

**TOWN OF NORTH HEMPSTEAD  
BOARD MEETING**

**AGENDA**



---

**October 8, 2024**

**10:00 AM**

**CONTINUATIONS:**

1. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 57 OF THE TOWN CODE ENTITLED "TOWN FACILITIES."

Synopsis: The purpose of the local law is to amend Chapter 57 of the Town Code entitled "Town Facilities" setting regulations for takeoffs and landings of unmanned aerial vehicles on town property. Continued from September 10, 2024.

2. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

Synopsis: The purpose of the local law is to permit businesses in the PIP District to operate a retail space as an accessory use to the primary business. **Continued to November 12, 2024.**

**PUBLIC HEARINGS:**

3. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 23 OF THE TOWN CODE ENTITLED "GOVERNMENTAL DEPARTMENTS."

Synopsis: The proposed local law will amend the powers and duties of the Commissioner and Deputy Commissioner of Public Safety to include the function of Harbormasters, which are designated as Peace Officers under Section 2.10 of the New York State Criminal Procedure Law.

4. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW ESTABLISHING CHAPTER 76 OF THE TOWN CODE ENTITLED "TEMPORARY MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS FACILITIES."

Synopsis: The purpose of the local law is to place a one (1) year moratorium on the issuance or approval of any building permits, variances, or special exceptions from any agency, board or employee of

the Town of North Hempstead for the utilization of parcels of land for Battery Energy Storage Systems Facilities.

5. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING ARTICLE II OF THE UNIFORM TRAFFIC CODE OF THE TOWN OF NORTH HEMPSTEAD ENTITLED "TRAFFIC REGULATIONS."

Synopsis: The purpose of the proposed local law is to amend the Uniform Traffic Code of the Town of North Hempstead to include certain violations enumerated in the New York State Vehicle and Traffic Law in connection with vehicle registrations, inspections and license plates.

**RESOLUTIONS:**

**TABLED ITEMS:**

---

---

## **PROPOSED 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. 487 - 2024**

#### **A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 57 OF THE TOWN CODE ENTITLED "TOWN FACILITIES."**

**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 57 of the Town Code entitled "Town Facilities" imposing regulations on the take offs and landings of unmanned aerial vehicles from and on Town property; 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 October 8, 2024, 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**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on September 3, 2024, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; 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**, 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. 7 of 2024 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 7 OF 2024**

**A LOCAL LAW AMENDING CHAPTER 57 OF THE TOWN CODE ENTITLED “TOWN FACILITIES.”**

**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 amend Chapter 57 of the Town Code enacting regulations for “Unmanned Aerial Vehicles” in order to ensure the safety to the public and maintain a pleasing public environment free of potential audiovisual nuisance.

**Section 2.**

Chapter 57 of the Town Code is hereby amended to read as follows:

**ARTICLE IV. UNMANNED AERIAL VEHICLES**

**§ 57-19 Legislative Intent.**

**A. The Town Board of the Town of North Hempstead has determined that there has been a proliferation of the use of unmanned aerial vehicles (commonly known as "drones" and "model aircraft") (UAV) in and around the Town of North Hempstead. The Town Board also finds that the flying of these drones presents an audiovisual nuisance and potentially dangerous condition to the public and wildlife that may be present at Town facilities. Such a condition is inconsistent with maintaining of a safe and pleasing public environment. The Town Board further finds that it is in the public interest to regulate the private and commercial use of such UAV on the grounds of Town facilities.**

**B. The Town Board recognizes that the Federal Aviation Administration has authority to regulate the use of UAV by public entities as well as UAV used for commercial purposes and that no person shall operate a UAV for commercial purposes without the express permission of the FAA.**

**C. No provision under this Article shall be interpreted to apply to the Aerodrome, located on West Shore Road in Port Washington which is a Town facility specifically reserved for the use of UAV.**

**§ 57-20 Scope; applicability.**

A. Scope. No UAV may be taken off/launched from or landed at any Town facility, as defined herein, by any private, commercial, or business person or entity without approval of such use from the Town of North Hempstead, as evidenced by a permit issued by the Town Clerk.

B. Applicability.

1. The provisions of this chapter do not apply to any use of UAV at the Aerodrome, located at Hempstead Harbor on West Shore Road in Port Washington.

2. The provisions of this chapter do not, and are not intended to limit, replace, or circumvent any state or federal law, code or regulation. Should any provision of this chapter be in conflict with any applicable federal, state, or local law, ordinance, code, or regulation, the more restrictive provision or requirement shall prevail.

#### § 57-21 Definitions.

As used herein and unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

UNMANNED AERIAL VEHICLE: Any mechanical device weighing not less than fifty five hundredths of a pound (0.55 lbs) which is airborne or may be caused to be airborne, including model airplanes and drones as well as any other similar mechanical device that is controlled by radio transmitter.

#### § 57-22 Enforcement.

All employees of the Department of Public Safety who are now or hereafter charged with the responsibility to perform inspection and/or enforcement duties with regard to the laws, codes, ordinances, and rules and regulations within the general jurisdiction of their respective department, as well as police officers having jurisdiction, are hereby further empowered to enforce the provisions of this chapter and to issue appearance tickets returnable in the District Court of Nassau County for violations thereof.

#### § 57-23 Penalties for offenses.

A. Any person who violates the provisions of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by (1) a fine not exceeding \$500.00; (2) a fine not exceeding \$1,000.00 for a second offense occurring within the first year of the first offense; (3) a fine not exceeding \$1,500.00 for a third offense occurring within eighteen months of the first offense; or by both such fine and imprisonment.

#### § 57-24 Permits.

A. Anyone seeking issuance of a special exception permit to operate a UAV, not otherwise permitted by another governmental authority, shall file an application with the Town Clerk on forms provided by the Town Clerk.

B. Permit period. For the period beginning on October 1 and concluding on April 31, a seasonal use permit shall be available to applicants satisfying the permitting requirements of this chapter. For the period beginning on May 1 and concluding on September 31, a

nonseasonal use permit shall be available to applicants satisfying the permitting requirements of this chapter when the applicant intends to use a UAV at a Town facility between the hours of 9:00 a.m. and 7:00 p.m.

C. Form of permit application.

1. The application for a permit shall set forth the following information:

a. The name, address and telephone number of the person seeking to conduct such activity.

b. If the activity is proposed to be conducted for, on behalf of or by an organization, the name, principal address and telephone number of the organization.

1. The name, address and telephone number of the person or officers of the organization authorized to be responsible for the activity.

c. The date when the activity is to be conducted.

d. Description of any photographic, video and/or audio recording capabilities of the UAV as well as any attachments to the UAV.

e. The UAV operator's AMA membership number, if any, or, where applicable, the UAV's FAA registration number.

2. For purposes of a nonseasonal use application, and in addition to the information required by Subsection C(1) of this section, the applicant shall set forth in the permit application:

a. The number of persons who will be involved conducting the activity(ies).

b. The area over which the activity(ies) is (are) proposed to be conducted as well as the starting point and the termination point.

c. The times when the activity(ies) is (are) proposed to commence and terminate.

d. The altitude(s) of the proposed UAV flight.

D. Waiver of time limitation: The Town Clerk, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than 15 days prior to the proposed activity date.

§ 57-25 Insurance requirement.

A. As part of the application for a permit to operate a UAV under the terms of this chapter, the applicant must provide proof of liability insurance, naming the Town of North Hempstead as a named insured, in the following minimum limits:

1. General liability: \$1,000,000.

2. Bodily injury: \$500,000 individual.
3. Bodily injury: \$1,000,000 single accident.
4. Property damage: \$500,000.

B. For purposes of this section, proof of membership in the Academy of Model Aeronautics ("AMA") shall be deemed to be satisfactory proof of insurance for noncommercial UAV operations.

#### § 57-26 Standards for issuance.

The Town Clerk shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- A. The proposed activity will be orderly in character and not tend to disturb the public peace.
- B. The conduct of the activity will not interrupt the providing of normal emergency services in the area.
- C. The conduct of the activity will not interrupt the safe and orderly movement of traffic.

#### § 57-27 Alternative permit.

The Town Clerk, in denying an application for a special exception permit, shall be empowered to authorize the conduct of the activity on a date, at a time different from that designated by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action by the Town Clerk, file a written notice of acceptance with the Town Clerk. An alternate permit shall conform to the requirements of a permit under this chapter.

#### § 57-28 Form of permit.

- A. Each permit shall contain the following information:
  1. The name and address of the person granted the permit.
  2. The name of the manufacturer, model number, and serial number of the UAV to be flown.
  3. Description of any photographic, video and/or audio recording capabilities of the UAV as well as any attachments to the UAV.
  4. The UAV operator's AMA membership number, if any, or, where applicable, the UAV's FAA registration number.

**§ 57-29 Duties of permittee.**

**A. A permittee hereunder shall comply with all permit terms and conditions and with all applicable laws and ordinances, including, without limitation, regulations and rules promulgated by the AMA in the case of hobbyist UAV operation or 14 CFR Part 107 in the case of commercial UAV operation.**

**B. The person granted the permit shall have the permit in his/her immediate possession at all times during the conduct of the activity and shall display the same upon demand of any person authorized to enforce this chapter.**

**§ 57-30 Conduct of permittee.**

**A permittee shall operate the authorized UAV in a manner consistent with the permit issued by the Town of North Hempstead.**

**§ 57-31 Exceptions.**

**A. The above prohibition shall not apply to the use of drones for active law enforcement purposes, or where the same is authorized by license or permit under the laws and regulations of the United States of America, the State of New York, or under the regulations of the Town of North Hempstead, or as a function of any Town Department, or for which permission has been previously granted by the appropriate governing body, board, agency or commission having authority to grant such permissions.**

**B. The above prohibition shall not apply to the use of UAV or drones at the “Aerodrome” located at Hempstead Harbor on West Shore Road in Port Washington.**

**§ 57-32 Repeal of other laws.**

**All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended.**

\*\*\*

**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 October 8, 2024, Local Law No. 7 of 2024 was adopted. The Local Law amends

Chapter 57 of the Town Code entitled “Town Facilities” in order to regulate unmanned aerial vehicles taking off and landing on Town property.

**Dated:** Manhasset, New York

October 8, 2024

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

**Dated:** Manhasset, New York

October 8, 2024

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Liu, Councilperson Scott, Councilperson Troiano, Councilperson Walsh, Supervisor DeSena.

Nays: None.

Absent: Councilperson Adhami, Councilperson Dalimonte.

---

---

**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. - 2024**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING  
CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."**

**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. 488 - 2024**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 23 OF THE TOWN CODE ENTITLED "GOVERNMENTAL DEPARTMENTS."**

**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 23 of the Town Code entitled "Governmental Departments" adding the function of "Harbormaster" as defined pursuant to the Criminal Procedure Law to the duties of the Commissioner and Deputy Commissioner of Public Safety; 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 October 8, 2024, 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**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on October 8, 2024, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; 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**, 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. 8 of 2024 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 8 OF 2024**

**A RESOLUTION FOR THE ENACTMENT OF A LOCAL LAW AMENDING CHAPTER 23 OF  
THE TOWN CODE ENTITLED “GOVERNMENTAL DEPARTMENTS.”**

**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 amend Chapter 23 Article 11 of the Town Code adding the function of “Harbormaster” as defined pursuant to the Criminal Procedure Law, Section 2.10(19), to the powers and responsibilities of the Commissioner and Deputy Commissioner of Public Safety.

**Section 2.**

Chapter 23 of the Town Code is hereby amended to read as follows:

\*\*\*

§ 23-11.2 Department established; Commissioner.

A. There is hereby established in the Town of North Hempstead a Department of Public Safety.

A. The chief executive officer and administrative head of such Department shall be the Commissioner, who shall be appointed by the Town Board for the term fixed by law and at such salary as may be fixed by the Town Board. They Commissioner shall be appointed on the basis of his administrative and practical experience and education, as well as such additional standards as may be required by law or the Town Board. The Commissioner shall be the head of the Department with power and authority to appoint and remove officers and employees under his jurisdiction in accordance with Civil Service Law and other applicable laws. He may appoint one Deputy, who may act generally for the Commissioner in the absence of the Commissioner, and one Assistant. **The Commissioner and Deputy Commissioner shall serve the function of “Harbormaster” as defined pursuant to Criminal Procedure Law § 210.10(19); provided, however, that nothing in this subdivision shall be deemed to authorize the Commissioner and Deputy Commissioner to carry, possess, repair or dispose of a firearm.**

B. Before entering upon the duties of office, the Commissioner shall execute and file with the Town Clerk an official undertaking, if the same is required by the Town Board, in such sum as is prescribed by the Town Board and in such form as is approved by the Town Attorney.

\*\*\*

### **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 October 8, 2024, Local Law No. 8 of 2024 was adopted. The Local Law amending Chapter 23 of the Town Code entitled “Governmental Departments” in order to add the function of “Harbormaster” as defined pursuant to the Criminal Procedure Law to the duties of the Commissioner and Deputy Commissioner of Public Safety.

**Dated:** Manhasset, New York

October 8, 2024

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

**Dated:** Manhasset, New York

October 8, 2024

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Liu, Councilperson Scott, Councilperson Troiano, Councilperson Walsh, Supervisor DeSena.

Nays: None.

Absent: Councilperson Adhami, Councilperson Dalimonte.

---

---

## **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. - 2024**

#### **A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW ESTABLISHING CHAPTER 76 OF THE TOWN CODE ENTITLED "TEMPORARY MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS FACILITIES."**

**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 establish Chapter 76 of the Town Code entitled "Temporary Moratorium on Battery Energy Storage Systems Facilities" imposing a temporary moratorium on all applications for these uses within the jurisdiction of the Town; 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 October 8, 2024, 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 the text of the proposed Local Law and rendered a local determination on August 15, 2024; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on October 8, 2024, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; 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**, 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. of 2024 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2024**

**A LOCAL LAW ESTABLISHING CHAPTER 76 OF THE TOWN CODE ENTITLED  
“TEMPORARY MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS  
FACILITIES.”**

**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 enact Chapter 76 of the Town Code enacting a “Temporary Moratorium on Battery Energy Storage Systems Facilities” in order to establish a one (1) year moratorium on the issuance or approval of any building permits, variances, or special exceptions from any agency, board or employee of the Town of North Hempstead for the utilization of parcels of land for Battery Energy Storage Systems Facilities

**Section 2.**

Chapter 76 of the Town Code is hereby established to read as follows:

**§ 76-1. Legislative Intent.**

**1. The Board finds that it is in the best interest of the Town of North Hempstead to enact Chapter 76 of the Town Code enacting a “Temporary Moratorium on Battery Energy Storage Systems Facilities” in order to place a one (1) year moratorium on all matters concerning Battery Energy Storage Systems (hereinafter “BESS”) which consist of rows of rechargeable batteries housed in self-contained, interconnected storage units. The Town Board finds that in order to ensure the public health, safety and welfare, a thorough examination of the risks of these facilities must be ascertained prior to the submission of any applications requesting approval for this use.**

**2. The Town Board finds it imperative that the Town undertake a thorough examination of these systems to identify any possible threats to public health, safety and welfare as well as evaluate the potential for environmental degradation.**

3. The Town Board finds that in order to enact the recommendations of the Governor's Interagency Fire Safety Working Group, a moratorium is necessary to provide volunteer fire departments sufficient time to become "qualified personnel", create an "Emergency Response Plan", and provide "site-specific training".

4. The Town requires the moratorium to carefully evaluate the implications of BESS facilities, conform with the proposed recommendations posited by the Governor's Interagency Fire Safety Working Group, and to assess how these facilities may impact the town, its residents, and its fire prevention infrastructure.

5. The Town Board of the Town of North Hempstead has determined that in accordance with Section 617.5 of the State Environmental Quality Review (SEQR), the adoption of a moratorium on applications for building permits and/or certificate of occupancies for land development or construction of Battery Energy Storage System Facilities constitutes a Type II Action, and further that the proposed moratorium has been identified as an Action not having a significant impact on the environment and is not subject to review under SEQR.

#### § 76-2 Definitions.

1. Battery Energy Storage Systems Facilities: A facility, structure, building, or parcel of land that holds or houses electrochemical devices that charge, or collect energy, from a power grid and are then discharged to provide energy to parcels, structures, facilities, dwellings, or utilities serviced by that grid.

2. Moratorium: A local enactment which temporarily suspends a landowner's right to obtain development approvals while the community considers and potentially adopts changes to its comprehensive plan and/or its land use regulations to address new circumstances not addressed by its current laws.

#### § 76-3 Moratorium on Battery Energy Storage Systems Facilities.

Until October 8, 2025, after which this chapter shall lapse and be without further force and effect, unless extended pursuant to a resolution of the Town Board of the Town of North Hempstead, no agency, board, board officer or employee of the Town of North Hempstead, including, but not limited to, the Town Board, the Board of Appeals, Planning Board, or Department of Buildings issuing any approval or building permit pursuant to any provision of the Town Code of the Town of North Hempstead, shall accept any application, review any application, or issue, cause to be issued, or allow to be issued any approval, special exception, variance, site plan, or building permit, for any applications requesting that a proposed parcel to be permitted for use as a Battery Energy Systems Storage Facilities.

#### § 76-4 Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

#### § 76-5 Repeal of other laws.

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all of the Article 16 of the Town Law, Sections 261-285 inclusive and any other provisions of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to specify any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provisions had it been apparent.

\*\*\*

### 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 October 8, 2024, Local Law No. \_\_ of 2024 was adopted. The Local Law establishes Chapter 76 of the Town Code entitled "Temporary Moratorium on Battery Energy Storage Systems Facilities" in order to impose a temporary moratorium on all applications for these uses within the jurisdiction of the Town.

**Dated:** Manhasset, New York

October 8, 2024

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

**Dated:** Manhasset, New York

October 8, 2024

---

---

**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. 489 - 2024**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING ARTICLE II OF THE UNIFORM TRAFFIC CODE OF THE TOWN OF NORTH HEMPSTEAD ENTITLED "TRAFFIC REGULATIONS."**

**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 Article II of the Uniform Traffic Code of the Town Code entitled "Traffic Regulations" codifying Sections 306(b), 401-1, and 402-1 of the New York State Vehicle and Traffic Law and allowing Code Enforcement to issue violations of these Sections under Town Code; 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 October 8, 2024, 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**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on October 8, 2024, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; 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**, 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. 9 of 2024 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 9 OF 2024**

**A RESOLUTION FOR THE ENACTMENT OF A LOCAL LAW AMENDING ARTICLE II OF THE  
UNIFORM TRAFFIC CODE OF THE TOWN CODE ENTITLED "TRAFFIC REGULATIONS."**

**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 amend Article II of the Uniform Traffic Code of the Town Code codifying Sections 306(b), 401-1, and 402-1 of the New York State Vehicle and Traffic Law under the Town Code, providing authority to Code Enforcement officials to issue summonses under local statute.

**Section 2.**

Article II of the Uniform Traffic Code is hereby amended to read as follows:

\*\*\*

**ARTICLE II Traffic Regulations**

**§ 4.1 Vehicle Regulations.**

**A. No vehicle shall be parked on the public highways of the Town of North Hempstead unless a certificate or certificates of inspection, as required pursuant to Title III, Article 5 of the New York State Vehicle and Traffic Law, is or are displayed upon the vehicle or affixed to the registration certificate for the vehicle.**

**B. No motor vehicle shall be parked upon the public highways of the Town of North Hempstead without being registered in accordance with the provisions of Title IV, Article 14 of the New York State Vehicle and Traffic Law.**

**C. No person shall park a motor vehicle on the public highways of the Town of North Hempstead unless such vehicle shall have a distinctive number assigned to it by the Department of Motor Vehicles and a set of number plates issued by the Department of Motor Vehicles with a number and other identification matter if any, corresponding to that of the certificate of registration conspicuously displayed, one on the front and one on the rear of such vehicle, each securely fastened so as to prevent the same from swinging and placed, whenever reasonably possible, not higher than forty-eight inches and not lower than twelve inches from**

the ground; provided, however, that in any registration year for which only one number plate is issued, such number plate shall constitute a set of number plates for the time in which such use is authorized, shall be displayed on the rear of the vehicle and none shall be displayed on its front.

**1. Number plates shall be kept clean and in a condition so as to be easily readable and shall not be covered by glass or any plastic material.**

**2. Number plates shall not be knowingly covered or coated with any artificial or synthetic material or substance that conceals or obscures such number plates or that distorts a recorded or photographic image of such number plates.**

### Section 3.

#### ARTICLE VII Miscellaneous Provisions

##### § 44 Penalties for offenses.

A. Every person convicted of a violation of the following sections of this code shall be punished in accordance with the following schedule:

1. For violation of §§ 36B and 37B, by a fine of \$225, plus any surcharge payable to other governmental entities, and penalties under § 45 for late payment, if applicable.

2. For violation of § 15B(1) through and including B(11), of § 15C, and of any offense in Articles III and IV, except §§ 20 and 23 of this Code, by a fine of \$80, plus any surcharge payable to other governmental entities, and penalties under § 45 for late payment, if applicable.

3. For violation of §§ 20 and 23 of this Code and any offense in Article IX of this Code, except those enumerated above in the preceding Subsection A(1) and (2), by a fine of \$30, plus any surcharge payable to other governmental entities, and penalties under § 45 for late payment, if applicable.

**4. For violation of § 4.1 of this Code, by a fine of \$175, plus any surcharge payable to other governmental entities, and penalties under § 45 for late payment, if applicable.**

**4 5.** For commission of any other violation under this Code, except for those enumerated above in this Subsection A and except for violations under the Vehicle and Traffic Law of the State of New York, by a fine of \$100, plus any surcharge payable to other governmental entities, and penalties under § 45 for late payment, if applicable.

\*\*\*

**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 October 8, 2024, Local Law No. 9 of 2024 was adopted. The Local Law amending Article II of the Uniform Traffic Code of the Town Code entitled "Traffic Regulations" codifying Sections 306(b), 401-1, and 402-1 of the New York State Vehicle and Traffic Law and allowing Code Enforcement to issue violations of these Sections under Town Code.

**Dated:** Manhasset, New York

October 8, 2024

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

**Dated:** Manhasset, New York

October 8, 2024

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Liu, Councilperson Scott, Councilperson Troiano, Councilperson Walsh, Supervisor DeSena.

Nays: None.

Absent: Councilperson Adhami, Councilperson Dalimonte.