

## LEGAL NOTICE OF PUBLIC HEARING

**PLEASE TAKE NOTICE** that the Board of Trustees of the Village of Baxter Estates will hold a public hearing at 7:30 PM on Thursday, March 5, 2020, at the Village Hall, 315 Main Street, Port Washington, New York 11050, with respect to:

**Bill No. 1 of 2020**, a proposed local law to amend Section 175-46 of the Code of the Village of Baxter Estates to permit the continuation of certain nonconforming conditions with respect to off-street parking requirements in the Business A Zoning District, which reads in its entirety as follows:

**Section 1.** Legislative Findings. The Board of Trustees of the Village of Baxter Estates finds that the best interests of the Village and its residents are served by amending Section 175-46, “Off-street parking,” in Article IV, “Business A Districts,” of Chapter 175, “Zoning,” of the Village Code in order to permit as of right the continuation of certain nonconforming conditions relating to off-street parking in Business A Zoning District. The Village Building Department has to this point construed the current version of Section 175-46 to require a zoning variance for a proposed change in permitted use at or in a building or structure that does not satisfy the off-street parking requirement for such use under the Code, even if the building or structure and lot, and the existing off-street parking capacity associated therewith, is not proposed to be changed or altered. The Board finds that to require submission to the zoning variance process for such a change in permitted use, with no alteration or extension, that otherwise complies with applicable zoning requirements, is wasteful of Village and property owner time and resources for no apparent benefit to the Village or its residents. Moreover, the Board notes that many of the buildings and structures in the Village’s Business A Zoning Districts were constructed prior to the adoption of the current version of Section 175-46, and have little or no off-street parking. As a result, in almost all instances in which there is a change in the occupancy of a commercial property along Main Street or Shore Road in the Village, it is necessary for the property owner and the Village to engage in the zoning variance process for the shortfall in required off-street parking, even though municipal parking facilities and on-street parking is available in, or in close proximity to, the Village’s Business A Zoning Districts.

The Board finds that insufficient off-street parking for a proposed change to another permitted use that is accompanied by a proposed alteration or enlargement that would create additional floor area in any building or structure on the relevant lot, or with respect to a lot which itself has been altered, does warrant a review by the Board of Appeals and an opportunity for the public to be heard. However, insufficient off-street parking for a change to another permitted use not accompanied by a proposed change in the lot’s dimensions, or increase in floor area should not require the expense of time,

effort and money by the property owner, occupant and Village associated with a zoning variance application.

**Section 2.** Legislative Authority. This local law is adopted pursuant to authority granted to the Board of Trustees under the New York State Constitution and the laws of the State of New York, including, without limitation, New York State Municipal Home Rule Law §10.1., sub-clauses (i) and (ii)a.

**Section 3.** Amendment of Village Code. Section 175-46, “Off-street parking,” of Article IV, “Business A District”, of Chapter 175, “Zoning,” of the Code of the Village of Baxter Estates is hereby amended to include a new clause “G.,” to be inserted at the end of existing clause “F.,” said clause “G.” to read in its entirety as follows:

“G. Notwithstanding any contrary provision contained in this Article IV, the off-street parking spaces required under this Section 175-46 shall be deemed satisfied with respect to any proposed change in the use or occupancy of any building or structure located in any Business A District to another use or occupancy permitted under this Article, provided that (i) the floor area of the buildings and structures on the relevant lot do not exceed the floor area thereof as it exists at the date of adoption of the Clause “G.”; (ii) the number of off-street parking spaces on such lot are not fewer than the number of off-street parking spaces on such lot as of the date of adoption of this Clause “G.”; and (iii) the lot, since the date of adoption of this Clause “G.”, has not been the subject of a subdivision, lot line alteration or adjustment or other action that alters the lot area.”

**Section 4.** Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

Persons who may suffer from a disability which would prevent them from participating in said hearing should notify Chrissy Kiernan, Village Clerk-Treasurer, at (516) 767-0096 in sufficient time to permit such arrangements to be made to enable such persons to participate in said hearing.

Dated: Port Washington, New York  
February 21, 2020

By Order of the Board of Trustees  
of the Village of Baxter Estates  
Chrissy Kiernan, Village Clerk-Treasurer