Chapter 150

ZONING

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[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock 7-14-1952 by Ord. No. 13. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 48.
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ARTICLE I
Definitions

§ 150-1. Definitions.

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

ACCESSORY BUILDING — A building subordinate to the main building on a lot used for purposes incidental to those of the main building.

BUILDING — Includes the word "structure."

BUILDING AREA — The aggregate of the maximum horizontal cross-section area of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 24 inches, steps, one-story open porches, bay windows extending through not more than two stories and not projecting more than five feet, balconies and terraces.

FAMILY — One or more persons related by blood, marriage or adoption, living and cooking together as a single housekeeping unit; provided, however, that such housekeeping unit shall not include more than two persons who are not related by blood, marriage or adoption to at least two other persons in such unit. The term "family" shall also include any housekeeping unit

defined by state law as a single-family residential use. **[Added 3-29-1989 by L.L. No. 4-1989]**

FRONT YARD — A yard consisting of open space across the full width of the lot extending from the front wall of the nearest building to the front line of the lot. No portion of a front yard may include any portion of a mapped street or road. **[Amended 2-7-2001 by L.L. No. 1-2001]**

HEIGHT — The distance from the mean level of the ground surrounding the building to the highest point of the building, provided that chimneys and similar projections shall not be included in the height. **[Amended 2-3-1999 by L.L. No. 1-1999]**

LOT AREA — The area of the property on which a building or structure, including any accessory structure, is located or proposed to be located, provided that the lot area shall be measured to the street line only. The area of any portion of the property which is within the right-of-way of a street or road shown on the village's Official Map, or which is below (seaward) of the mean high-water mark, or is regularly underwater, or which is classified as wetlands pursuant to state or federal law, shall not be included in the calculation of lot area. **[Amended 2-7-2001 by L.L. No. 1-2001]**

PRIVATE GARAGE — The building used for the purpose of storing one or more automobiles owned and used by the owner, guest or hired help, all trucks excluded.

REAR YARD — A yard consisting of open space extending across the full width of the lot from the rear wall of the closest building to the rear line of the lot. No portion of a rear yard may include any portion of a mapped street or road. **[Amended 2-7-2001 by L.L. No. 1-2001]**

SIDE YARD — A yard consisting of open space extending from the front lot line to the rear lot line between the nearest building or structure and the adjacent side line of the lot. No part of a side yard may/shall include any portion of a mapped street or road. **[Amended 2-7-2001 by L.L. No. 1-2001]**

SINGLE-FAMILY DWELLING — A building designed for and occupied as a home or residence for not more than one family. **[Amended 3-29-1989 by L.L. No. 4-1989]**

ARTICLE II
Zoning Map; Boundaries

§ 150-2. Zoning Map.

The boundaries of the within village shall be as shown upon the Official Map made a part of this chapter, which is hereby designated as the "Building Zone Map of the Incorporated Village of Saddle Rock."[1] Said map and all its notations, references and other things shown thereon shall be as much a part of this chapter as if the matters and things shown by said map were fully described and set forth herein at length.

§ 150-3. Boundaries.

For the purpose of this chapter, the entire Village of Saddle Rock is zoned strictly residential.

ARTICLE III
General Provisions

§ 150-4. Permitted uses. [Amended 1-6-1988 by L.L. No. 1-1988]

A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

A. A single-family detached dwelling.

B. A church, synagogue or other building used exclusively for religious or educational purposes, conforming in all other respects with the provisions of this chapter, with the prior

1. **Editor's Note: The Zoning Map is on file in the Village offices and may be examined there during regular business hours.**

permission of the Board of Trustees. **[Amended 8-2-2000 by L.L. No. 3-2000]**

C. A private garage, detached, built and used with the main building or attached within the main building.

§ 150-4.1. Use of Village property. [Added 1-4-2012 by L.L. No. 2-2012]

This chapter shall not apply to any use of property owned or leased by the Village of Saddle Rock, provided that such use has been authorized by the Board of Trustees.

§ 150-5. Building regulations. [Amended 10-19-1953; 5-15-1957]

Building regulations shall be as follows:

A. Height. No dwelling or other building or structure shall exceed 2 1/2 stories or 25 feet in height, whichever is less. No alteration or addition to an existing structure shall exceed, at its highest point, a height equal to the mean high point of all of the ridges, and all other roof surfaces combined, of the existing roof, not including chimneys, spires, towers and similar structures. **[Amended 1-6-1988 by L.L. No. 3-1988]**

B. Plot area. No dwelling or other building shall be constructed on a lot containing an area less than 13,000 square feet with a minimum width of 100 feet at the required setback line.

C. Building area. The building area shall not exceed 25% of the lot area. Uncovered and open patios, terraces or other areas used for sitting or standing which do not extend closer than five feet to the lot line nor are more than one foot in height above the surrounding ground shall not be deemed a part of the building area or part of the building for the purpose of measuring yards. Any driveway and/or parking area in excess of 1,550 square feet in area shall be

deemed a part of the building area. **[Amended 11-1-1989 by L.L. No. 6-1989]**

D. Floor area; floor area ratio. **[Amended 9-7-2005 by L.L. No. 3-2005]**

(1) Minimum first floor area. No dwelling shall be erected or altered unless the habitable floor area on the first floor is at least 1,800 square feet.

(2) Maximum ratio of building floor area to lot area.

(a) No dwelling shall be erected or altered where the total floor area of the dwelling on the lot divided by the total lot area exceeds 0.42 for the first 14,520 square feet of lot area (e.g., on a lot having a total lot area of 14,520 square feet, the total floor area of the dwelling may not exceed 6,098 square feet);

(b) Where the area of a lot exceeds 14,520 square feet, but does not exceed 21,780 square feet, the maximum floor area ratio shall be calculated as provided in Subsection D(2)(a) of this section for the first 14,520 square feet, and an additional floor area ratio of 0.13 is permitted for the lot area in excess of 14,520 square feet but not more than 21,780 square feet;

(c) Where the area of a lot exceeds 21,780 square feet, but does not exceed 32,670 square feet, the maximum floor area ratio shall be calculated as provided in Subsection D(2)(b) of this section for the first 21,780 square feet of lot area, and an additional floor area ratio of 0.10 is permitted for the lot area in excess of 21,780 square feet but not more than 32,670 square feet;

(d) Where the area of a lot exceeds 32,670 square feet, but does not exceed 43,560 square feet, the maximum floor area ratio shall be calculated as provided in Subsection D(2)(c) of this section for the first 32,670 square feet of lot area, and an additional floor area ratio of 0.06 is permitted for the lot area in excess of 32,670 square feet but not more than 43,560 square feet;

(e) Where the area of a lot exceeds 43,560 square feet, the maximum floor area ratio shall be calculated as provided in Subsection D(2)(d) of this section for the first 43,560 square feet of lot area, and an additional floor area ratio of 0.03 permitted for the lot area in excess of 43,560 square feet.

(3) For the purposes of this section, the term "floor area" shall mean the total square footage of all levels of the dwelling measured to the outside surface of the building or a portion of the building, including roofed-over decks and garage spaces, stairways, elevators, storage and mechanical rooms (whether internal or external to the structure), all atriums on the interior of the building even where no floor exists above, an interior courtyard or covered courtyard, and uninhabitable space. The term "floor area" shall not include any part or portion of a basement (for which purposes the term "basement" shall mean a portion of the dwelling at least 51% of which is below mean grade level). Neither shall the term "floor area" include any accessory buildings and structures, or unfinished attic floor space above the second story.

E. Rear yard. There shall be a rear yard, the depth of which shall be not less than 30 feet, for all buildings other than buildings situated on corner lots. Notwithstanding any provision herein to the contrary, in measuring the rear yard setback of a waterfront lot, the rear lot line shall be considered to be the location of the sea wall, if any, on the lot, or the mean high water mark, whichever is further inland. **[Amended 9-6-2000 by L.L. No. 5-2000]**

F. Side yards. All lots shall have two side yards, the depth of which shall not be less than 17 1/2 feet each, one on each side of the main building in the case of an interior lot and one opposite each front yard in the case of a corner lot. The aggregate width of the two side yards in the case of an

interior lot shall be not less than 35% of the width of the lot. Notwithstanding any provision herein to the contrary, in measuring the side yard setback of a waterfront lot, the side lot line shall be considered to be the location of the sea wall, if any, on the lot, or the mean high water mark, whichever is further inland. **[Amended 9-6-2000 by L.L. No. 5-2000]**

G. Front yard. There shall be a front yard, the depth of which shall not be less than 45 feet from the curb provided, however, that in the event a front property line is located within the right-of-way of a mapped street or road, the depth of the front yard shall be measured from the boundary line of the mapped street or road nearest to the building or structure, and not from the property line. **[Amended 2-3-1988 by L.L. No. 4-1988; 2-7-2001 by LL No. 2-2005]**

H. Topography. No substantial change shall be made in the topography of any land within 100 feet of the boundary line of any lot. For the purposes of this subsection, any change in topography in excess of one foot in height or elevation shall be deemed a "substantial change." **[Amended 1-5-2005 by L.L. No. 2-2005]**

I. No lot or premises shall have more than one driveway nor more than one curb cut. **[Added 11-1-1989 by L.L. No. 6-1989]**

J. Minimum street frontage. No building or structure shall be constructed on any lot in the Village of Saddle Rock which has frontage of less than 75 feet on a street or road shown on the Official Map of the Village. **[Added 7-3-1991 by L.L. No. 2-1991]**

K. Minimum required off-street parking. No building or structure shall be used for a purpose other than for a purpose listed in § 150-4A or C of this chapter, or for an accessory use permitted pursuant to § 150-7 of this chapter, unless there are provided on the same site permanent parking spaces for vehicles numbering at least

the greater of the following: **[Added 8-2-2000 by L.L. No. 3-2000]**

(1) One space for each 100 square feet of floor area; or

(2) One space per each three permanent seats, plus one per each 40 square feet of seating area where fixed seating is not provided, plus one per employee and/or participant at scheduled events; or

(3) A different number as may be required by the Board of Trustees at the time a special permit is issued for such use.

L. Limitation on impervious surfaces. **[Added 9-1-2004 by L.L. No. 1-2004]**

(1) For the purposes of this subsection, the term "impervious surface" shall mean and include any surface (other than earth, plantings or related plant ground covering) which releases rainfall as surface runoff during a large portion of a rainfall event. Rooftops, sidewalks, parking areas, patios, structures, and other similar facilities are considered impervious surfaces. Notwithstanding the foregoing, a patio, terrace or other area in a rear yard, used for sitting or standing, which does not extend closer than five feet to a lot line, and is not more than one foot in height above the surrounding ground, shall be considered "impervious surface."

(2) The total impervious surface on a lot, including building area, shall not exceed 30% of the lot area.

(3) Impervious surfaces in a front and side yard shall be limited to sidewalks, walkways, and driveways, where otherwise permitted. Impervious surfaces in other yards shall be limited to walkways and patios. No vehicle may be parked in any yard except upon an impervious driveway area suitably designed for parking of vehicles.

M. Height extensions. With the exception of antennas permitted by § 150-32 of this Code, chimneys extending no more than three feet above the roof height, and vent pipes, air-venting equipment, or skylights, no structure or equipment or portion of a building, including mechanical equipment, shall extend more than 15 inches above the roof surface. **[Added 7-1-2009 by L.L. No. 1-2009]**

§ 150-5.1. Offshore structures. [Added 9-7-1988 by L.L. No. 8-1988]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

OFFSHORE STRUCTURE — Any structure within the Village of Saddle Rock which is offshore of the mean high-water mark of any body of water within the village.

B. Permits.

(1) No offshore structure shall be constructed or erected unless a permit shall have been obtained from the Board of Trustees of the Village of Saddle Rock after a public hearing.

(2) In consideration and determination of applications for such permits, the Board of Trustees shall consider the following general standards as applied to the specific application:

(a) Whether the proposed structure is necessary to the exercise of the applicant's riparian rights.

(b) Whether the proposed structure will be detrimental to the neighboring property owners.

(c) Whether the proposed structure will create a hazard to the health, safety or general welfare of the neighborhood or to the residents thereof.

(d) Whether the proposed structure will alter the essential character of the neighborhood.

(e) Whether the proposed structure will depreciate or tend to depreciate the value of property in the village.

(f) Whether the proposed structure will have an adverse effect on the environment.

(g) Whether the applicant has received all necessary permits from the federal and state agencies having jurisdiction.

C. Additional requirements. All structures to be constructed or erected under the provisions of this section shall nevertheless be in accordance with all of the other requirements of the village.

D. Approval of permits. The Board of Trustees shall, upon granting of a permit hereunder, impose such reasonable and appropriate conditions, restrictions and safeguards as it may deem necessary or desirable to promote the health, safety and general welfare of the village and the interests of the owners of adjoining properties.

E. Rules and regulations. The Board of Trustees may, from time to time, make rules as to the manner of filing of applications for permits under this section.

F. Fee. Each application for a permit for an offshore structure shall be accompanied by a fee of $25 for the first $1,000 and $10 for each additional $1,000 of estimated cost or fraction thereof.

§ 150-5.2. Fences, walls and retaining walls. [Amended 7-3-1996 by L.L. No. 3-1996[2]]

A. No fences, walls or retaining walls shall be permitted. Notwithstanding the foregoing, a retaining wall may be erected, with a building permit, provided that it does not extend above the surface of the natural grade of the ground which it supports.

B. No person shall install, erect, place or maintain upon said real property any fence or wall (including a retaining wall) except where such fence or wall was lawfully authorized, and erected and maintained upon the conditions of such authorization, if any, prior to the effective date of this section.

C. Notwithstanding the provisions of Subsections A and B of this section, and notwithstanding any provisions of this Code pertaining to required setbacks from lot lines, where a property boundary line abuts or is adjacent to a waterway, a fence or wall not exceeding three feet in height may be constructed within five feet of the property boundary abutting or adjacent to such waterway, provided that a building permit first shall be obtained for such fence or wall.

§ 150-6. Encroachments.

A. Encroachments into required yards are hereby permitted as provided in this section only:

(1) Cornices, eaves and gutters projecting not more than 24 inches and chimneys or bay windows not more than six feet in length and projecting not more than 24 inches.

(2) One-story open porches and terraces extending not more than five feet into a minimum front yard.

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2. **Editor's Note: This local law also provided for the renumbering of former § 150-7B as § 150-5.2.**

(3) One-story enclosed vestibules not greater than six feet in width and five feet in depth, extending into a minimum front yard.

B. Nonconforming buildings. **[Added 11-3-1993 by L.L. No. 5-1993[3]; amended 7-2-1997 by L.L. No. 2-1997]**

(1) No prior legal nonconforming building or structure may be altered or enlarged or reconstructed in any manner which would result in any new or additional violation of any provision of this chapter or which would enlarge or extend any existing violation of this chapter.

(2) Notwithstanding the provisions of Subsection B(1) of this section, where any part of a building or structure lawfully extends into a required front yard setback area, the second floor of said building or structure may be altered, enlarged or extended in such manner as to extend into the front yard setback area, provided that no part of the second floor of such building or structure may extend closer to the front property line than the existing first floor structural front wall of the building or structure.

C. In any case where the Board of Appeals has diminished a required yard by a variance, none of the foregoing encroachments shall be permitted in such diminished yard, except such encroachments as said Board of Appeals shall permit.

§ 150-6.1. Energy conservation and power generating devices. [Added 7-1-2009 by L.L. No. 1-2009]

Exterior energy conservation devices or equipment, including but not limited to solar panels, may be installed or maintained with a building permit, and in accordance with the following conditions:

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3. **Editor's Note: This local law also renumbered former Subsection B as C.**

A. Windmills, turbines, man-made streams, watercourses or waterfalls, water wheels, and any other heat or electric generating device not powered by electricity, natural gas or gasoline, and no pole, riser or other support device for any of the foregoing (other than a telephone or electric pole supplied by a utility company), shall be permitted on any property.

B. No energy conservation device or equipment shall be located in any required setback area, nor in a front yard or a side yard;

C. No energy conservation device or equipment shall be attached to a facade or roof area of any building where such facade or roof area faces a street, without the prior permission of the Board of Appeals; and

D. Wherever practical, energy conservation or generating devices or equipment shall be so located on a property so as not to be visible from the street, and so that such devices are not a danger or impediment to public safety, health or welfare. Notwithstanding the foregoing, no solar panel or other energy conserving or generating device shall be located on a roof where the device is visible from a street or another residence without the permission of the Board of Appeals;

E. No energy conservation device or equipment shall extend over more than 50% of the surface area of the side or portion of any roof on which the equipment is located; provided, however, that this limitation shall not apply in the case of a flat or pitched roof not visible from the street or another residence.

§ 150-7. Accessory structures and uses. [Amended 10-19-1953]

A. No accessory structure shall be erected or maintained within 17 1/2 feet of the side property line. For the purpose

of this section, dog cages or other shelters for the housing or use of dogs shall be deemed to be accessory structures.

B. (Reserved)[4]

C. Stationary outdoor fireplaces shall be at least 10 feet distant from the side and rear property lines and shall not exceed five feet in height.

D. Pools. **[Amended 5-6-1992 by L.L. No. 2-1992]**

(1) No outdoor in-ground or aboveground swimming, lap, wading or bath pool and/or tub exceeding two feet in depth or exceeding 25 square feet of surface area shall be located in or on any yard or other outdoor area of any private property of the village.

(2) No such pool and/or tub lawfully in existence on the effective date of this subsection or otherwise permitted as provided above shall be erected, placed, located, constructed or maintained temporarily or permanently on any private property in the village except in compliance with the laws, rules and regulations of the State of New York, County of Nassau and Town of North Hempstead, including agencies, departments, districts and governmental authorities having jurisdiction in respect to and/or affecting pools, environmental protection, water and/or waste disposal and unless provided with a duly authorized filling mechanism and device and a drain or outlet properly connected and maintained to permit the contents of the pool to be disposed of, in whole or in part, through and into waste disposal facilities provided by public authorities for the disposal of waste. The contents of any pool and/or tub shall not be disposed of, in whole or in part, on the surface of any lands in the village or through or into any dry well, catch basin or other facility not

4. **Editor's Note: Former Subsection B, which pertained to fences, growth and retaining walls, was renumbered as § 150-5.2 by L.L. No. 3-1996.**

connected directly to public waste disposal facilities. The New York State Uniform Fire Prevention and Building Code is incorporated herein and made a part hereof and shall be applicable to every outdoor pool and/or tub whether the same shall be in-ground or aboveground without exemption or exception for aboveground pools.

(3) Pergolas shall not exceed 10 feet in height.

E. Accessory buildings and/or structures, except as otherwise provided in this chapter, shall not be over 15 feet in height at their highest points and shall not occupy more than 40% of the area of the rear yard. The yard area occupied by an accessory building or structure shall be included in computing the maximum percentage of the lot area which may be utilized for building.

F. Unless otherwise provided in this chapter, accessory buildings and/or structures on corner lots 100 feet or less in depth shall be located as far as possible from the front property lines, while conforming to the above-mentioned provisions of this chapter.

G. No accessory building or structure shall be erected within 25 feet of a building used for residence purposes on an adjoining lot.

H. No accessory building or structure shall be erected in a rear yard, the area of which is not sufficient to permit compliance with the provisions of any of the above restrictions.

I. A private, detached garage accessory to a dwelling on the same lot or plot may be erected in a side yard and may be extended into the rear yard a distance of 1/2 the length of the garage, provided that the width of the lot is sufficient to permit compliance with the provisions of this chapter dealing with side yards and also all other provisions of this chapter.

J. On a corner lot, a private, detached garage accessory to a dwelling on the same lot or plot may be erected in the rear yard, provided that the depth of the lot is sufficient to permit compliance with the provisions of this chapter dealing with side yards and rear yards and the above-mentioned sections.

K. No motor vehicle shall be permitted to be parked or otherwise located for parking or standing purposes on any portion of a lot which is not part of the driveway located thereon or the garage to which said driveway gives access. No vehicle shall be parked or left standing on any portion of the lawn or yard of any lot except upon the driveway of said lot. **[Added 11-1-1989 by L.L. No. 6-1989]**

§ 150-8. Construction regulations.

A. Location. No building to be used for dwelling purposes shall be erected in back of or to the rear of a building on the same lot.

B. Completion of building. Nothing herein contained shall require any change in plans, construction or designated use of a building, the construction of which shall have begun at the time this chapter becomes effective and which entire building shall have been completed within one year from the date of the adoption of this chapter.

§ 150-9. Use of buildings for animals.

No dwelling or portion thereof, which shall include the garage or other accessory building, may be used or occupied and no structure may be erected or maintained for the harboring of pigeons, swine, goats, rabbits, foxes, mink, skunks or other fur-bearing animals, except when authorized by the Board of Appeals. Dogs and cats are specifically excluded and are thereby permitted.

§ 150-10. Outdoor parking and storage. [Added 12-1-1971; amended 7-5-2006 by L.L. No. 3-2006]

A. The keeping or storage for more than 10 consecutive days of boats or boat trailers is hereby prohibited unless the same are stored in the rear yard and not less than 17 1/2 feet from the side lines of the property. The keeping, storage or parking for more than three calendar days in any one calendar month of trucks, buses, house trailers, campers or motor homes is hereby prohibited. The person causing or permitting any such boat, boat trailer, truck, bus, house trailer, camper or motor home to be stored, kept or parked in violation of this chapter and the owner, lessee, occupant or person in charge of the premises on which such boat, boat trailer, truck, bus, house trailer, camper or motor home is kept, stored or parked shall be guilty of disorderly conduct.

B. No person may cause or permit the outdoor parking or storage of any unregistered vehicle, or any vehicle registered with dealer plates or commercial plates, for more than one consecutive day or for more than two days in any thirty-day period on any property in the Village of Saddle Rock.

ARTICLE IV
(Reserved) [5]

§ 150-11. through § 150-20. (Reserved)

5. Editor's Note: Former Art. IV, Permits and Certificates, as amended, was repealed 7-3-1996 by L.L. No. 3-1996, except § 150-17, which was renumbered as § 48-16.1.

ARTICLE V
Board of Appeals

§ 150-21. Appointment; composition; voting. [Amended 9-2-1992 by L.L. No. 4-1992]

A. Section 7-712, Subdivisions 2, 4 and 5, of the New York State Village Law are hereby repealed and superseded in their application to the Village of Saddle Rock.

B. A Board of Appeals, consisting of five members, shall be appointed by the Board of Trustees. Each member of the Board of Appeals shall have a term of five official years. The Board of Trustees shall designate one member of the Board as the Chairperson of such Board for a term coterminous with the term of such member. In the absence of the Chairperson, the Board of Appeals may designate a member to serve as Acting Chairperson. The Board of Trustees may provide for compensation to be paid to experts, clerks and a secretary for such Board and may provide for such other expenses as may be necessary and proper.

C. The members of the Board of Appeals in office on the effective date of this section shall continue in office to the expiration of the terms for which they were appointed. Upon the expiration of any term of office, the Board of Trustees may appoint a successor, who shall have a term of office of five official years.

D. In addition to those powers otherwise prescribed by law, the Board of Appeals may, in a specific case and after public hearing in the same manner as required for a hearing on an application for a variance, and subject to appropriate conditions and safeguards to protect the public health, safety and general welfare, authorize the issuance of permits where the provisions of this Code so provide.

§ 150-21.1. Jurisdiction; procedures. [Added 9-2-1992 by L.L. No. 4-1992]

A. Section 7-712-a, Subdivisions 2, 3, 5 and 10, of the New York State Village Law are hereby repealed and superseded in their application to the Village of Saddle Rock.

B. In addition to any other powers provided by law, the Board of Appeals shall have power to make rules for its procedures, not inconsistent with the provisions of this chapter or any general state law.

C. Every rule, regulation, order, decision or determination of the Board of Appeals shall be filed promptly in the office of the Village Clerk, where such rule, regulation, order, decision or determination results from an application to the Board, a copy thereof shall be mailed promptly to the applicant.

D. The Board of Appeals shall hear and determine appeals from and review any order, requirement, determination or decision of an administrative officer charged with the enforcement of this chapter and arising out of the enforcement of this chapter. Such an appeal may be taken by any person aggrieved or by an officer, board or department of the Village. The Board of Appeals shall also hear and determine all matters referred to it and as to which it shall have jurisdiction as provided by law. The concurring vote of a majority of the members of the entire Board of Appeals shall be necessary to make any determination.

E. (Reserved)

F. An appeal to the Board of Appeals shall be taken within 60 days after the filing of the order, requirement, decision or determination sought to be reviewed. Such appeal shall be taken by filing such appeal papers as may be required by rule or order of the Board of Appeals, and a copy of such papers shall be filed with the administrative official from

whose order, requirement, decision or determination such appeal is taken.

G. The cost of serving or publishing any required notices relating to an appeal or other application to the Board of Appeals shall be borne by the appealing or applying party and shall be paid to the Board of Appeals prior to the commencement of any hearing on the application.

H. At least five days before the public hearing on any application, written notice of such hearing shall be sent to the Nassau County Planning Commission and to the regional State Park Commission having jurisdiction of any state park or parkway within 500 feet of the property which is the subject of such appeal.

§ 150-21.2. Decisions of the Board of Appeals. [Added 11-3-2010 by L.L. No. 1-2010]

Section 7-712-a, Subsection 13, of the Village Law is hereby amended and superseded in its application to the Village, to read as follows:

13. Decisions. (a) Except as otherwise provided in Subsection 12 of Village Law § 7-712-a, every motion or resolution of the Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the Board as fully constituted regardless of vacancies or absences. The failure of the Board to adopt a decision within any specific period of time shall constitute neither a denial nor an approval. Where an action is the subject of a referral to the county planning agency or regional planning council, the voting provisions of § 239-m of the General Municipal Law shall apply.

(b) The Board of Appeals may render its decision on any appeal or application in a short form format, summarily setting forth the Board's determination and conditions, if any, without enumerating findings or conclusions which formed the basis for the determination. Within 30 days after filing of the short-form decision in the office of the Village Clerk, any appellant, applicant, or other person or persons jointly or severally aggrieved by the decision may file a written demand with the Village Clerk requesting that the Board of Appeals render its decision in a format containing the findings and conclusions which formed the basis for the Board's determination. The Village Clerk shall promptly deliver such written demand to the Chair, who shall promptly convene a meeting of the Board to render such long-form decision.

(i) Where the Board renders a short-form decision, and no written demand requesting a long-form decision is filed within the required thirty-day period, the date of filing of the short-form decision with the Village Clerk shall be deemed the date of the filing of the Board's decision for all purposes. Where the Board renders or is required to render a long-form decision, the date of filing of the long-form decision with the Clerk shall be deemed the date of filing of the Board's decision for all purposes.

§ 150-22. Powers and duties.

A. If the Board of Appeals shall determine that the conditional uses provided in this chapter will conform to the general character of the neighborhood to which the proposed use will apply and that the public health, morals, safety and general welfare of such neighborhood will be secure by granting such conditional use, then the Board of Appeals shall authorize the issuance of a permit.

Otherwise, it shall deny an application for such conditional use, anything in this chapter notwithstanding.

B. (Reserved)

C. (Reserved)[6]

§ 150-23. Lapse of variances and permits. [Amended 1-6-1969; 9-5-2007 by L.L. No. 3-2007]

A. Each variance granted by the Board of Appeals shall expire one year from the date the determination of the

6. **Editor's Note: Former Subsection C, concerning the need for a majority vote, was repealed 9-2-1992 by L.L. No. 4-1992.**

Board granting the variance is filed, unless the determination of the Board granting such variance imposes a different period of time; provided, however, that if substantial construction has taken place in accordance with the plans for which such variance was granted, the variance shall remain in effect as provided by law, and in accordance with any conditions imposed by the Board of Appeals.

B. In an appropriate case, the Board of Appeals may impose a condition that a permit shall expire after a period of time stated in the Board determination.

C. When the Board of Appeals has granted any variance or permit upon conditions, such variance or permit shall be null and void in the event the conditions are not fulfilled or performed with within the time provided by law, unless the Board of Appeals extends such period of time.

D. The Board of Appeals may extend the time in which conditions of an approval of a variance or permit must be fulfilled or performed, upon written application. Such application may be made before or after the expiration of the time in which such conditions are required to be fulfilled or performed.

E. The Board of Appeals may determine whether a public hearing is required for any such extension of time, or may waive any requirement for a public hearing for any such extension of time.

§ 150-24. (Reserved) [7]

7. Editor's Note: Former § 150-24, Variances, added 9-2-1992 by L.L. No. 4-1992, was repealed 8-6-2003 by L.L. No. 1-2003.

§ 150-25. Notice of hearing.

Upon the filing with the Board of Appeals of an appeal or of an application for a permit or variance, the Board of Appeals shall fix the time and place for a public hearing thereon and shall give notice thereof as hereinafter set forth. By publishing a notice thereof in a local newspaper or newspapers at least five days before such hearing, such notice shall state the location of the dwelling or building or lot and the general question involved.

ARTICLE VI
Miscellaneous Provisions

§ 150-26. Enforcement.

It shall be the duty of the Building Official and he is hereby given the power and authority to enforce the provisions of this chapter.

§ 150-27. Purpose.

In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Village. It is not intended by this chapter to interfere with or abrogate or annul any Building Code or any rules or regulations thereunder or the rules and regulations of the Department of Health of the County of Nassau; provided, however, that, where this chapter imposes a greater restriction upon the use of a dwelling or building or lot or requires larger open spaces then are required by such code, rules, regulations or other provisions, than and in that event the provisions of this chapter shall control.

§ 150-28. Remedies.

In case any building, dwelling or structure is erected, constructed, altered, repaired, converted or maintained or any

hedge, tree, shrub or other growth is maintained or any building, dwelling or structure or land is used in violation of this chapter or of any regulations made pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, dwelling, structure or land; or to prevent any illegal act, conduct or use in or about such building, dwelling, structure or land.

§ 150-29. (Reserved) [8]

ARTICLE VII
Parabolic and Hemispherical Antennas
[Added 1-5-1983 by L.L. No. 1-1983]

§ 150-30. Antennas on lots prohibited.

Except as provided in §§ 150-31 and 150-32 hereof, no parabolic or hemispherical antennas shall be erected, constructed, altered or maintained on any lot within the Village of Saddle Rock.

§ 150-31. Rooftop mounting required.

No parabolic or hemispherical antenna may be constructed, erected or maintained unless affixed to the roof of the dwelling.

§ 150-32. Requirements.

All such antennas located on the building shall meet the following requirements:

8. Editor's Note: Former § 150-29, Penalties for offenses, as amended, was renumbered as § 1-15 3-3-1993 by L.L. No. 3-1993.

A. Maximum number per lot: one.

B. Maximum height: six feet from its base.

C. Maximum diameter: two feet.