S T A T E O F N E W Y O R K

3402

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, in relation to providing for a setback along a portion of state route 347

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The highway law is amended by adding a new section 32 to read as follows:

S 32. STATE ROUTE 347 SETBACK. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THERE SHALL BE A TWO HUNDRED FOOT SETBACK FOR ALL NEW CONSTRUCTION WITHIN THE TOWN OF BROOKHAVEN ON LAND ALONG STATE ROUTE 347 AND THE INTERSECTION OF STATE ROUTE 347 AND RADIO AVENUE; PROVIDED, HOWEVER, SUCH SETBACK REQUIREMENT SHALL NOT APPLY TO ANY UNDEVELOPED SINGLE LOT COMPRISING ONE ACRE OR LESS THAT IS BUILDABLE PURSUANT TO A SUBDIVISION PLOT OR SITE PLAN AT THE TIME THIS SECTION TAKES EFFECT.

2. ANY PERSON, UPON A SHOWING OF HARDSHIP CAUSED BY THE PROVISIONS OF THIS SECTION ON DEVELOPMENT IN THE SETBACK AREA, MAY APPLY TO THE COMMISSIONER FOR A PERMIT EXEMPTING SUCH PERSON FROM THE PROVISIONS OF THIS SECTION. SUCH APPLICATION FOR AN EXEMPTION PURSUANT TO THE DEMONSTRATION OF HARDSHIP SHALL BE APPROVED ONLY IF THE APPLICANT SATISFIES THE FOLLOWING CONDITIONS: EXTRAORDINARY HARDSHIP OR COMPELLING PUBLIC NEED.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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