

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village  
(Select one)

of Rockville Centre

Local Law No. 2 of the year 2017

A local law to amend the Code of the Village of Rockville Centre, in relation to  
(Insert Title)  
regulations pertaining to the Business A-1 District.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village  
(Select one)

of Rockville Centre as follows:

Section one. Findings. The Board of Trustees hereby finds and determines that certain portions of the Village's existing Business A District are different in character and nature from other portions of that district that it would be reasonable and appropriate to re-designate such areas in a new district in order to preserve and protect the existing character of those areas. The areas in question include the largely commercial area along Long Beach Road east of the Village's central business district. In particular, the portions of the existing Business A District on Long Beach Road identified in this local law generally consist of low profile and predominantly one-story buildings and structures, and are generally adjacent to properties which are located in one or more residential zones. The Board of Trustees further finds that it is of public benefit, and consistent with the Village's plan for uses of properties, that the relatively open nature of the designated portions of the Business A District, and the low profile of buildings and structures now existing in that area, should be preserved and maintained. After careful study, the Board of Trustees determines that the existing character of those portions of the Business A District would be preserved by the regulations set forth in this local law, and that the adoption of such regulations also would inure to the benefit of the adjoining properties which are in residential zoning districts. To achieve those goals, the Board of Trustees finds that the portions of the existing Business A District identified in this local law should be designated as a new Business A-1 District, and that the uses in such Business A-1 area should be governed by the provisions of this local law, as the same may be from time to

time amended.

Section two. Section 340-1(A) of the Code of the Village of Rockville Centre is hereby amended to read as follows:

"A. For the purpose of regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and the use of buildings, structures and land for trade, residence and other purposes, the Village of Rockville Centre, Nassau County, New York, is hereby divided into the following classes of districts, namely:

Residence A District

Residence B District

Residence C District

Residence A-M District

Business AAA District

Business AA District

Business A District

Business A-1 District

Business B District

Business C

Business C2

Urban Renewal Multiple Dwelling B (R) District

Urban Renewal Multiple Dwelling B (S) District

Urban Renewal Multiple Dwelling B (RC) District

Urban Renewal Multiple Dwelling B (SC) District

Urban Renewal Multiple Dwelling B Low Rise (SC) District

Urban Renewal Multiple Dwelling C District

Urban Renewal Commercial or Light Manufacturing A District as hereinafter described and as shown on the Use District Map which accompanies this chapter and which is hereby declared to form a part of this chapter, said map being entitled: "Amended Building Zone Map of the Village of Rockville Centre, Nassau County, New York, dated December 14, 1962 and as amended April 24, 1963" to include Urban Renewal Building Zone Map, dated January 1963.

Urban Renewal Recreational and Limited Commercial District"

Section three. Chapter 340 of the Code of the Village of Rockville Centre is hereby amended by adding thereto a new Article, to be Article XVI-A, to read as follows:

"Article XVI-A. Business A-1 District.

§340-89.1. Business A-1 District defined; Zoning Map amended. The areas of the Village which shall constitute the Business A-1 District are those portions of the existing Business A District as are located (a) north of Sunrise Highway and between Oceanside Road and Long Beach Road, (b) along Long Beach Road north of the intersection of Oceanside Road and Long Beach Road, and (c) south of Merrick Road, east of South Kensington Avenue and west

of Oceanside Road. The Zoning Map of the Village of Rockville Centre is hereby amended accordingly, to re-classify each such area as constituting the Business A-1 District.

§340-89.2. Uses. In the Business A-1 District, no building or premises shall be used and no building shall be erected or altered for any other than one or more of the following uses:

- (1) Store for the sale of goods at retail or performance of customary personal services, or services clearly incidental to retail sales, but no fabrication or manufacturing except incidental to and on the same premises with such retail sale.
- (2) Business, professional, banking or post office.
- (3) Restaurant, nightclub, cabaret, billiard or pool parlor, cafe or other place serving food or beverages, provided; however, that no nightclub, cabaret, or other similar use otherwise permitted by law shall be operated in any portion of a building or premises which is below street level, and no nightclub, cabaret, or other similar use shall be permitted on any premises without the prior consent of the Board of Trustees.
- (4) General business including printing office, printing shop, and dry cleaning establishment.
- (5) Funeral home or parlor.
- (6) Private school.
- (7) Public garage, automobile service or gas filling station, taxi or motor vehicle station, used car lot, dry-cleaning establishment, bowling alley, billiard or pool parlor, subject however, to the consent and permit of the Board of Appeals as provided in this chapter; provided, however, that the Board of Appeals will not give its consent or issue any permit for any activity which would include mechanical rides of any type.
- (8) Parking lot area for transient motor vehicles.
- (9) Storage warehouse.
- (10) Light manufacturing; provided, however, the consent and permit of the Board of Appeals is first obtained; and further provided that the noise caused by the operation of the machinery, the emission of odors, stench, dust, smoke, gas or noise are confined within the building or premises where such manufacturing or assembling of articles is carried on.
- (11) Carpet or rug cleaning; provided, however, that the consent and permit of the Board of Appeals as provided in this chapter is first obtained; and provided further that the process or operation of cleaning carpets and rugs does not employ the use of flammables of any nature whatsoever, that the operation or process is completely performed within the building where such business is carried on and that the noise caused by the operation or process of cleaning and the emission of odors, stench, dust, smoke or gas are confined within the building where such cleaning is carried on.
- (12) Exterior drive-through window; provided, however, that the consent of the Board of Appeals as provided in this chapter is first obtained.
  - (a) When an application for an exterior drive-through window is made to the Board of Appeals, the Board must consider and be guided by the general provisions contained in Article XXVII of this chapter, including the health, safety and general



welfare of the community. In addition, and as a basis for determining such an application, the Board of Appeals must consider the impact of the proposed use of the exterior drive-through window, as it relates to each of the following factors, as well as additional factors relevant to the particular application, by considering:

- [1] Hours of operation for such use.
- [2] Use, noise and placement of microphones.
- [3] Placement of signs.
- [4] Location of driveways.
- [5] Location of window.
- [6] Impact on traffic, and emissions from traffic using the drive-through window.
- [7] Odors from use.
- [8] Installation of fencing and screening to protect abutting residential property.
- [9] Lighting from the signage of the drive-through window.

(b) In addition, the applicant, where required by the Board of Appeals, will provide a report from a traffic expert acceptable to the Board of Appeals on the impact of the exterior drive-through window upon traffic flow and safety.

(c) Notwithstanding anything in this Village Code to the contrary, when granting any variance or permit or consent or other form of approbation, the Board of Appeals may impose reasonable conditions and restrictions that relate to the use, ownership, manner of use, duration of relief granted or any other condition which to the Board of Appeals may seem just and proper in the circumstances.

(13) Senior care housing, in accordance with § 340-111 et seq.

§ 340-89.3 Building area. The building area shall not exceed 90% of the lot area.

§340-89.4. Building Height. No building shall be raised and no such building or part thereof shall be erected or altered to be greater in height than the lesser of 18 feet or one story.

§340-89.5. Front Yards. A setback of at least 10 feet from the front property line on interior lots shall be required.

§340-89.6. Side Yards. No side yards are required, except that where abutting any residential district a ten-foot setback is required.

§340-89.7. Rear Yards. A rear yard of at least 10 feet is required, except where the rear property or lot line of any lot constitutes the common boundary line between such lot and municipally owned land or premises designed and actually used for public parking spaces for motor vehicles, in which case no rear yard setback is required.

§340-89.8. Corner plots.

A. On corner plots a setback of at least 10 feet from the property line on both street frontages shall be required.

- B. No side or rear yard setbacks are required, except where abutting any residential district, in which case a ten-foot setback is required.

§340-89.9. Parking Requirements. Parking space requirements are set forth in Chart IV of the Rockville Centre Zoning Code. Chart IV is entitled "Schedule of Minimum Required Off-Street Parking."

- A. Required parking shall be provided and continuously maintained within 200 feet of the premises for funeral homes and parlors, theaters, bowling alleys, hotels and motels, office buildings and buildings used for the sale of goods at retail or services clearly incidental to retail sales, and light manufacturing."

Section four. Article XX of Chapter 340 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

#### "Article XX. Senior Care Housing

##### § 340-111 Permitted Uses.

- A. Senior care housing is allowed by special permit in Business A, Business A-1, Business AA, Business AAA, Business B and Residence A-M Districts, provided that the permit conditions listed in this section are met. Senior care housing is defined in § 340-2. A proposed senior care housing development program may comprise any one of the defined types or a combination of them.
- B. Senior care housing shall be limited to persons who are 55 years of age and older.

##### § 340-112. Area and building bulk controls.

- A. Conditions and restrictions. In approving any Senior Care Housing, the Planning Board shall impose requirements as per the Table of Area and Bulk Controls for Senior Care Housing.
- B. All required parking areas, loading spaces, and outdoor storage areas shall be screened from view by a screen or landscaped or natural buffer. The requirements of § 340-121 shall apply.

##### § 340-113. Requirements for approval.

- A. In order to grant approval, the Planning Board is first required to find that:
  - (1) The area and bulk conditions listed in § 340-112 are met.
  - (2) The applicant has disclosed all relevant and necessary information about the operator, including but not limited to name, address, state and date of incorporation, name and address of owners and/or shareholders of the operation and prior experience in the

operation of such facilities.

- (3) If the proposed facility is subject to licensing by the state (depending on current New York State licensing requirements), the developer/operator shall demonstrate that the required license(s) has/have been obtained, in accordance with New York State law.
- (4) In senior care facilities that combine types, facilities and services shall be available to all residents regardless of which type of housing the resident is in.
- (5) The facility is properly designed for the purpose of serving the needs of senior citizens, aged 55 years and older, including suitable and adequate facilities for social, cultural and recreational activities that are regarded as essential to the well-being of the occupants and the success of the facility.
- (6) The health, safety and general welfare of the public is not adversely affected.

B. In addition, all other general special permit requirements shall be met.”

Section five. The Table of Area and Bulk Controls for Senior Care Housing is hereby amended, to read as follows:

**“ZONING**  
**Village of Rockville Centre**  
**Table of Area and Bulk Controls for Senior Care Housing**

	District					
	Business A	Business A-1	Business AA	Business AAA	Business B	Residence M
Minimum lot size (square feet)	40,000	40,000	40,000	40,000	40,000	40,000
Maximum lot coverage (percent)	90%	90%	40%	90%	40%	
Maximum height (feet)	Not to exceed 48	Not to exceed 18 <sup>3</sup> 36 <sup>4</sup>	Not to exceed 30	Not to exceed 30	Not to exceed 40	Not to exceed 30
Minimum setback (feet):	10	10	10	20	10	20
Front yard	0	0	0	5	0	5
Side yard	10	10	10	20	10	30
Rear yard						
Minimum parking spaces:	0.33	0.33	.33	.33	.33	.33
Assisted living (per bed)	0.5	0.5	0.5	0.5	0.5	0.5
Congregate care (per bed)	0.66	0.66	0.66	0.66	0.66	0.66
Skilled nursing facility (per bed)						

**NOTES:**

- 1 All other area and bulk requirements for senior care housing in Business C are set forth in Chart VII of Chapter 340.
- 2 All other area and bulk requirements for senior care housing in Business C2 are set forth in Chart VIII of Chapter 340.
- 3 Maximum height is 18 feet where the site is adjacent to a single-family residential use and/or separated from a single-

family residential use by a street that is less than 35 feet in width.

4 Maximum height is 36 feet where the site is not adjacent to a single-family residential use and/or is separated from a single-family residential use by a street that is greater than 35 feet in width.”

Section six. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section seven. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section eight. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

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(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2017 of the (County)(City)(Town)(Village) of Rockville Centre was duly passed by the Board of Trustees on May 1, 2017, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



**5. (City local law concerning Charter revision proposed by petition.)**

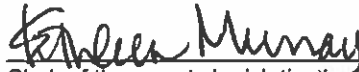
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: May 1, 2017

