

BILL NO. 7 OF 2025

A local law to amend Lake Success Code Chapter 105 entitled “Zoning.”

BE IT ENACTED by the Board of Trustees of the Village of Lake Success as follows:

Section One. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-34 entitled “Filing of application with Planning Board; fees” is hereby amended to read as follows:

§ 105-34. Filing of application with Planning Board; fees.

A. All applications for building permits filed with the Building Inspector and involving the exterior appearance of buildings in the residential or business districts of the Village, or a group of such buildings, shall be accompanied by a Planning Board fee in such amount as shall be established by resolution of the Board of Trustees¹ and shall be in addition to such other fees as may be required under the Building Code Ordinance² or any of the Village ordinances of the Incorporated Village of Lake Success. When such application is made to the Building Inspector, he shall, within three days after such application has been duly filed, exclusive of Saturdays, Sundays and holidays, file said application with the Planning Board.

B. Planning Board’s Jurisdiction

The Planning Board shall have jurisdiction over the following major applications:

- (1) all new construction;
- (2) major renovations which would result in an increase of the gross floor area of a building or hardscape by 40% or more; and

C. Plans required for major applications .

The following plans and materials are required for all new construction and major renovations as defined above: :

- (1) Floor plans and elevation plans, one set to be signed and sealed by an architect or engineer, showing the average elevation at the street line at the top of the curb for all proposed new buildings and structures and all affected elevations in the case of additions or alterations to existing buildings and structures. The elevation shall be

from a two-point perspective and shall identify the colors and types of materials proposed, and, where applicable, shall include detailed drawings or other examples in print of the plan's significant features including, but not limited to, windows, front doors, chimneys, pediments, dormers, cornices, quoins, railings, columns and arches.

- (2) A site plan and survey consistent with the requirements of §105-237(2) and (3).
- (3) Floor area ratio calculations of existing and proposed structures.
- (4) Fee and application form.
- (5) A material board with samples of all proposed materials, a list of all materials and cut sheets identifying the make and model of each material and fixture to include light fixtures.
- (6) Scale model (3/16 or 1/4 inch to the foot). Where the applicant proposes to construct a new dwelling or where a proposed enlargement would result in the increase of the gross floor area of an existing building by 40% or more, the applicant shall be required to prepare a scale model and color rendering of the proposed dwelling. The scale model shall include grades at two-foot intervals.
- (7) Color photographs of the two houses on each side of the subject property.
- (8) Topographical map prepared by a New York State licensed surveyor depicting proposed grading with finished elevations, mean ground level at the proposed dwelling's perimeter, mean street curb level and first-floor elevations, as well as the current topography of the site.
- (9) Landscape plan consistent with the requirements of §105-237(4).
- (10) A lighting plan depicting the location of all exterior light fixtures and lumen counts. All exterior lighting shall

be of adequate illumination for safety and security purposes.

- (12) (11) A two-point perspective color rendering, to scale, of the proposed dwelling. A USB drive containing the entire application package.

The Building Inspector or Board shall be entitled to require the applicant to provide any additional plans deemed necessary for a proper review of the application. The Building Inspector may also waive any of the requirements of this section if deemed unnecessary. **The applicant should meet with the Building Inspector prior to filing an application to confirm the application requirements.**

D) e

The Planning Board shall have jurisdiction over the following minor applications:

- 1. Additions and renovations that increase the gross floor area of a building by less than 40 percent;**
 2. Any change to the exterior façade where like kind materials are not used and where the proposed change is not consistent with the existing façade;
 3. A complete change of the exterior façade or hardscape;
 4. A modification of an approved plan;
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- 5. Repairs to the exterior façade to include siding, windows and doors and paint**

The Building Superintendent in his sole discretion shall determine whether minor applications should be referred to the full board or alternatively be subject to an expedited administrative review by the Chair and one additional board member.

The applicant may appear before the full board to present its case if the application is denied in the administrative review process.

- E) The following plans and materials are required for minor applications:** 1. A material board with samples of all

proposed materials, a list of all materials and cut sheets identifying the make and model of each material and fixture to include light fixtures;2. Fee and application form;3. **A façade plan prepared by a licensed architect;**4. **A color rendering of the façade;**

5. Photographs of the façade; and

6. For additions or renovations that propose a structural change, signed and sealed floor plans and elevations plans prepared by a licensed architect or engineer.

The applicant should meet with the Building Inspector prior to filing an application to confirm the application requirements.

Section Two. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-35 entitled “Disapproval of application for building or alteration permit” is hereby amended by the addition of a new subsection A(2)(c) to read as follows:

(c) Visual offensiveness or other poor qualities of exterior design, including but not limited to, excessive divergences of the height or levels of any part of the structure of the building from the grade of terrain, harmony or discord of color or incompatibility of the proposed structures, building, refurbishing, reconstruction, alteration or addition with the terrain on which it is to be located, the failure of the exterior design to complement and enhance the natural beauty of its site, in regard to landscape, topography, surrounding structures and the scenic character of roadways when visible from such roadways.

Section Three. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-35 entitled “Disapproval of application for building or alteration permit” is hereby amended to add a new subsection C entitled “Continuing jurisdiction” to read as follows:

C. Continuing Jurisdiction.

The Planning Board shall retain jurisdiction over the project. Any amendment to an approved plan, or change in design or material must first be approved by the Planning Board prior to construction by filing an Amendment Application with the requisite fee. The Building Official may approve minor changes to an architectural element due to field conditions provided the change does not substantially alter the design of the building and the Chairperson or a Planning Board member approves the change.

If an amendment or change is made to an approved plan during construction without Planning Board approval, the Building Official shall issue a stop work order and the applicant will be required to submit an Amendment Application. Construction shall not recommence unless the amended plan is approved by the Planning Board.

Section Four. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-35 entitled “Disapproval of application for building or alteration permit” subsection C entitled “Solar panel power systems” is hereby renumbered as Section 105-36.

Section Five. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-36(2) is hereby amended to read as follows:

(2) Administration.

- (a) The fee for any rooftop solar power system application shall be the same as for a building permit.
- (b) The applicant shall submit 10 sets of the following:
 - (1) A roof plan, drawn to scale, depicting the array of panels, tiles or slates on the roof. The plan must be in color and must identify the existing or proposed roof materials and proposed panels, tiles or slates on the roof;
 - (2) A site plan of the premises;
 - (3) Color photographs of the building;
 - (4) A color photo montage of the building with solar panels superimposed; and
 - (5) An aerial photo depicting the premises and the surrounding area

Section Six. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-36 entitled “Grounds for issuance or denial of permit by Building Inspector is hereby renumbered as Section 105-37.

Section Seven. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-37 entitled “Effect of Planning Board approval” is hereby renumbered as Section 105-38.

Section Eight. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-38 entitled “Appeals” is hereby renumbered as Section 105-39.

Section Nine. Lake Success Code Chapter 105 entitled “Zoning” Article VII entitled “Exterior Appearance of Residential Buildings” Section 105-39 entitled “Effect of article” is hereby renumbered as Section 105-40.

Section Ten. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-197 entitled “Average setback line” is hereby deleted in its entirety.

Section Eleven. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-198 is hereby renumbered as Section 105-197.

Section Twelve. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-199 is hereby renumbered as Section 105-198.

Section Thirteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-200 is hereby renumbered as Section 105-199.

Section Fourteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-201 is hereby renumbered as Section 105-200.

Section Fifteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-202 is hereby renumbered as Section 105-201.

Section Sixteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-203 is hereby renumbered as Section 105-202.

Section Seventeen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-204 is hereby renumbered as Section 105-203.

Section Eighteen. Lake Success Code Chapter 105 entitled “Zoning” Article XIX entitled “Height and Bulk Regulations” Section 105-205 is hereby renumbered as Section 105-204.

Section Nineteen. Lake Success Code Chapter 105 entitled “Zoning” Article XXV entitled “Site Plan Review” Section 105-236 entitled “Activities requiring site plan review; approval required” is hereby amended to read as follows:

A. Activities.

(1) Site plan review shall be required for:

- (a) A new building or structure;
- (b) An addition to a building or structure;
- (c) The alteration of any existing building or structure for any new land use or any altered land use activities requiring a variance or special permit;
- (d) Any modification or alteration to an existing site; or
- (e) Construction of a new single-family dwelling or major renovation which would result in an increase of the gross floor area of a single-family dwelling by 40% or more.

Applicants shall file a joint application for ARB review and site plan review for single-family dwelling applications. **[Last sentenced deleted per Chairman]**

(2) Review is not required for:

- (a) ;
 - (b) (a) Minor additions or alterations to a single-family dwelling;
 - (c) (b) Accessory buildings to a single-family dwelling;
 - (d) (c) Additions or alterations to an existing building or structure which does not constitute a new or altered land use.
- B. No building permit for a building or structure subject to site plan review shall be issued by the Building Department except upon authorization of and in conformity with a site plan approved by the Planning Board.
- C. Any construction or alteration on any lot that results in an increase of impervious surface equal to or greater than 200 square feet must include facilities for on-site retention and discharge of stormwater runoff from the added area of impervious surface. Impervious surfaces shall include, but not be limited to, roofs, driveways, on grade and raised patios, athletic courts, swimming pools, window wells, areas of artificial turf, and egress wells, . Areas of permeable materials and decks are excluded from calculations of impervious surfaces.

- D. All new or substantially new structures shall provide for the on-site stormwater retention of the entire structure and all impervious surfaces on the subject property. A substantially improved structure is defined as the enlargement, replacement or alteration of any structure where the new work area exceeds 50 percent of the existing building area or which would classify as a Level 3 alteration as defined by the New York State Building Code.

Section Twenty. Lake Success Code Chapter 105 entitled “Zoning” Article XXV entitled “Site Plan Review” Section 105-237 entitled “Application requirements” is hereby amended to read as follows:

- A. Applications for site plan approval shall be submitted to the Village Clerk after appropriate review of a building permit application by the Building Department and at least 30 days prior to the Planning Board meeting at which the site plan is to be considered and, except as otherwise provided herein, shall include 12 copies of each of the following items, to be submitted in separate and complete sets:
 - (1) An application form for site plan review, in form and substance satisfactory to the Building Department.
 - (2) A site survey, showing all existing structures, prepared, signed and sealed by a licensed land surveyor.
 - (3) A site plan for the proposed land use, drawn at a scale of not less than one inch equals 20 feet, signed and sealed by a licensed architect or engineer, and which shall include the following information:
 - (a) A title block located in the lower right-hand corner of the site plan and shall include the name and address of the applicant and record owner of the property, the property's designation on the Nassau County Land and Tax Map and the title of the project. If the applicant or property owner is a corporation, the name and address of the president and secretary shall be submitted with the application.
 - (b) A date block of the site plan adjacent to the title block containing the date of preparation and dates of all revisions.

- (c) A key map showing the location of the property with reference to surrounding areas and existing street intersections within 1,000 feet of the boundaries of the subject premises.
- (d) A written and graphic scale, as well as the North arrow.
- (e) Zoning district boundaries shall be shown on the site plan as they affect the parcel.
- (f) Survey data showing boundaries of the property, required building and setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way.
- (g) Reference to any existing covenants, restrictions, easements or exceptions that are in effect or are intended to cover all or any of the property. A copy of such covenant, restriction, easement or exception shall be submitted with the application. If there are no known covenants, deed restrictions, easements or exceptions affecting the site, a notation to the effect shall be indicated on the site plan map.
- (h) The location of existing structures on the site. The plan shall contain a notation indicating any structures that are to be removed.
- (i) All distances, as measured along the right-of-way lines of existing streets abutting the property, to the nearest intersection with any other street.
- (j) The location plans and elevations of all proposed structures.
- (k) The location of all existing and proposed driveways, walkways and impervious surfaces located on the property.
- (l) The location of all existing storm drainage structures, soil erosion and sediment control devices and utility facilities, including electric, water, telephone and cable television, which are located within the property lines.

- (m) Existing and proposed contours according to United States Geodetic Survey Datum at intervals not to exceed two feet. Existing contours are to be indicated by solid lines; proposed contours are to be indicated by dashed lines.
- (n) Existing elevations of the road or right-of-way contiguous to the site.
- (o) The location of all existing significant natural features such as boulders, rock outcrops, watercourses, depressions, ponds, marshes and other wetlands, whether or not officially mapped.
- (p) All proposed streets, with profiles indicating grading and cross-sections showing width of roadway, location and width of sidewalk, if any, and location and size of utility lines.
- (q) All means of vehicular ingress and egress to and from the site onto public or private streets, showing the size and location of driveways and curb cuts and sidewalks, if any.
- (r) All provisions for pedestrian access to the site and internal pedestrian circulation.
- (s) The location and design of any off-street parking areas, loading or outdoor storage areas.
- (t) The location of all proposed water lines, valves and hydrants and all sewer lines or alternative means of water supply or sewage disposal and treatment.
- (u) The proposed location, direction of illumination, power and time of proposed outdoor lighting.
- (v) The location, design and type of construction of all proposed signs.
- (w) The proposed stormwater drainage system.
- (x) Structural elevation calculations.
- (y) Zoning calculations.

- (z) Illustration of all proposed structures as they relate to sky exposure plane.
 - (aa) Delineation of Floodplain Zone as shown on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and adopted by the Village.
 - (bb) Delineation of tidal and freshwater wetlands areas as designated by the New York State Department of Environmental Conservation.
- (4) A landscaping plan drawn at a scale of not less than one inch equals 20 feet and which contains the following information:
- (a) Outlines of all existing and proposed structures, driveways, walkways and impervious surfaces to be located on the property.
 - (b) The location of all existing significant natural features such as boulders, rock outcrops, watercourses, depressions, ponds and marshes.
 - (c) The location of all trees, identified by type or species and size, bearing a trunk circumference greater than 20 inches measured at a point four feet six inches above ground level.
 - (d) The location of all trees, shrubs and/or any vegetation, identified by type or species, which are to be removed.
 - (e) The location of all trees, shrubs and/or any vegetation, identified by type or species, which are to be preserved.
 - (f) The location of all trees, shrubs and/or other vegetation, identified by size, height and type or species, which are to be provided.
 - (g) A separate list of all trees and shrubs identified by size, height and type or species that are to be removed and/or to be provided.
5. A drainage plan prepared by a licensed engineer or architect. The plan must provide for a minimum 5-inch

retention of stormwater and is subject to the review of the Village Engineer.

- (6) Photographs (two sets only) of existing structures of the property and surrounding landscaping/screening.
- (7) An environmental assessment form completed and signed by the applicant.
- (8) The original building permit application which was reviewed by the Building Department.
- (9) The Building Department's memorandum of review.
- (10) Identification of all required permits or approvals from the Village or any other governmental body, and a record of application for and status of such permits or approvals.
- (11) A radius map and list of the names of all owners of property within 200 feet of the subject premises and, if the subject premises is adjacent to a private road, the owners of all other properties adjacent to the private road, together with section, block and lot numbers of said property, as shown on the current tax roll of the Village.
- (12) The certificate of title and deed(s) for the existing lot(s).
- (13) A letter from the water district regarding availability of water to the site (for new structures only).
- (13) All appropriate permit fees, charges and deposits required by the Village pursuant to Chapter A111, Art. II, of the Village Code.
- (14) USB drive containing the entire application package.
- (15) Any other information found by the Planning Board or Building Department to be necessary to reasonably determine compliance of the site plan with this article and Village Law § 7-725-a.

Section Twenty-One. This local law shall take effect immediately upon filing with the Secretary of State.