

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2016**

**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 entitled "Zoning" in order to allow "concrete recycling operation" as a conditional use in the Industrial B zoning district.

Section 2.

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

Article XX. Industrial B District

§ 70-185. Application of provisions.

The provisions of this Article shall apply in an Industrial B District.

§ 70-186. Permitted and prohibited uses.

[Amended 6-13-1983 by L.L. No. 6-1983; 12-3-1985 by L.L. No. 12-1985]

A building may be erected, altered or used and a lot or premises may be used for any lawful purposes except those listed in this section which are hereby prohibited:

Abattoir

Acetylene manufacture

Acid manufacture

Albumin powder manufacture, or storage in quantities exceeding 20 pounds

Ammonia, bleaching powder or chlorine manufacture

Amusement arcade except as authorized in § 70-189C
[Amended 5-29-2012 by L.L. No. 8-2012]

Arsenal

Asphalt manufacture, refining, mixing or treating

Assaying other than gold or silver

Auto or metal shredder

"Big-box commercial use" as defined in § 70-140B
[Added 9-27-2005 by L.L. No. 7-2005]

Blast furnace

Boiler works

Candle manufacture

Celluloid or plastic manufacture

Circuses, exhibition or display tents Coke manufacture

Crematory, other than a crematory in a cemetery

Creosote treatment or manufacture

Dextrin, glucose or starch manufacture

Disinfectant, insecticide or poison manufacture

Distillation of coal, petroleum, refuse, grain, wood or bone, except in the manufacture of gas

Dyestuff manufacture

Emery cloth and sandpaper manufacture

Fat, grease, lard or tallow manufacture, rendering or refining

Fertilizer manufacture

Fireworks manufacture or storage

Fish smoking and curing *Editor's Note: Former entry "Garbage transfer stations," which immediately followed this entry, now appears as "Transfer stations" below, as amended by 7-9-1991 by L.L. No. 10-1991.*

Gelatin, glue or size manufacture, which includes products from fish, animal refuse or offal

Grain drying or food manufacture from refuse, mash or grain

Hazardous waste dump

Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal

Incinerator of any kind or type

Iron, steel, brass or copper foundry

Junkyards

Lampblack manufacture, animal black or bone black

Lime, cement or plaster of paris manufacture

Linoleum or oilcloth manufacture

Manufacture, fabrication or assembly of structural steel or iron products

Match manufacture

Oiled or rubber goods manufacture

Open-air, drive-in or automobile theater

Paint, oil, shellac, turpentine or varnish manufacture

Potash works

Power forging, riveting, hammering, punching, cutting, chipping, grinding, drawing or tumbling of iron, steel, brass, copper or other metals

Printing and other ink manufacture

Proxyline or other plastic manufacture

Raw hides or skins, storage, cleaning, curing or tanning

Rubber, synthetic rubber, caoutchouc or gutta percha manufacture or treatment

Sauerkraut or pickle manufacture

Shoe blacking or stove polish manufacture

Smelting

Soap manufacture

Soda and compound manufacture

Steel furnaces, blooming or rolling mill

Stockyards

Stone or material crushing, unless as authorized as a concrete recycling operation by §70-188.B.

Structural steel or pipe works

Sugar refining

Tar distillation or manufacture

Tar roofing and waterproofing manufacture

Transfer stations, and/or any garbage or dump use
[Amended 7-9 1991 by L.L. No. 10-1991]

Vinegar manufacture

Woolpulling or scouring

Yeast plant

Use for other than business or industrial purposes

Any other trade that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

§ 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.

A. 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. *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.* 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]

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.

§ 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. *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 following:

(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 daily if contained indoors, twice daily if contained outdoors or more frequently when wind speeds are in excess of 20mph;
 - (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;
 - (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 is 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 CRR-NY 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.**

§ 70-189. Accessory uses.

A. Accessory uses on the same lot with and customarily incidental to any permitted use will be allowed, except for accessory drive-through facilities, which shall be subject to the provisions of § 70-203T, and for below-grade parking structures, which shall be subject to the provisions of § 70-203U.

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

B. Signs, as permitted by the provisions of Article XXI.

C. The operation of amusement devices in conjunction with a permitted commercial recreational use. Amusement devices may only be operated in accordance with the following conditions:

[Added 5-29-2012 by L.L. No. 8-2012]

(1) No amusement device shall be located outside of a building.

(2) Amusement devices shall be located in a separate room or area than the principal recreational use and may not occupy more than 15% of the gross floor area of the building or part thereof occupied by the principal recreational use (in the case of a multiple-use or multitenant building).

(3) Amusement devices shall only be available for use by patrons of the principal recreational use and may only be operated during the hours for which the principal recreational use is open for business.

(4) There shall be no separate entrance from the outside or separate admission fee for the amusement area. This restriction does not prohibit the provision of emergency exits where required.

(5) No amusement device shall be located in any premises within 500 feet of any public, private or parochial school.

§ 70-189.1. Parking requirements.

[Added 3-25-1986 by L.L. No. 3-1986]

Parking shall be provided in accordance with the requirements set forth in § 70-103, **except as provided in §70-188.B(7).**

§ 70-190. Height

[Amended 2-15-1985 by L.L. No. 2-1985]

No building shall exceed 40 feet in height, **except as permitted in §70-188.B(6).**

§ 70-191. Lot coverage.

[Amended 12-14-1999 by L.L. No. 14-1999]

The lot coverage shall not exceed 80% of the lot area. The minimum lot area shall be 10,000 square feet, **except where 30,000 square feet is required under §70-188.B(1).**

§ 70-192. Yard requirements.

[Amended 4-28-1987 by L.L. No. 10-1987]

A. There shall be a minimum front yard setback of 10 feet, except where a building has vehicular entrance doors facing a street, in which case, such entrance doors shall be set back a distance of at least 18 feet from the street line, and an open, unoccupied space shall be maintained between said doors and the street line. This provision shall likewise apply to front yard setbacks from both street fronts on a corner lot.

B. There shall be a rear yard of not less than 20 feet.

C. The minimum distance between a building and the nearest residence district shall be 25 feet.

D. Other than access driveways and except as provided in § 70-192C, no side yards shall be required.

§ 70-193. Loading and unloading areas.

Provision shall be made on the premises for off-street loading and unloading in a location that will not interfere with accessory parking and means of ingress and egress thereto, and said areas shall be surfaced in the same manner as the parking areas. All open areas used for the storage of equipment or materials shall be at the rear of the premises and shall not encroach upon the off-street parking or loading areas as required in this section and in Article XII. There shall be no abandonment of any article upon the premises.

§ 70-194. Fences.

[Amended 5-21-1996 by L.L. No. 8-1996]

Fences shall not exceed seven feet in height.

§ 70-195. Sewage disposal.

All buildings used for manufacturing purposes not connected with a municipal sewerage system shall be equipped with an independent sewerage system and disposal facilities approved by the Nassau County Department of Health and/or Town of North Hempstead Building Department.

Section 3.

Chapter 70, Article XX 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.

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.**

2. The length of the rumble strips shall be no less than 25 feet and be located at all exits of a facility.

3. Rumble strips must be anchored to the ground.

Section 4.

Section 70-231 of the Town Code is hereby amended as follows:

§ 70-231. Definitions.

[Amended 7-23-1968; 10-15-1968; 12-31-1974 by L.L. No. 22-1974; 2-1-1977 by L.L. No. 2-1977; 3-27-1979 by L.L. No. 3-1979; 8-12-1980 by L.L. No. 11-1980; 8-12-1980 by L.L. No. 12-1980; 8-26-1980 by L.L. No. 13-1980; 9-13-1983 by L.L. No. 6-1983; 2-26-1985 by L.L. No. 4-1985; 12-17-1985 by L.L. No. 13-1985; 12-17-1985 by L.L. No. 18-1985; 3-25-1986 by L.L. No. 3-1986; 4-28-1987 by L.L. No. 10-1987; 2-19-1991 by L.L. No. 5-1991; 7-9-1991 by L.L. No. 10-1991; 5-21-1996 by L.L. No. 8-1996; 1-28-1997 by L.L. No. 2-1997; 3-18-1997 by L.L. No. 6-1997; 5-21-1997 by L.L. No. 9-1997; 12-16-1997 by L.L. No. 25-1997; 6-8-1999 by L.L. No. 7-1999; 12-14-1999 by L.L. No. 14-1999; 10-2-2001 by L.L. No. 8-2001; 3-12-2002 by L.L. No. 2-2002; 6-25-2002 by L.L. No. 9-2002; 3-11-2003 by L.L. No. 1-2003; 9-30-2003 by L.L. No. 12-2003; 11-15-2005 by L.L. No. 13-2005; 1-3-2006 by L.L. No. 1-2006; 1-24-2006 by L.L. No. 2-2006; 8-22-2006 by L.L. No. 13-2006; 10-3-2006 by L.L. No. 14-2006; 12-12-2006 by L.L. No. 16-2006; 5-29-2007 by L.L. No. 4-2007; 5-29-2007 by L.L. No. 5-2007; 12-11-2007 by L.L. No. 12-2007; 7-29-2008 by L.L. No. 7-2008; 9-22-2008 by L.L. No. 9-2008; 10-2-2008 by L.L. No. 10-2008; 5-19-2009 by L.L. No. 9-2009; 6-23-2009 by L.L. No. 11-2009]

For the purpose of this chapter, the terms used herein are defined as follows:

COMMERCIAL PARKING LOT

Any lot or premises, other than one owned or maintained by the municipality, used for parking automobiles or other motor vehicles by the public upon the payment of a fee, whether or not such use is an accessory use.

CONCRETE RECYCLING OPERATION

A facility used for the collection and processing and/or crushing of uncontaminated concrete waste for conversion to recycled concrete aggregate.

CONVENIENCE STORE

A retail sales area that offers for sale prepackaged food or beverages for off-site consumption. Such retail sales area shall not exceed 750 square feet, including the cashier area. A convenience store shall co-locate or coexist only with a gasoline service station or automobile service station, and only as approved by the Town Board.

MARINE

Of or pertaining to the open water, i.e., a bay, harbor, sound, river or lake.

MATERIAL CRUSHING

The crushing of stone, gravel, brick, concrete, slate, granite, sedimentary rock, igneous rock, metamorphic rock, asphalt, tile, adobe, clay, conglomerate rock or any similar material.

MIXED USE

The combination of retail or office use, accessible to the public, with residential use in the same structure.

Section 5.

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