

A LOCAL LAW TO AMEND CHAPTER XII OF THE NASSAU COUNTY ADMINISTRATIVE CODE IN RELATION TO DEPARTMENT OF PUBLIC WORKS APPROVAL OF BUILDING PERMITS AND CURB CUTS PURSUANT TO §239-F OF THE NEW YORK STATE GENERAL MUNICIPAL LAW

WHEREAS, on December 11, 2019, the Blue-Ribbon Panel to Streamline Development Approvals, consisting of business leaders and elected officials from Nassau County, issued its Final Report of recommendations to improve the Nassau County Department of Public Works' review and approval process of certain applications pursuant to §239-f of the General Municipal Law ("§239-f applications"); and

WHEREAS, the Final Report noted that the duration of this review and approval process in Nassau County is between six and twelve months; and

WHEREAS, it is the finding of this Legislature that delay in issuing building permits by municipalities due to delays in County approval pursuant to §239-f of the General Municipal Law is a major cause of higher building costs, loss of jobs and delays in collection of enhanced tax revenues on improved property; and

WHEREAS, it is within the best interest of Nassau County residents to establish a deadline for the review of §239-f applications that balances the County's interest in conducting a thoughtful and thorough review and an applicant's interest in avoiding undue delay; now, therefore

BE IT ENACTED by the Legislature of the County of Nassau as follows:

Section 1. Section 12-1.2 of Chapter XII of the Nassau County Administrative Code is added to read as follows:

§12-1.2 Approval of Building Permits and Curb Cuts pursuant to §239-F of the New York State General Municipal Law. Within thirty business days of receipt of a building permit application, the Commissioner of the Department of Public Works ("Commissioner") may consult with the Nassau County Planning Commission and shall report to the city, village, or town, as applicable, his or her

approval, disapproval, or approval subject to stated conditions. If the Commissioner fails to make a report within thirty business days, any and all County fees associated with building permit application shall be reduced by twenty-five percent (25%), and further reduced by twenty-five percent (25%) every ten business days thereafter that such report is delinquent. If fees were collected prior to the delinquency, the Department of Public Works shall refund the appropriate amount to the applicant. At such time that the fees equate to zero, the application shall be deemed approved so long as at the time of filing, a New York State licensed professional engineer or architect certified that the proposed project plans comply with all applicable rules and regulations. Notwithstanding the forgoing, if the Commissioner requests additional information or clarification from the applicant, the initial time period shall be extended for the number of business days that he or she is awaiting such information or clarification.

§ 2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this ordinance, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 3. SEQRA Determination. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R. and section 1611 of the County Government Law of Nassau County, that the adoption of this ordinance is a "Type II" Action within the meaning of Section 617.5(c)(26) and (33) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. Effective Date. This local law shall take effect immediately.