

LEGAL NOTICE

The Board of Trustees of the Village of Plandome Heights will hold public hearing at 7:30 p.m. on May 1, 2017, at Village of Plandome Heights Village Hall, 37 Orchard Street, Manhasset, NY 11030, with respect to the following:

Bill No. 1 of 2017, amending Article V, addressing Residency of certain Village Officials, of Chapter 1, "General Provisions," of the Code of the Village of Plandome Heights, to authorize persons who are not residents of the Village to serve as Village election inspectors and as consultant to the Village's Architectural Review Board, provided that they are residents of the County of Nassau, State of New York.

Bill No. 2 of 2017, amending Section 140-24, "Accessory Structures," of Chapter 140, "Zoning," of the Code of the Village of Plandome Heights, to amend existing restrictions on the location and permitted materials for fences. Said Bill No. 2 reads as follows:

"Section 1. Legislative findings. The Board of Trustees of the Village of Plandome Heights has determined that it is in the best interests of the Village and its residents to restrict the type of materials from which fences may be constructed to control the visual appearance of such accessory structures, and to amend existing restrictions on permitted locations of fences, in order to protect the health, safety and welfare of the Village and its residents.

Section 2. Clause "A" of Section 140-24, "Accessory Structures," is hereby amended to read in its entirety as follows:

"A. No fence shall be created, constructed or altered without first obtaining a building permit as provided in Article III of Chapter 43, "Building Construction." Fences shall not exceed 4 feet in height. Fences shall be of an open-type construction, allowing a passage of both light and air through the fence, and shall be constructed of wrought iron, **or aluminum or other metals of weather durable composition designed to visually replicate wrought iron, or** polyvinyl chloride (PVC) or wood; **provided, however, that chain link style fencing, regardless of material type, is not permitted hereunder.** The style of fence shall be approved by the Architectural Review Board prior to installation, **and the Architectural Review Board may require landscaping as condition to approval.** Open-type construction shall mean construction in which the materials used are present in not more than 60% of the surface area of the fence, and the obstructed areas and the unobstructed areas are uniformly distributed throughout the area of the fence. Fences constructed of any other material or in any other manner shall require the approval of the Board of Appeals. Fences may be constructed to enclose the rear **or side** yards or any portions thereof, but in no event shall any fence extend forward of the **front** wall of the dwelling. No fences shall be permitted in

front yards unless approved by the Board of Appeals."

Section 3. Effective Date. This local law shall take effect immediately."

Bill No. 3 of 2017, amending Chapter 140, "Zoning," of the Code of the Village of Plandome Heights, to add a new Section 140-42, "Rentals," to restrict short-term rental of homes within the Village by requiring that the term of any rental shall be for not less than 90 consecutive days in a 365 day period, and that the Village Clerk be notified by each owner whenever a rental is contemplated. Said Bill No. 3 reads as follows:

"Section 1. Legislative findings. The Board of Trustees of the Village of Plandome Heights has determined that it is in the best interests of the Village and its residents to restrict short-term rental of homes within the Village by requiring that the term of any rental shall be for not less than 90 consecutive days in a 365 day period, and that the Village Clerk be notified by each owner whenever a rental is contemplated. The Board finds that, in order to protect the health, safety and welfare of the Village and its residents, it is necessary to restrict the rental of homes for terms shorter than 90 consecutive days, a practice which is growing in popularity, with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals of single family homes. The Board notes that the entire Village is zoned for single family home use. The Board finds a reasonable likelihood of material disruption and adverse impact to the residents if homes in the Village are allowed to be occupied by persons who are neither owners nor occupants for a duration sufficient to support an incentive to maintain the home in a manner consistent with community standards for single family homes occupied for longer durations, and to conduct themselves during their occupancy in a manner that respects neighbors and the community as would persons with longer standing relationships to their neighbors. The Board believes that the restrictions imposed hereby further those objectives and the protection of the health, safety and welfare of the Village and its residents.

Section 2. Chapter 140, "Zoning," of the Code of the Village of Plandome Heights, is hereby amended by adding thereto a new Section 140-42, at the end of Article II thereof ("Miscellaneous Provisions"), to be entitled "Rentals," which shall read in its entirety as follows:

‘§ 140-42. Rentals.

A. Renting, leasing or letting of a single-family dwelling by a homeowner to another family or individual for 90 consecutive days or more while the owner does not occupy the premises is a permitted use. No more than two such rentals, leases or lettings may occur in any 365-day period. No person shall rent, lease or let a single-family dwelling for a term less than 90 consecutive days during a 365-day period. The homeowner must notify the Village Clerk of the name and contact telephone number of each individual occupying any premises upon any rental, lease or letting authorized under this section.

B. If this section causes a severe and substantial financial hardship to any property owner, then the owner may make written application to the Board of Trustees requesting an exemption from the provisions of this section. After due notice and a public hearing on such application, the Board of Trustees may grant such exemption and impose any conditions as may be deemed reasonable or necessary. No exemption shall be granted pursuant to this section, except upon a determination in the sole discretion of the Board of Trustees that severe and substantial financial hardship to the applicant results from the application of the provisions of this section to the applicant.’

Section 3. Effective Date. This local law shall take effect immediately."

Bill No. 4 of 2017, amending the Code of the Village of Plandome Heights to add a new Chapter 47, "Filming," to establish an application and permitting process to regulate filming for commercial, business, charitable, educational and public service purposes within the Village.

Bill No. 5 of 2017, amending Article II, of Chapter 1, "General Provisions," of the Code of the Village of Plandome Heights to clarify the power of the Board of Trustees to establish by Board resolution, and to amend from time to time by resolution, a schedule of fees, deposits and insurance requirements with respect to applications to the Village, the Village Clerk, the Building Department and each Village Board, Commission or other department, including, without limitation, fees, deposits and insurance associated with potential adverse impact to Village or private property from subdivisions and large land use projects, and to provide that unpaid fees, costs and expenses owed to the Village shall constitute a lien and charge upon the real property located within the Village and owned by the owner and applicant.

At time and place of public hearing, all persons will be given opportunity to be heard. Persons planning to attend the meeting who require special accommodations because of disability should notify Village Clerk Arlene Drucker, (516) 627-1136, no less than 48 hours prior to meeting, so that accommodations allowing participation can be made.

Dated: Manhasset, New York
April 14, 2017

By Order of the Board of Trustees of the
Village of Plandome Heights
Arlene Drucker, Village Clerk