

**PLANNING**

**Chapter 114**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 11-20-1968 as Ch. 2 of Part I of the Code of Ordinances (1968). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Flood damage prevention — See Ch. 80.  
Stormwater management and sediment control — See Ch. 132A.  
Zoning — See Ch. 151.**

**§ 114-1. Title.**

This chapter shall be known and may be cited as the "Planning Ordinance of the Village of Kensington."

**§ 114-2. Powers of Planning Board. [Amended 6-16-1993 by L.L. No. 3-1993]**

- A. The Planning Board heretofore established shall be continued and shall have all of the powers and duties provided by the Village Law, the General Municipal Law, the Nassau County Charter (Chapter 878 of the Laws of 1936, as amended) and any other general or special statutes, ordinances, rules and regulations now or hereafter in force.
- B. Village Law § 7-718, Subdivision 3, is hereby superseded and repealed in its application to the Village of Kensington to the extent that said statute precludes members of the Board of Trustees from being eligible for membership on the Planning Board.

**§ 114-3. Master Plan.**

The Master Plan or map by whatsoever name known, heretofore adopted by the Planning Board of the Village of Kensington, and all maps, plans and subdivision plats heretofore adopted by the Planning Board of the Village of Kensington which amend, modify or supplement the Master Plan or map so adopted, shall constitute the Master Plan of the Village of Kensington.

**§ 114-4. Approval of maps, plats and plans.**

- A. The Planning Board is hereby authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways.

- B. The Planning Board is hereby authorized and empowered to approve the development of plats entirely or partially undeveloped and which have been filed in the office of the Clerk of Nassau County prior to the original establishment of the Planning Board, and to approve such plats.

**§ 114-5. Form of applications.**

All applications for approval by the Planning Board must be in writing and must be submitted to the Village Clerk in duplicate and must consist of the following, which will in no case be returned to the applicant:

- A. Request for the approval of the Planning Board, stating precisely what action by the Board is desired.
- B. Map, plat or plan in respect to which approval is requested.
- C. Affidavit or certificate of ownership of the land affected, stating the name of the owner of record thereof.
- D. If the applicant is not the owner of record, proof must be presented showing the authority of the applicant to make the application and to make the affidavits or certificates hereinbefore required.
- E. The fee provided for by § 91-11 of Chapter 91, Licenses and Permits.

**§ 114-5.1. Stormwater Pollution Plan. [Added 11-15-2006 by L.L. No. 3-2006]**

- A. Stormwater Pollution Plan. A Stormwater Pollution Prevention Plan (SWPPP), consistent with the requirements of Chapter 132A, shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 132A. The approved preliminary subdivision

plat shall be consistent with the provisions of Chapter 132A.

- B. Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan, consistent with the requirements of Chapter 132A and with the terms of preliminary plan approval, shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 132A. The approved final subdivision plat shall be consistent with the provisions of Chapter 132A.

#### **§ 114-6. Requirements for maps.**

- A. All maps, plats or plans must be in form to be recorded in the office of the Clerk of Nassau County.
- B. Maps, plats or plans shall be drawn to scale and shall show the boundaries of the property affected and the courses and distances of such boundaries. They shall show the location of all proposed streets and shall give the courses and distances of the lines thereof. They shall show the location of existing streets and shall indicate with reasonable certainty the location of connecting streets on other property. They shall show the location of existing buildings and other structures and other natural or physical features. They shall show the proposed lot development and shall indicate with reasonable certainty the location of the front, side and rear lines of the lots and the approximate area of each lot. They shall show existing streets laid out in the Master Plan of the village as amended. They shall show any other features which the Board may require in individual cases.

#### **§ 114-7. Bond for completion.**

In lieu of the completion of any improvements and installation of utilities prior to the final approval of the map,

plat or plan, the Planning Board may require a bond with a surety satisfactory to the Board as surety thereon, to secure to the village the actual construction and installation of such improvements or utilities or other features at a time and according to approved village specifications, or in case there are no such specifications, according to specifications approved by the Board.

**§ 114-8. Approval or disapproval of maps, plats and plans.**

- A. Village Law § 7-728(1) is hereby superseded and repealed in its application to the Village of Kensington to the extent that the said statute provides a time limit for the approval of or refusal to approve a plat, map or plan, and to the extent that the said statute provides that a plat, map or plan shall be deemed approved if not approved or approval refused within a specified period of time. **[Amended 6-15-1988 by L.L. No. 4-1988]**
- B. The approval or disapproval of a map, plat or plan and any other action taken by the Planning Board and any terms or conditions imposed upon such approval or disapproval or action shall be entered in the minutes of the Board. The approval or disapproval shall be endorsed upon the face of each copy of the map, plat or plan submitted, and where conditions are imposed, either such conditions shall be endorsed upon the face of such map, plat or plan or other reference placed upon the face indicating the existence of such conditions and the place where such conditions may be found.

**§ 114-9. Public hearing.**

- A. Upon the filing of any application, the Village Clerk shall arrange for a time and place at which the Planning Board will meet to consider the application and shall cause notice of such public hearing to be published and posted in accordance with law. He shall also cause notice

of such application to be served either personally or by mail upon the owners or occupants of all property shown upon any such map, plat or plan and any other property lying within 500 feet thereof or which the Clerk shall deem affected by the application. The Planning Board may, in its discretion, require the giving of additional notice, and for such purpose may adjourn the public hearing.

- B. At the public hearing, citizens and persons in interest will have an opportunity to be heard, and the names and addresses of all persons recorded in connection with such application, together with the substance of their views, shall be entered in the minutes of the Board.

#### **§ 114-10. Enforcement**

- A. No subdivision shall be made of land within the village or within 300 feet of the boundaries of the village, and no map, plat or plan of any proposed subdivision thereof shall be approved by the Planning Board, except in conformity with all of the regulations and provisions of this chapter.
- B. No plat of a subdivision of land showing a new street or highway shall be filed or recorded in the office of the County Clerk of Nassau County until it has been approved by the Planning Board and such approval endorsed in writing on the plat.
- C. No public sewer or other municipal street utility or improvement shall be constructed in any street or highway until it has been duly placed on the Official Map or Plan of the Village of Kensington.
- D. No permit for the erection or alteration of any building or structure on any lot or parcel of land within a plat or subdivision which the Planning Board is authorized and empowered to approve or disapprove shall be issued unless such plat or subdivision has been submitted to and approved by the Planning Board. To the extent that

Village Law § 7-728 requires the approval or disapproval of the Planning Board to be made within any period of time, the said provisions of the Village Law are superseded in their application to the Village of Kensington. **[Amended 5-17-1989 by L.L. No. 9-1989]**

- E. No owner and no agent of the owner of any land located within a subdivision in the Village of Kensington shall transfer or sell or agree to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision unless and until such plat has been approved by the Planning Board as provided in this chapter and recorded or filed in the office of the County Clerk of Nassau County; and the description of such lot or parcel by metes or bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided by this chapter.

**§ 114-11. Penalties for offenses. [Amended 5-17-1989 by L.L. No. 1-1989]**

Each person who violates any provision of this chapter shall, for each and every day that said violation continues, be subject to a fine of not more than \$1,000 or imprisonment for a period not to exceed six months, or both such fine and imprisonment.