained in a healthy and aesthetically acceptable condition, and be replaced, in kind, when necessary; 3) all lighting on the premises shall conform to Chapter 70 of the Town Code; 4) all banners and/or pennants, advertising or message flags, bunting, ribbons, or steamers must be removed, and all signage must comply with the Sign Prohibitions (§ 70-197) of Chapter 70 of Town Code; 5) any noise generated at the site must conform to the provisions of Chapter 38 of Town Code; 6) test-driving/demonstration driving of automobiles sold by Honda Manhasset shall be restricted to the commercial streets. There shall be no test driving/demonstration driving of automobiles on residential streets within the Town, including the hamlet of Terrace Manor; and 7) all prior conditions adopted by the Board of Zoning Appeal in conjunction with the Conditional Use Permit shall remain in effect, including, but not limited to a six (6) foot board-on-board fence set back five (5) feet from the easterly property line (Clapham Avenue) and terminating ten (10) feet from the intersection with Northern Boulevard with no ingress or egress from Clapham Avenue; 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 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 Town Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA regulations; and

WHEREAS, the Board has reviewed the determination of the Planning Department, dated January 16, 2025, and the Negative Declaration indicating that the action constitutes an “Unlisted Action” pursuant to Section 617.2(al) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the SEAF Parts 1, 2, and 3 (the “Determinations and Negative Declaration”) for the reasons that: (1) the actual site disturbance will be minimal; (2) the proposed action will not result in an increase in the consumption of electricity or water; (3) the proposed action is not anticipated to result in an increase in sewage generation; (4) the proposed action is not anticipated to generate an increase in traffic; and (5) all stormwater will be contained on site; and

WHEREAS, this Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on February 11, 2025 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 Town Board declares itself “lead agency” under the SEQRA Regulations for the Action; and be it further

RESOLVED that this Board hereby adopts the Planning Department’s Determinations and Negative Declaration, finding 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 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 subject to the following conditions: 1) within one (1) year of site plan approval, gaps in the existing landscaping along Northern Boulevard must be filled to provide a sufficient density of plantings that provides adequate ground cover pursuant to a detailed landscaping plan and maintenance schedule approved by the Commissioner of Planning and Environmental Protection (the “Landscape Plan”); 2) all landscaping, including grassed areas, must be maintained in a healthy and aesthetically acceptable condition, and be replaced, in kind, when necessary pursuant to the Landscape Plan; 3) all lighting on the premises shall conform to Chapter 70 of the Town Code; 4) all banners and/or pennants, advertising or message flags, bunting, ribbons, or steamers must be removed, and all signage must comply with the Sign Prohibitions (§ 70-197) of Chapter 70 of Town Code; 5) any noise generated at the site must conform to the provisions of Chapter 38 of Town Code; 6) test-driving/demonstration driving of automobiles sold by Honda Manhasset shall be restricted to the commercial streets. There shall be no test driving/demonstration driving of automobiles on residential streets within the Town, including the hamlet of Terrace Manor; and 7) all prior conditions adopted by the Board of Zoning Appeal in conjunction with the Conditional Use Permit shall remain in effect, including, but not limited to a six (6) foot board-on-board fence set back five (5) feet from the easterly property line (Clapham Avenue) and terminating ten (10) feet from the intersection with Northern Boulevard with no ingress or egress from Clapham Avenue; 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 this Board or 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

February 11, 2025

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Scott, Councilperson Troiano, Councilperson Walsh, Supervisor DeSena.

Nays: None.

Absent: Councilperson Liu

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

RESOLUTION NO. 127 - 2025

A PUBLIC HEARING TO CONSIDER THE EXECUTION OF CONTRACTS WITH VARIOUS FIRE COMPANIES FOR FIRE PROTECTION SERVICES TO BE FURNISHED IN FIRE PROTECTION DISTRICTS.

WHEREAS, it is necessary that fire protection contracts between the Town of North Hempstead (the “Town”) and the various fire companies within the Town be entered into for the continuation of fire protection services within the unincorporated areas of the Town, as more particularly shown on the records of the Town Clerk’s Office; and

WHEREAS, it is proposed that the contract for fire protection, service award programs and/or emergency medical services between the Town and the companies listed below be authorized for the period from January 1, 2025 through December 31, 2025 in the amounts shown below

Albertson H. & L., E. & H. Co. No. 1 Service Award Program	\$1,318,367.00 \$234,942.00
Carle Place H. & L. & H. Co. No. 1 Service Award Program	\$1,772,300.00 \$154,000.00
Floral Park Centre Fire Co. No. 1 Service Award Program	\$166,750.00 \$39,209.00
Glenwood H. & L., E. & H. Co., Inc. Service Award Program	\$406,500.00 \$75,000.00
Alert E., H., L. & H. Co. No. 1, Inc. Service Award Program	\$194,109.00 \$13,587.00
Vigilant E. H. & L. Co., Inc. Service Award	\$450,000.00 \$0.00
Roslyn Fire Companies Roslyn Highlands H. & L., E. & H. Co., Inc. Rescue H. & L. Co. No. 1 of Roslyn, Inc. Service Award Program	\$520,068.00 \$531,648.00 \$61,271.00

(the “Contracts”); and

WHEREAS, due notice has been given of a public hearing to be held on the 11th day of February, 2025, at 10:00 A.M. at Town Hall, 220 Plandome Road, Manhasset, New York, by this Board to consider such Contracts; and

WHEREAS, this Board has conducted the public hearing and afforded all interested persons an opportunity to be heard; and

WHEREAS, this Board finds it in the best interests to approve the Contracts.

NOW, THEREFORE, BE IT

RESOLVED that the Contracts be and hereby are authorized; and be it further

RESOLVED that the Supervisor or her designee be and hereby is authorized and directed to execute the Contracts on behalf of the Town, on those terms and conditions more particularly set forth therein, and which will be on file in 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 supervise the execution of the Contracts, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that Office of the Town Clerk shall publish notice thereof; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs incurred pursuant to the Contracts upon receipt of the duly executed contract and certified claims therefor.

Dated: Manhasset, New York

February 11, 2025

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Scott, Councilperson Troiano, Councilperson Walsh, Supervisor DeSena.

Nays: None.

Absent: Councilperson Liu

cc: Town Attorney Comptroller

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. 128 - 2025

A PUBLIC HEARING TO CONSIDER THE APPROVAL OF A CONTRACT WITH THE PORT WASHINGTON FIRE DEPARTMENT FOR FIRE PROTECTION SERVICES TO BE FURNISHED WITHIN THE PORT WASHINGTON FIRE PROTECTION DISTRICT.

WHEREAS, it is necessary that fire protection contracts between the Town of North Hempstead (the “Town”) and the various fire companies within the Town be entered into for the continuation of fire protection services within the unincorporated areas of the Town, as more particularly shown on the records of the Town Clerk’s Office; and

WHEREAS, it is proposed that the contract for fire protection, service award programs and/or emergency medical services between the Town and the Port Washington Fire Department, Inc. (the “Department”) be authorized for the period from January 1, 2025 through December 31, 2025 in the amounts shown below:

Port Washington Fire Department, Inc.	\$2,222,075.00 (inclusive of \$237,659 for Fire Medics)
Service Award Program	\$233,726.00

(the “Contract”); and

WHEREAS, the Department has requested, pursuant to amendments to the New York General Municipal Law enacted by the New York State Legislature, that the Town authorize the Department, for those services provided within the District, to engage in cost recovery through charging fees for emergency medical services, in accordance with such amendments (altogether, the “Cost Recovery Program”), and further to establish such fees, as follows:

Basic Life Support Services	\$1,500.00
Advance Life Support 1 Emergency	\$2,200.00
Advanced Life Support 2 Emergency	\$3,000.00
Transportation per loaded mile	\$35.00/mile

(the “Cost Recovery Fees”); and

WHEREAS, the Town acknowledges that that the payment of any co-payment required by any insurance program or other reimbursement source shall be, with respect to services provided to the District’s residents only, the responsibility of the Town; provided however, that the total cost to the Department for co-payments are deemed to be included in the payment to the Department as stated in this Resolution, and the Town has no obligation to reimburse the Department for any co-payment outside of the payments required from the Town as stated in this Resolution and the Contract, it being understood that the Department has made a reasonable approximation of such non-payment of co-payments when formulating the amount to be paid by the Town pursuant to this Agreement; and

WHEREAS, the Town acknowledges that the Department’s third-party billing administrator may, pursuant to a policy agreed to between the Department and such administrator, waive fees associated with Emergency Medical Services based on financial hardship; provided, however, that the total estimated cost to the Department of these waived fees are assumed to be a part of the payment to the Department as shown in this Resolution and the Town has no obligation to reimburse the Fire Company for any waived fees outside of the payments required from the Town as shown in this resolution and the Contract; and

WHEREAS, due notice has been given of a public hearing to be held on the 11th day of February, 2025, at 10:00 A.M. at Town Hall, 220 Plandome Road, Manhasset, New York, by this Board to consider the Contract; and

WHEREAS, this Board has conducted the public hearing and afforded all interested persons an opportunity to be heard; and

WHEREAS, this Board finds it in the best interests to approve the Contract, to authorize the Department to engage in the Cost Recovery Program and to approve the Cost Recovery Fees.

NOW, THEREFORE, BE IT

RESOLVED that the Contract be and hereby is authorized; and be it further

RESOLVED that the Department, in connection with services provided within the District, be and hereby is authorized to engage in the Cost Recovery Program in accordance with applicable law and the terms and conditions of the Contract; and be it further

RESOLVED that the Cost Recovery Fees be and hereby are approved; and be it further

RESOLVED that the Supervisor or her designee be and hereby is authorized and directed to execute the Contract on behalf of the Town, on those terms and conditions more particularly set forth therein, and which will be on file in 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 supervise the execution of the Contracts, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that Office of the Town Clerk shall publish notice thereof; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs incurred pursuant to the Contracts upon receipt of the duly executed contract and certified claims therefor.

Dated: Manhasset, New York

February 11, 2025

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Scott, Councilperson Troiano, Councilperson Walsh, Supervisor DeSena.

Nays: None.

Absent: Councilperson Liu

cc: Town Attorney Comptroller

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. 129 - 2025

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 establish a process for deeming certain applications made pursuant to this chapter abandoned after the expiration of a period of time with no activity on the part of the applicant; 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 February 11, 2025, 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 local law; and

WHEREAS, by letter dated November 4, 2024, the Nassau County Planning Commission reviewed the case and deferred to the Town to take action as the Town deems appropriate; 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 Sections 617.5(c)(26) and (33) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on February 11, 2025, 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 the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Sections 617.5(c)(26) and (33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 2 of 2025 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 2 OF 2025**

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

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”, in order to establish a process for deeming certain applications made pursuant to this chapter abandoned after the expiration of a period of time with no activity on the part of the applicant.

Section 2.

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

Article XXII: General Provisions

§ 70-219.1 Time Limitations.

[Added 2-28-2019 by L.L. No. 5-2019]

A. Change of zone. Whenever a change of zone has been granted pursuant to § 70-238B, failure to obtain, as applicable, a variance, conditional/special use approval, site plan approval, special use permit, or building permit (whichever action occurs first) to develop the rezoned property in accordance with the petition and site plan made a part thereof within three years after the granting of the petition shall be deemed an abandonment of the project, and the rezoned property shall revert to the zoning classification which applied at the time of the change of zone, except that the Town Board may, on petition or on its own motion, by resolution after a public hearing, extend such rezoning for additional periods of one year on finding that the conditions and circumstances essential to the original enactment have not changed. No extension of a rezoning may be granted for greater than one year, and any extension of a rezoning granted for greater than one year shall be void and of no effect. In the case where a variance or conditional/special use approval has been granted by the Board of Zoning Appeals, or a special permit or site plan approval has been granted by the Town Board subsequent to a change of zone granted by the Town Board, the change of zone shall lapse and be of no further force and effect at any such time that the variance, conditional/ special use approval, special permit, or site plan approval has lapsed or expired. [Amended 8-5-2021 by L.L. No. 16-2021]

B. Variances and conditional/special use approvals by the Board of Zoning Appeals. [Amended 8-5-2021 by L.L. No. 16-2021]

(1) Any variance or conditional/special use granted by the Board of Zoning and Appeals shall lapse and be of no further force and effect after three years from the date of decision if the applicant has not obtained, as applicable, site plan approval, a special use permit or a building permit (whichever action occurs first) to develop the property that is the subject of the application for a variance in accordance with the plans for which such variance was granted, unless an extension of time has been granted by the Board pursuant to this section. In the case where a special permit or site plan approval has been granted by the Town Board subsequent to a variance or conditional/special use approval granted by the Board of Zoning and Appeals, the variance or conditional/special use approval shall lapse and be of no further force and effect at any such time that the special permit or site plan approval has lapsed or expired.

(2) Upon request of the applicant, the Board may extend a variance for not more than one year per application, up to a maximum of three one-year extensions. The applicant seeking a variance extension shall submit a written request to the Board, together with any supporting documentation. Such request shall be filed prior to the expiration date of the variance or previous variance extension. Failure to file a timely request shall result in a lapse of variance.

(3) Requests for a variance extension shall be considered by the Board without a public hearing. The applicant must demonstrate by substantial evidence that there have been diligent efforts to pursue the necessary permits for construction, that there has been no substantial change in facts as presented in the original variance application or the conditions of approval, and that specified circumstances or conditions necessitate the extension. In the absence of such evidence, requests for a variance extension shall be denied.

(4) Fees for variance extension requests shall be set according to the amounts indicated in the Town of North Hempstead Fee Schedule.

C. Special permits. Whenever a special exception has been granted pursuant to § 70-240 or a permit pursuant to § 70-203P, T, or 3U, failure to obtain, as applicable, site plan approval or a building permit to develop the property in accordance with the application and site plan made a part thereof within three years after the granting of the special permit shall be deemed an abandonment of the project, except that the Town Board may, on petition or on its own motion, by resolution, extend such special permit for additional periods of six months on finding that the conditions and circumstances essential to the original grant have not changed. In the case where a site plan approval has been approved by the Town Board subsequent to or concurrently with a special permit, the special permit shall lapse and be of no further force and effect at any such time that the site plan approval has lapsed or expired. [Amended 8-5-2021 by L.L. No. 16-2021]

D. Site plan review. Whenever a site plan has been approved pursuant to § 70-219 of the Town Code, failure to obtain a building permit to develop the property in accordance with the application and site plan within three years after the adoption date of the resolution approving the site plan shall be deemed an abandonment of the site plan and the approval of the site plan will be deemed to have lapsed, except that the Town Board may, by resolution and prior to the date the approval shall lapse, extend such site plan approval for additional periods of one year on finding that the conditions and circumstances essential to the original grant have not changed; provided, however, that the Town Board may not grant more than three one-year extensions. Notwithstanding the above, in the event that a building permit to develop the property in accordance with the application and site plan is

timely obtained, and the building permit subsequently expires without being extended pursuant to the provisions of § 2-11 of the Town Code or has been subsequently revoked pursuant to § 2-14 of the Town Code, the site plan shall be deemed abandoned and the approval of the site plan will be deemed to have lapsed, except as the site plan is extended as described above.

E. Expiration of change of zone, approvals by the Board of Zoning Appeals, special permits, and site plan approvals upon expiration of a building permit. Notwithstanding any expiration specified in this section, any change of zone, variance, conditional or special use approval, special permit, or site plan approval shall lapse and be of no further force and effect upon the expiration of the first building permit term under the limits of § 2-11A if no substantial construction has taken place in accordance with the plans for which such change of zone, variance, conditional or special use, special permit, or site plan approval was granted, unless an extension of time has been granted by the Board of Zoning Appeals or Town Board in accordance with this section. [Added 8-5-2021 by L.L. No. 16-2021]

F. **The Commissioner of Planning reserves the right to deem an application before the Town Board abandoned and closed if the applicant fails to provide requested updates regarding the progress of the project after 180 days of the date of the last correspondence from the Town. The Commissioner shall provide the applicant with 10 days prior notice of the abandonment, to be delivered to the applicant by electronic mail with delivery and read receipt, or by certified or registered mail. Upon deeming an application abandoned, the Commissioner may, within 30 days thereafter, entertain a request for reinstatement of the application based on good cause shown.**

Section 3.

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

Article XXIV: Board of Zoning and Appeals

§ 70-227 Rules; fees and costs; submission requirements; hearing notice requirements.
[Amended 5-29-2007 by L.L. No. 5-2007]

- A. The Board of Zoning and Appeals shall establish rules as to the manner of filing appeals or applications for permits or variances in specific cases and may amend these rules as needed. Copies of the procedures and requirements for the filing of applications shall be maintained by the Board and shall be made available to the public.
- B. Fees and costs. Fees for all matters to be heard by the Board of Zoning and Appeals shall be set according to the amounts indicated in the Town of North Hempstead Fee Schedule.
- C. Submission Requirements.

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

[Amended 11-19-2019 by L.L. No. 15-2019; 8-5-2021 by L.L. No. 16-2021]

(2) All plans and accompanying documents shall be prepared by the appropriate professional(s) licensed in the State of New York and shall be prepared at a scale sufficient to clearly present the required information for review.

(3) Applications will not be placed on the Board hearing calendar until all submissions are deemed complete pursuant to the requirements of this subsection (C), except for submissions which may be filed no later than the filing deadline of the hearing on which the application is to be heard.

D. Hearing notice requirements.

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

(a) Where an application for a variance, appeal for determination, or conditional use permit is adjourned, the Secretary to the Board of Zoning and Appeals shall publish notice of the new hearing date in the local newspapers at least 10 days before the date of the new hearing. The notice shall identify the property affected by stating the section, block, lot and street address and shall also state the date, time and place of the hearing. [Added 11-19-2019 by L.L. No. 15-2019]

(2) Before the application will be heard, the applicant must provide notice of the hearing to property owners within a radius of 300 feet of the site, in the manner provided herein, and must file an affidavit as to the mailing of such notices in accordance with this section with the Secretary to the Board of Zoning and Appeals not less than five days before the hearing. Not less than 10 nor more than 20 days before the hearing, the applicant shall send, by first-class mail and by registered or certified mail, a notice to each affected owner identifying the subject property, stating the nature of the application and the date, time and place for the hearing. For applications for additions and alterations to one- or two-family residential structures and sign variances, notice may be provided to only the adjoining property owners and the owner of properties directly across the nearest right(s)-of-way. [Amended 1-29-2019 by L.L. No. 3-2019; 8-5-2021 by L.L. No. 16-2021]

(a) Where an application for a variance, appeal for determination, or conditional use permit is adjourned, the applicant must notice the new hearing date. For applications for additions and alterations to one- or two-family residential structures, notice may be provided to only the adjoining property owners in the manner provided herein. For all other applications, notice must be provided to property owners within a radius of 300 feet of the site in the manner provided herein. Not less than 10 nor more than 20 days before the hearing, the applicant shall send, via first-class mail, a notice to each affected owner identifying the subject property, stating the nature of the application, and the date, time and place for the hearing. The applicant must file an affidavit as to the mailing of such notices in accordance with this subsection with the Secretary to the Board of Zoning and Appeals not less than five days before the hearing. [Added 11-19-2019 by L.L. No. 15-2019]

(3) Sign notice requirements for Board of Zoning and Appeal applications. [Added 11-19- 2019 by L.L. No. 15-2019]

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

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

[2] The sign shall be posted at least 10 days prior to the date of the public hearing to be held by the Board of Zoning and Appeals. [Amended 8-5-2021 by L.L. No. 16-2021]

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

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

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

[6] The sign shall be no less than 34 inches by 48 inches in size. [Amended 8-5-2021 by L.L. No. 16-2021]

[7] Five days prior to the public hearing, the owner of the subject property shall execute and submit to the Secretary to the Board of Zoning and Appeals an affidavit of proof of the posting of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied. [Amended 8-5-2021 by L.L. No. 16-2021]

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

E. Abandonment of applications/appeals.

(1) **Applications to the BZA in which any portion of the application pertains to the legalization or maintenance of already existing structures or uses, shall be deemed abandoned and closed if all required materials pursuant to §70-227C are not submitted within 180 days of the date the first correspondence is sent by the staff of the Board of Zoning Appeals to the applicant indicating that the application is incomplete.**

(2) **Adjourned appeals. Appeals which are adjourned at the request of the applicant or due to insufficient mailing or sign posting in accordance with §70-227.D, must be re-calendared within 180 days of the originally scheduled hearing date when any portion of the appeal pertains to the legalization or maintenance of already existing structures or uses. Such appeals, not scheduled for a hearing within this time frame, will be deemed abandoned and closed.**

(3) **Applicants shall be given no less than ten (10) days prior written notice of an intent to deem an application/appeal abandoned, such notice to be delivered to the applicant by electronic mail with delivery and read receipt, or by certified or registered mail. Applicants shall be granted one (1) 180-day extension of time where it has been demonstrated that the delay is caused by factors outside the control of the applicant.**

(4) **A stay on appeal from any enforcement action related to an application deemed abandoned and closed pursuant to this section, shall be of no further force and effect.**

(5) Application fees will not be refunded for applications that are abandoned and closed. Any unpaid fees shall remain due and payable to the Town.

(6) Applications or appeals which are deemed abandoned pursuant to this section may be reinstated by the Commissioner of Planning upon written request by the applicant made within 30 days of the date of abandonment and upon a showing of good cause.

F. Closing of appeals continued for additional information.

(1) The Board reserves the right to close the record and render a decision on any appeal, following notice to the applicant, where the record has been left open at the conclusion of a hearing in order to accept additional information from the applicant, and more than 180 days have elapsed from the date of the hearing without the applicant providing the additional information to the Board. Upon written request of the applicant prior to a decision, the Board shall grant one (1) 180-day extension of time under this subsection.

(2) Application fees will not be refunded for applications where a decision has been rendered by the Board on a continued appeal without receiving the additional information requested.

Section 4.

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 February 11, 2025, Local Law No. 2 of 2025 was adopted. The Local Law amends Chapter 70 of the Town Code entitled “Zoning” in order to establish a process for deeming certain applications made pursuant to this chapter abandoned after the expiration of a period of time with no activity on the part of the applicant.

Dated: Manhasset, New York

February 11, 2025

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK**

Dated: Manhasset, New York

February 11, 2025

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Scott, Councilperson Walsh, Supervisor DeSena.

Nays: Councilperson Dalimonte, Councilperson Troiano.

Absent: Councilperson Liu

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

RESOLUTION NO. 130 - 2025

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 revise and/or clarify certain provisions of the "Waterfront Business" zoning district regarding special uses, occupancy, and building height; 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 February 11, 2025, 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 local law; and

WHEREAS, by letter dated February 5, 2025, the Nassau County Planning Commission reviewed the case and deferred to the Town to take action as the Town deems appropriate; and

WHEREAS, it is required that a "lead agency" be established to review the Action pursuant to the rules and regulations for the 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 Town Department of Planning and Environmental Protection (the "Planning Department") pursuant to Town Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA regulations; and

WHEREAS, the Board has reviewed the determination of the Planning Department and the Negative Declaration indicating that the action constitutes an “Unlisted Action” pursuant to Section 617.2(al) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Short Environmental Assessment Form (the “SEAF”) Parts 1, 2, and 3 (the “Determinations and Negative Declaration”) for the reasons stated in the SEAF; and

WHEREAS, the Board wishes to conclude that the action constitutes an “Unlisted Action” pursuant to Section 617.2(al) of the SEQRA Regulations and that it will not result in any significant adverse impacts on the environment; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on February 11, 2025, 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 the Town Board declares itself “lead agency” under the SEQRA Regulations for the Action; and be it further

RESOLVED that this Board hereby adopts the Planning Department’s Determinations and Negative Declaration, finding 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 be it further

RESOLVED that this Board hereby authorizes the Planning Department to prepare, file and distribute such documents as may be required pursuant to Section 617.2 of the SEQRA Regulations to effectuate the foregoing determinations and findings made pursuant to the SEQRA Regulations; and be it further

RESOLVED that Local Law No. 3 of 2025 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 3 OF 2025**

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

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” in order to achieve the previously established goal of striking a balance between preserving, enhancing and utilizing the natural resources in the Waterfront Business District with the need to accommodate population growth and economic development, by revising and/or clarifying certain provisions regarding special uses, occupancy, and building height.

Section 2.

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

§ 70-148.5. Special uses.

The following special uses may be permitted only when authorized by the Town Board after a public hearing. Prior to authorizing the issuance of a permit for any such special uses, the Town Board shall follow the procedures and make appropriate findings, as set forth in § 70-225B(1) of this chapter and the additional criteria set forth in § 70-148.6.

A. Hotel or boatel, as defined in Article XXV of this chapter.

B. Mixed-use building(s) **or mixed-use development** consisting of [~~retail, office, hotel/boatel and/or restaurant space on the lowest floor and~~] residential units [~~on the upper floors~~] **and at least one of the uses permitted under § 70-148.3 or special uses under § 70-148.5 (A) through (D).**
The provisions of § 70-210 shall not apply to this article

C. Restaurants not having direct waterfront access and subject to the regulations prescribed under § 70-148.7.

D. Retail grocery, retail food use, delicatessen or other store primarily selling food items packaged in units of more than one portion for consumption off the premises having a gross floor area of 2,000 square feet or greater.

E. **Below grade parking structures which are accessory to special uses under § 70-148.5 (A) through (D) shall be permitted subject to the provisions of § 70-203U, except for the provisions of § 70-203 U (3)(c) which shall not apply to below-grade parking structures in the Waterfront Business District. For the purposes of this article below grade parking structure shall be defined as having a final paved surface located at least 24 inches below the finished grade of the ground adjoining the building.**

§ 70-148.11. Plot area; frontage; density of population.

A. No building or structure shall be constructed on a lot containing an area of less than 2,000 square feet.

B. No building or structure shall be constructed on a lot containing less than 50 feet of frontage on a public street or thoroughfare.

C. For a multiple-use building or development, the maximum density for the residential portion shall be 15 dwelling units per acre. In the case of fractional acreage, the density shall be prorated.

D. At least [~~40%~~] **20%** of the dwelling units in any building or site shall be designated **for** [~~senior citizen~~] housing [~~as defined in Article XXV of this chapter~~] **for persons 55 years of age or older in accordance with the Federal Fair Housing Act and the Housing for Older Persons Act.**

E. ~~[No more than 20% of the total number of dwelling units in a building or site may consist of two or more bedrooms.]~~

F. The maximum allowable density for hotel or boatel rooms shall be 30 rooms per acre.
§ 70-148.12. Height.

A. No building shall exceed two stories, with a maximum height of 30 feet **as measured from the average level of the preexisting grade along the property line abutting the primary street frontage to the highest point of the roof.**

B. Minor structural and/or architectural elements may extend a maximum of 10 feet above the allowable roof height, provided they comprise no more than 10% of the total roof area and are set back a minimum of 10 feet from the front building wall and five feet from all other building walls.

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 February 11, 2025, Local Law No. 3 of 2025 was adopted. The Local Law amends Chapter 70 of the Town Code entitled "Zoning" in order to revise and/or clarify certain provisions of the "Waterfront Business" zoning district regarding special uses, occupancy, and building height.

DATED: Manhasset, New York

February 11, 2025

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK**

Dated: Manhasset, New York

February 11, 2025

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Scott, Councilperson Walsh, Supervisor DeSena.

Nays: Councilperson Dalimonte, Councilperson Troiano.

Absent: Councilperson Liu

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

ORDINANCE NO. 1 - 2025

A PUBLIC HEARING TO CONSIDER THE RESCISSION OF AN ORDINANCE AFFECTING PARK AVENUE IN GARDEN CITY 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. 1 - 2025

GARDEN CITY PARK, NEW YORK

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

PROPOSAL:

RESCIND:

1. PARK AVENUE – SOUTH SIDE – NO STOPPING ANYTIME

From a point one hundred and fifty-five feet (155') west of Herricks Road west to Armstrong Road in Garden City Park.

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 the 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

February 11, 2025

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK**