

# Local Law Filing

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one:)*

of Rockville Centre

Local Law No. 1 of the year 2024

*(Insert Title)*

**A Local Law to amend the Code of the Village of Rockville Centre, in relation to conditions of off-street parking variances or waivers.**

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one:)*

of Rockville Centre as follows:

Section one. The Board of Trustees (“Board”) hereby finds that various properties in the Village are unable, or claim to be unable, to comply with the Village Code requirements to provide off-street parking spaces. In proper cases the Board of Appeals (“Zoning Board”) has authority to vary or waive such requirements in whole or in part, or to permit parking spaces to be provided at locations other than the location where such spaces are required by the Code. The Board is concerned that the granting of such relief from the off-street parking requirements in the Code contributes to traffic congestion in the non-residential districts in the Village, and exacerbates the existing shortage of public parking. The Board recognizes that such relief from the Zoning Board is sometimes necessary in accordance with general principles of zoning and land use law, but finds that it is appropriate in such cases for the Zoning Board to require as a condition of granting such relief to require reasonable benefits to the Village. The Board of Trustees further finds that in cases where such relief is appropriate, applicants who obtain such relief should be required to provide a compensating benefit to the Village to facilitate efforts by the Village to maintain and increase the availability of off-street parking in the Village. This legislation is intended to require recipients of such zoning relief to make payments to the Village in lieu of providing such required off-street parking, to assist and enhance the ability of the Village to maintain and enhance public parking in the Village. In order to reduce the impact of such payment requirements on small businesses, the Board further finds that such payment

requirements should be applicable only where an off-street parking variance is granted for more than ten parking spaces.

Section two. Exercise of Municipal Home Rule Law authority. This local law is enacted in the exercise of the authority of the Village pursuant to Municipal Home Rule Law §10(1)(ii) (e) to amend or supersede the provisions of the Village Law relating to the property, affairs or government of the village or to other matters in relation to which and to the extent to which the Village is authorized to adopt local laws, notwithstanding that such provision is a general law, where the State Legislature has not expressly prohibited the adoption of such a local law. As hereinafter provided, this local law is intended to amend and supplement the provisions of Village Law §7-712-a(4).

Section three. Section 340-140(D) of the Code of the Village of Rockville Centre is hereby amended, by adding thereto the following paragraph, to be paragraph (8), to read as follows:

“(8) In any case where the Board of Appeals determines in accordance with applicable law that it is appropriate to grant a variance, waiver or other relief which results in the permissible use of a premises or building in a non-residential zoning district with less than the off-street parking otherwise required by this Code for such use, the Board of Appeals may impose conditions reasonably related to such variance, waiver or other relief.

- (i) In addition to such authority, and in addition to its powers pursuant to Village Law 7-712-b(4), in each such case to which this paragraph (8) is applicable the Board of Appeals shall impose as a condition of any such relief a requirement that the applicant make a payment to the Village, in an amount established from time to time by resolution of the Board of Trustees, in an amount calculated as follows:
  - (a) determine the number of required spaces, which will be identified as A
  - (b) determine the number of available code compliant spaces. This number, or 9, whichever is greater, will be identified as B.
  - (c) subtract B from A
  - (d) multiply the result by the per space payment amount established by the Board of Trustees.

The Board of Trustees may establish such required in lieu per space payment in different amounts for different classes of uses, and may revise the amount of such per space payments from time to time. In determining the amount of such in lieu payments, , the Board of Trustees shall consider, among other factors, the estimated current cost of providing a parking space. All such payments to the Village shall be maintained in a separate fund and shall be used only for the planning, design, acquisition, development, construction, installation, maintenance and/or improvement of public parking in the Village as may be determined by the Board of Trustees in its sole discretion.

(ii) when such required payment has been made in full, the relief granted from off street parking requirements thereafter shall remain in effect for the subject property so long as the use of the subject property is not changed to any use which would require a greater number of off street parking spaces than required for the use in relation to which the variance or waiver was granted. Any change of use which requires off street parking in excess of the number for which the variance or waiver was granted shall not be permitted except pursuant to a further or additional variance or waiver, and subject to the payment provisions of this section. No refund of such payment shall be made where there is a change of use requiring fewer off street parking spaces than the number for which any variance or waiver previously was granted..

(iii) any such required “in lieu” payment shall be made in one lump sum, prior to issuance of a building permit, provided, however, that the Board of Appeals shall have

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authority in its sole discretion to direct a different payment schedule for such payment provided that all such payments shall be required to be made prior to issuance of a certificate of occupancy or completion..

(iv) each application to the Board of Appeals for relief from off-street parking requirements shall be deemed to include the consent of the applicant to the imposition of “in lieu” payment pursuant to this section.

(v) neither the provisions of this section, nor the availability of required “in lieu” payments where parking requirements are varied or waived, shall serve as or constitute a basis or ground for any application for a waiver or variance of otherwise applicable off-street parking requirements. All applications for such variances or waivers shall be determined based upon the appropriate standards for such relief as otherwise established by law.”

Section four. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section five. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section six. This local law shall apply to any building permit or zoning variance application pending on, or filed after, the effective date of this law.

Section seven. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

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**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on April 1, 2024, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_ , pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph,  1  above.

\_\_\_\_\_  
~~Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body~~

(Seal)

Date:  April 1, 2024