

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 5-2024 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE III (BUILDING PERMITS) AND CHAPTER 198 (ZONING), ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Resolution for Town Board Meeting Dated: March 12, 2024

The following resolution was offered by: **COUNCILMAN FERRO**

and seconded by: **SUPERVISOR SMYTH**

WHEREAS, the Building and Housing Division of the Department of Engineering Services currently exempts from building permits accessory structures that are routinely found in conjunction with residentially utilized properties up to and including one hundred and forty-four (144) square feet in size; and

WHEREAS, currently the Town Code requires any greenhouse regardless of size to make an application for a special use permit to the Zoning Board of Appeals; and

WHEREAS, small greenhouses up to and including one hundred and forty-four (144) square feet should have minimal if any impact on noise, odor, and light, or community character; and

WHEREAS, a code amendment for this purpose is a Type II action pursuant to SEQRA, 6 NYCRR Part 617.5(c)(12), and therefore no further review is necessary.

NOW, THEREFORE,

THE TOWN BOARD, having held a public hearing on the 6th day of February, 2024 at 7:00 p.m. to consider adopting Local Law Introductory No. 5-2024 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits) and Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 5-2024, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits) and Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations), as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 14-2024  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 87 (BUILDING CONSTRUCTION)  
ARTICLE III (BUILDING PERMITS) AND

CHAPTER 198 (ZONING)  
ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Section 1. The Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits) is amended as follows:

CHAPTER 87 (BUILDING CONSTRUCTION)

\* \* \*  
ARTICLE III (BUILDING PERMITS)

§ 87-14. Permit required; exemptions.

\* \* \*

(D) Exemptions. An exemption from the requirement of a permit shall not be deemed authorization for work to be performed in violation of the Code of the Town of Huntington or the New York State Uniform Fire Prevention and Building Code. Unless otherwise provided in this chapter, the following categories of work shall not require a building permit.

\* \* \*

2. Construction or installation of detached structures associated with one or two family dwellings which are used for tool and storage sheds, playhouses, greenhouses or similar uses, but excluding arbors, gazebos, pergolas and other similar ornamental or decorative structures, provided:

\* \* \*

(c) There are no more than two (2) such structures on the property at the same time and no more than one (1) of these structures is a shed or greenhouse.

\* \* \*

Section 2. The Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations) is amended as follows:

CHAPTER 198 (ZONING)

\* \* \*

ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

\* \* \*

§ 198-68. Uses Permitted by Board of Appeals.

A. The Zoning Board of Appeals may authorize the following uses after making all of the required findings and after public hearing as provided in Article XVI. Plans for parking and loading facilities for proposed uses shall be referred to the Planning and Environment Department for technical evaluation and advisory report, and no decision shall be made

until the report has been received or thirty (30) days has elapsed. Landscaping and fencing and screening may be required in connection with any use permitted under this section.

\* \* \*

13. Noncommercial greenhouses in residence districts, only where accessory to a principal residential use, provided that:

\* \* \*

(d) Greenhouses that do not require a building permit under Chapter 87 shall not require this special use permit.

\* \* \*

Section 3. Severability.

If any clause, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not effect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid part therein.

Section 4. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

\* \* \*INDICATES NO CHANGE IN PRESENT TEXT  
ADDITIONS ARE INDICATED BY UNDERLINE.  
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 0

Supervisor Edmund J. Smyth	AYE
Councilman Dr. Dave Bennardo	AYE
Councilman Salvatore Ferro	AYE
Councilwoman Brooke A. Lupinacci	ABSENT
Councilwoman Theresa Mari	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.