

INCORPORATED VILLAGE OF EAST HILLS
BOARD OF TRUSTEES
LOCAL LAW NO. 2 OF THE YEAR 2023

A LOCAL LAW AMENDING CHAPTER 271, SECTION 271(7)(B) AND SECTION
285 OF THE CODE OF THE INCORPORATED VILLAGE OF EAST HILLS AS IT
RELATES TO SANITARY SYSTEMS FOR NEW AND SUBSTANTIALLY
IMPROVED STRUCTURES IN RESIDENCE DISTRICTS

The Board of Trustees of the Incorporated Village of East Hills enacts into local law the following amendment:

Section 1: Legislative Purpose and Intent.

This legislation is intended to protect the Incorporated Village of East Hills’ natural resources, public health, Long Island’s sole source aquifer, and nearby Roslyn Harbor and Long Island Sound for our community and future generations. Traditional septic systems do little to remove nitrogen from wastewater. Excess nitrogen from domestic wastewater can adversely impact groundwater quality, estuaries, and freshwater wetlands within a watershed. From here on forward, the Village of East Hills will ensure that all onsite wastewater treatment systems installed for new and substantially improved homes will not pose a threat to public health and safety nor cause any degradation of ground or surface water quality. This legislation will amend the Village of East Hills Zoning Code Chapter 271 Sections 271(7)(B) and Section 285 to require use of nitrogen-reducing Innovative and Alternative Onsite Wastewater Treatment Systems (IA Sanitary Systems) as the standard for all new residential construction, and for any substantial improvement to an existing residential building.

Section 2: Content.

Section 271-7(B) “Definitions and word usage” is amended to add new definitions to read as follows:

SANITARY SYSTEM

Any in-ground cesspool, septic tank, drain field or any combination of structures used for the disposal of sanitary sewage and normal domestic wastes generated on the property in which the system is located.

(1) CONVENTIONAL SANITARY SYSTEM

An onsite sanitary system consisting of a septic tank and any associated interconnecting piping, a leaching structure(s) and any associated interconnecting piping that does not have any active or mechanical means of treatment or any supplemental filtration components. Sometimes referred to as a "disposal system" or simply a "sanitary system".

(2) IA SANITARY SYSTEM

An onsite decentralized wastewater treatment system(s) that is designed to reduce total nitrogen in treated effluent. These systems are also known as “Innovative and Alternative Onsite Wastewater Treatment Systems”, IAOWTS, IA Systems, nitrogen-reducing septic systems, or clean water septic systems.

SUBSTANTIALLY IMPROVED STRUCTURE

The enlargement, replacement or alteration of any structure where the new work area exceeds 50% of the existing building area or which would classify as a Level 3 alteration by the Existing Building Code of NYS.

WORK AREA

That portion or portions of a building consisting of all new, reconfigured or remodeled spaces as indicated on the current construction documents. The work area excludes other portions of the building where incidental work entailed by the intended work (must be) is being performed.

Section 271-285 “**Requirements for new or substantially improved structures.**” is repealed and replaced to read as follows:

§ 271-285 Requirements for new or substantially improved structures.

A. All new or substantially improved residential structures shall include the installation of a new sanitary system.

- (1) For new or substantially improved structures constructed under building permits issued prior to October 1, 2023, new conventional sanitary systems may be installed or existing systems may be utilized only if they conform to 10 NYCRR Appendix 75-A and the most current Nassau County Department of Health standards and were legally installed within the last 10 years.

- (2) For new or substantially improved structures constructed under building permits issued on or after October 1, 2023, new IA Sanitary Systems must be installed.

§271-285 (B) “Requirements for new or substantially improved structures” is repealed.

Section 3: Separability.

If any section or provision of this local law shall be adjudged to be invalid or ineffective by any Court or competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law or its remainder, and shall be confined in its operation to the section or provision or part of this local law which is directly involved in the controversy in which a judgment was rendered.

Section 4: Effective Date.

This local law shall take effect immediately upon filing with the New York Secretary of State.