

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 5th day of April, 2022, at 7:00 o'clock in the evening of that day to consider the enactment of a local law to amend Chapter 202 of the code of the Town of Hempstead to INCLUDE and REPEAL "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

BALDWIN
Section 202-5 MERRICK ROAD (TH 478/21) South Side -
ONE HOUR PARKING 10 AM - 10 PM EXCEPT
SUNDAYS - starting at a point 15 feet
east of the east curbline of Lakeside
Drive (Eastern portion) then east for a
distance of 163 feet.

ALSO, to REPEAL from Chapter 202 "REGULATIONS AND RESTRICTIONS" to limit parking from the following locations:

BALDWIN
Section 202-5 MERRICK ROAD (TH 397/17) South Side -
ONE HOUR PARKING 7 AM TO 10 PM EXCEPT
SUNDAYS & HOLIDAYS - starting at a
point 50 feet west of the west curbline
of Lakeside Dr. (East) , then west for
a distance of 191 feet.
(Adopted 11/28/17)

MERRICK ROAD (TH 397/17) South Side -
ONE HOUR PARKING 10 AM TO 10 PM EXCEPT
SUNDAYS - starting at a point 15 feet
east of the south curbline of Lakeside
Dr. (East), then for a distance of
169 feet. (Adopted 11/28/17)

(NR) ISLAND PARK
Section 202-28 ALABAMA AVENUE (TH 794/69) South Side -
TWO HOUR PARKING 8 AM TO 5 PM EXCEPT
SUNDAYS AND HOLIDAYS - starting at a
point 104 feet west of the west
curbline of Austin Boulevard west for a
distance of 72 feet (Adopted 4/7/70)

WANTAGH
Section 202-10 MERRICK ROAD (TH 135/21) South Side -
ONE HOUR PARKING - starting at a point
30 feet west of the west curbline of
Bayview Avenue west for a distance of
66 feet. (Adopted 12/7/21)

Item # 1

Case # 30640

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: March 22, 2022
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.
Supervisor

KATE MURRAY
Town Clerk

Town of Hempstead

A local law to amend Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include and repeal "REGULATIONS AND RESTRICTIONS" to limit parking at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number six of two thousand twenty two is hereby amended by including therein "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

BALDWIN Section 202-5	MERRICK ROAD (TH 478/21) South Side – ONE HOUR PARKING 10 AM – 10 PM EXCEPT SUNDAYS – starting at a point 15 feet east of the east curbline of Lakeside Drive (Eastern portion) then east for a distance of 163 feet.
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Section 2. Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number six of two thousand twenty two is hereby amended by repealing therein "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

BALDWIN Section 202-5	MERRICK ROAD (TH 397/17) South Side – ONE HOUR PARKING 7 AM TO 10 PM EXCEPT SUNDAYS & HOLIDAYS – starting at a point 50 feet west of the west curbline of Lakeside Dr. (East), then west for a distance of 191 feet. (Adopted 11/28/17)
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MERRICK ROAD (TH 397/17) South Side – ONE HOUR PARKING 10 AM TO 10 PM EXCEPT SUNDAYS – starting at a point 15 feet east of the south curbline of Lakeside Dr. (East), then for a distance of 169 feet. (Adopted 11/28/17)

(NR) ISLAND PARK Section 202-28	ALABAMA AVENUE (TH 794/69) South Side – TWO HOUR PARKING 8 AM TO 5 PM EXCEPT SUNDAYS AND HOLIDAYS – starting at a point 104 feet west of the west curbline of Austin Boulevard west for a distance of 72 feet (Adopted 4/7/70)
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WANTAGH Section 202-10	MERRICK ROAD (TH 135/21) South Side – ONE HOUR PARKING – starting at a point 30 feet west of the west curbline of Bayview Avenue west for a distance of 66 feet. (Adopted 12/7/21)
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Section 3. This local law shall take effect immediately upon filing with the secretary of state.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 5th day of April, 2022, at 7:00 o'clock in the evening of that day to consider the enactment of a local law to amend Section 202-1 of the code of the Town of Hempstead to INCLUDE and REPEAL "PARKING OR STANDING PROHIBITIONS" at the following locations:

INWOOD WEST END AVENUE (TH 61/22) West Side -
NO PARKING ANYTIME - starting at a
point 115 feet south opposite the
southeast curblineline of Randall Avenue
then south for a distance of 75 feet.

WANTAGH MERRICK ROAD (TH 135/21) South Side -
NO STOPPING ANYTIME - starting at a
point 30 feet west of the west curblineline
of Bayview Avenue west for a distance
of 66 feet.

WEST HEMPSTEAD MAYFAIR AVENUE (TH 53/22) East Side -
NO STOPPING ANYTIME - starting at a
point 135 feet north of the north
curblineline of Hempstead Turnpike then
north for a distance of 166 feet.

ALSO, to REPEAL from Section 202-1 "PARKING OR STANDING PROHIBITIONS" from the following locations:

UNIONDALE CHESTER STREET (TH 315/87) East Side -
NO STOPPING ANYTIME - starting at the
south curblineline of Front Street south
for a distance of 69 feet.
(Adopted 7/28/87)

CHESTER STREET (TH 140/04) West Side -
NO STOPPING ANYTIME - starting at the
south curblineline of Front Street south
for a distance of 98 feet.
(Adopted 7/13/04)

Item #

2

Case #

30641

ALL PERSONS INTERESTED shall have an opportunity to
be heard on said proposal at the time and place
aforesaid.

Dated: March 22, 2022
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.
Supervisor

KATE MURRAY
Town Clerk

Town of Hempstead

A local law to amend Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include and repeal "PARKING OR STANDING PROHIBITIONS" at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number seven of two thousand twenty two is hereby amended by including therein "PARKING OR STANDING PROHIBITIONS" at the following locations:

INWOOD

WEST END AVENUE (TH 61/22) West Side – NO PARKING ANYTIME – starting at a point 115 feet south opposite the southeast curbline of Randall Avenue then south for a distance of 75 feet.

WANTAGH

MERRICK ROAD (TH 135/21) South Side – NO STOPPING ANYTIME – starting at a point 30 feet west of the west curbline of Bayview Avenue west for a distance of 66 feet.

WEST HEMPSTEAD

MAYFAIR AVENUE (TH 53/22) East Side – NO STOPPING ANYTIME – starting at a point 135 feet north of the north curbline of Hempstead Turnpike then north for a distance of 166 feet.

Section 2. Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number seven of two thousand twenty two is hereby amended by including therein "PARKING OR STANDING PROHIBITIONS" at the following locations:

UNIONDALE

CHESTER STREET (TH 315/87) East Side – NO STOPPING ANYTIME – starting at the south curbline of Front Street south for a distance of 69 feet. (Adopted 7/28/87)

CHESTER STREET (TH 140/04) West Side – NO STOPPING ANYTIME – starting at the south curbline of Front Street south for a distance of 98 feet. (Adopted 7/13/04)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 5th day of April, 2022, at 7:00 o'clock in the evening of that day to consider the enactment of a local law to amend Section 197-5 of the code of the Town of Hempstead to INCLUDE "ARTERIAL STOPS" at the following locations:

ROOSEVELT DENTON PLACE (TH 60/22) STOP - all traffic traveling eastbound on Valentine Street shall come to a full stop.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: March 22, 2022
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.
Supervisor

KATE MURRAY
Town Clerk

Item #

3

Case #

30642

A local law to amend Section one hundred ninety seven dash five of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include "ARTERIAL STOPS" at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Section one hundred ninety seven dash five of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number eight of two thousand twenty two is hereby amended by including therein "ARTERIAL STOPS" at the following locations:

ROOSEVELT

DENTON PLACE (TH 60/22) STOP – all traffic traveling eastbound on Valentine Street shall come to a full stop.

Section 2. This local law shall take effect immediately upon filing with the secretary of state.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 5th day of April, 2022, at 7:00 o'clock in the evening of that day to consider the enactment of a local law to amend Section 197-13 of the code of the Town of Hempstead to INCLUDE and REPEAL "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

UNIONDALE GOODRICH STREET (TH 2/22) North Side - NO STOPPING 8 AM TO 4 PM SCHOOL DAYS - starting at a point 130 feet west of the west curblineline of Chester Street west for a distance of 121 feet.

ALSO, to REPEAL from Section 197-13 "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" from the following locations:

OCEANSIDE WEST CORTLAND AVENUE (TH 482/03) North Side - NO PARKING 8 A.M. - 9 A.M., 3 P.M. - 4 P.M. SCHOOL DAYS MONDAY THRU FRIDAY - from the west curblineline of Yost Boulevard west for a distance of 110 feet. (Adopted 1/27/04)

UNIONDALE GOODRICH STREET (TH 172/92) North Side - NO STOPPING 8 A.M. TO 4 P.M. SCHOOL DAYS - starting 75 feet west of the west curblineline of Chester Street west for a distance of 245 feet. (Adopted 1/12/93)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: March 22, 2022
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.
Supervisor

KATE MURRAY
Town Clerk

Item # 4

30643

Town of Hempstead

A local law to amend Section one hundred ninety seven dash thirteen of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include and repeal "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Section one hundred ninety seven dash thirteen of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number fifty one of two thousand twenty one is hereby amended by including therein "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

UNIONDALE GOODRICH STREET (TH 2/22) North Side – NO STOPPING 8 AM TO 4 PM SCHOOL DAYS – starting at a point 130 feet west of the west curblin of Chester Street west for a distance of 121 feet.

Section 2. Section one hundred ninety seven dash thirteen of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number fifty one of two thousand twenty one is hereby amended by repealing therein "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

OCEANSIDE WEST CORTLAND AVENUE (TH 482/03) North Side – NO PARKING 8 A.M. – 9 A.M., 3 P.M. – 4 P.M. SCHOOL DAYS MONDAY THRU FRIDAY – from the west curblin of Yost Boulevard west for a distance of 110 feet. (Adopted 1/27/04)

UNIONDALE GOODRICH STREET (TH 172/92) North Side – NO STOPPING 8 A.M. TO 4 P.M. SCHOOL DAYS – starting 75 feet west of the west curblin of Chester Street west for a distance of 245 feet. (Adopted 1/12/93)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Section 202-48 of the Code of the Town of Hempstead entitled, "Handicapped Parking on Public Streets," a public hearing will be held in the Town Meeting Pavilion. Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 5th day of April, 2022, at 7:00 o'clock in the evening of that day, to consider the adoption of a resolution setting aside certain parking spaces for motor vehicles for the sole use of holders of special parking permits issued by the County of Nassau to physically handicapped persons at the following locations:

BELLMORE

HILLSIDE AVENUE - west side, starting at a point 95 feet north of the north curblineline of Wilson Avenue, north for a distance of 20 feet.
(TH-69/22)

INWOOD

JEFFERSON STREET - south side, starting at a point 253 feet east of the east curblineline of Doughty Boulevard, east for a distance of 20 feet.
(TH-45/22)

ROOSEVELT

GRENADA AVENUE - north side, starting at a point 139 feet east of the east curblineline of Park Avenue, east for a distance of 20 feet.
(TH-56/22)

UNIONDALE

MANOR PARKWAY - west side, starting at a point 50 feet north of the north curblineline of Merrillon Street, north for a distance of 20 feet.
(TH-46/22)

CAMPUS STREET - west side, starting at a point 290 feet south of the south curblineline of Macon Place, south for a distance of 20 feet.
(TH-66/22)

Item # 5

Case # 21527

and on the repeal of the following locations previously set aside as parking spaces for physically handicapped persons:

BALDWIN

MERRICK ROAD - south side, starting at a point 61 feet east of the east curblineline of Lakeside Drive, east for a distance of 21 feet.
(TH-478B/21)

ALL PERSONS INTERESTED shall have an opportunity to be heard in person on said proposal at the time and place aforesaid.

Dated: March 22, 2022
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.
Supervisor

KATE MURRAY
Town Clerk

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule Law of the State of New York, as amended, a public hearing will be held in the Nathan L. H. Bennett Pavilion, Hempstead Town Hall, Town Hall Plaza, 1 Washington Street, Village and Town of Hempstead, New York, on the 5th day of April, 2022, at 7:00 o'clock in the evening of that day, to consider the enactment of a local law to amend Chapter 55 of the Code of the Town of Hempstead, in relation to Cemeteries.

The proposed local law is on file in the Office of the Town Clerk of the Town of Hempstead, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, where the same may be inspected during office hours.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: Hempstead, New York
March 22, 2022

BY ORDER OF THE TOWN BOARD
TOWN OF HEMPSTEAD, NEW YORK.

KATE MURRAY
Town Clerk

DONALD X. CLAVIN, JR.
Supervisor

Item #

6

Case #

17145

Town of Hempstead

A local law to amend Chapter 55 of the Code of the Town of Hempstead, in relation to Cemeteries.

Introduced by: Councilwoman Goosby

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Chapter of the code of the town of Hempstead, as constituted by local law number thirty two of nineteen hundred eighty, hereby is amended such that Chapter 55 shall henceforth read as follows:

CHAPTER 55: CEMETERIES

GENERAL PROVISIONS

§ 55-1 TITLE.

This chapter shall be known and cited as the "Town Cemetery Ordinance".

§ 55-2 APPLICABILITY OF THIS CHAPTER.

(A) This chapter shall apply only to cemeteries owned, controlled or operated by the town.

(B) The provisions of this chapter shall apply to town officials or their agents or designees involved with the upgrading, maintenance, administration or care of a town cemetery.

(C) The provisions if this chapter shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

§ 55-3 DEFINITIONS AND WORD USAGE.

(A) Definitions. The following definitions shall apply in the enforcement and interpretation of this chapter.

DIRECTOR - The person designated by the Commissioner of the Department of General Services of who is vested with the authority, direction and control over the operation of the Division of Cemeteries.

DISTRIBUTE - See definition of "heir at law."

DIVISION OF CEMETERIES - The Division of Cemeteries of the Department of General Services of the Town of Hempstead.

GRAVE - The conversion from a lot to an excavated place of burial.

GRAVE SECTION - The designated area on a lot which provides space for a grave.

HEIR AT LAW - A relative by blood or by marriage who is entitled to take or share in the estate of a

decedent under the New York State estates, powers and trust statutes governing descent and distribution.

INTERMENT - Burial or the act of depositing a dead body in the earth or family tomb or vault.

LOT - A parcel of land within a town-owned cemetery or burial ground which entitles the owner thereof to a burial place only, subject to the provisions of this chapter.

OWNER - The person or persons named in a deed to a cemetery lot or his or their heirs at law.

PERPETUAL CARE - The maintenance and general preservation of graves and lots to the end that they shall remain and be reasonably cared for as cemetery grounds forever.

RESIDENT - Includes any person domiciled in the Town of Hempstead or a person who pays taxes on real property situated within the Town of Hempstead.

TOWN - The Town of Hempstead.

(B) Word usage.

- a. Where necessary, the singular shall include the plural and the plural shall include the singular.
- b. The words "or" and "and," as used herein, may be construed interchangeably where such meaning is necessary to effectuate the purpose of this chapter.

§ 55-4 CEMETERY LOTS, BURIAL SPACES AND LEASES.

(A) A cemetery lot, or burial space, shall consist of a Deed of Conveyance for a land area or niche. No Deed of Conveyance will be issued until payment is made in full. The purchase of a Deed of Conveyance shall include perpetual care fee as set by the Commissioner of General Services.

(B) Cemetery lots in town-owned cemeteries are exclusively for residents of the town.

(C) Proof of residence in the town is required of all purchasers before a deed conveying a burial space will be issued.

(D) After purchase by and conveyance of a deed to a burial space to a legal resident, the purchaser thereof, his heirs or distributes will not be denied the right of burial in said space should the purchaser's legal residence change thereafter, from that of the Town of Hempstead.

§ 55-5 CONVEYANCE OF LOTS OR BURIAL SPACES.

(A) Cemetery lots or burial spaces shall be conveyed only for the purpose of the burial of the purchaser, his or her heirs at law, parents, siblings or spouse.

(B) All purchases shall be recorded on a Deed of Conveyance issued by Division of Cemeteries. The Deed of Conveyance grants only the right of burial and does not convey any other right to the lot or burial space lease. The Town shall complete and, along, sign the form. The deed shall be subject to the rules and regulations set forth by the Division of Cemeteries from time to time.

(C) The final decision to sell or not to sell a plot shall rest with the Division of Cemeteries, at its discretion, pursuant to the rules and regulations in place at time of potential purchase.

§ 55-6 BURIAL RIGHTS AND RESTRICTIONS.

A. A body, or cremated remains, may be removed from its place of interment in one grave to another grave or lot in the cemetery where there has been an exchange or purchase for the disinterment and interment.

B. Prior to interment all caskets shall be contained within a vault or liner made of concrete or other material approved by the Division of Cemeteries, except that no vault/liner shall be required when the casket will be placed above an existing casket which is not enclosed within a vault/liner.

C. A purchaser may only bequeath or devise the burial rights of his/her plot to qualified heirs who have relationships to the purchaser-testator/testatrix by blood or marriage. If there is no will at the time of the purchaser's death, the laws of intestate distribution as stated in the New York State Estates, Powers and Trusts Law will govern. A lawful heir or distributee, as defined hereinabove, may assign his burial rights to his next of kin, and a joint owner may assign his burial rights to his joint tenants.

D. Where more than one person is legally entitled to the possession of a deed conveying burial rights to a grave or lot, they shall file a written designation with the Division of Cemeteries for the purpose of designating a responsible member of the family to retain ownership and control of said deed, and in the absence, failure or refusal to make such a designation, the Director shall be empowered to act on behalf of the person who otherwise would have such authority.

E. Where a grave or lot is devised and bequeathed by a will admitted to probate to a relation by blood or marriage, a certified copy of the will must be filed with the Division of Cemeteries.

F. In the absence of probate or where there is a probated will which does not dispose of a grave or lot, an affidavit of heirship will be required for filing with the Division of Cemeteries in a form approved by the Division and which states the names and addresses of all heirs and their relationship to the deceased owner of the grave or lot.

G. Upon entering the cemetery grounds, all funerals shall be under the supervision of the Director or designated representative.

H. After a casket/urn shall enter upon cemetery grounds, under no conditions shall it be permitted to be opened without written authority from the Director, after the consent of legal representatives of the deceased or pursuant to a court order by a court of competent jurisdiction, as the case may be.

I. The burial rights of any stepchildren and/or adopted children of the original plot owner or the lawful heir thereof in the subject plot shall be

governed by the provisions of New York State Estates, Powers and Trusts Law.

§ 55-7 MONUMENTS AND MARKERS.

Monuments and headstones shall be permitted in the cemetery, subject to the following regulations:

(A) All monument bases (foundations) upon which any monument, marker or other approved memorial must be placed shall be constructed by the town.

a. Foundations shall be of sufficient depth to support the headstone as determined by the Division of Cemeteries

b. Costs are to be borne by the owner of the burial right, with payment in advance.

c. The town shall establish and maintain a foundation fee

(B) The installation or removal of a monument, headstone or other memorial requires the written consent of the Division of Cemeteries.

(C) Inscriptions shall be in English letters, except that foreign inscriptions may be added after approval is obtained upon application containing a translation of the foreign inscription into English.

(D) No monument, headstone or other memorial shall be permitted to be installed unless any indebtedness against the lot or grave is satisfied and the lot or grave is under perpetual care.

(E) The number, sizes and placement of monuments, headstones or other memorials shall be determined by rules established by the Division of Cemeteries to with the view of making all lots correspond with the uniform grade and aesthetics of the sections and of the surrounding land.

(F) All monuments and markers must show lot and grave numbers on the lower left corner, in three-fourths-inch numbers, in a frosted panel.

(G) Other than engravings on the monument, nothing extra shall be added or annexed to the monument, such as ceramic pictures or like memorabilia.

§ 55-8 INTERMENT, DISINTERMENT AND REINTERMENT REGULATIONS.

(A) All interments shall be arranged with the Division of Cemeteries and performed by town employees or a contractor designated by the town.

(B) Appropriate 36 hours' prior notice of interment shall be given to the Town in advance of any burial, to allow sufficient time for the for opening of the burial space.

(C) The appropriate application for interment and appropriate identification of the person to be buried, when necessary, shall be presented to the Division of Cemeteries prior to interment. If a document has been lost or destroyed, the Division of Cemeteries shall be satisfied, from his or her records, that the person to be buried in the space is an authorized and appropriate one before starting any interment.

(D) All burials, except those of cremated remains, shall be within a standard vault made of materials as approved by the Division of Cemeteries.

(E) No burial shall take place unless the burial space fee, the fee for services required to open and close the grave, and all other fees have been paid in full to the town. Funeral directors as agents of the funeral home making arrangements for burials will be responsible for all financial interment charges if not paid by the owner or his or her agent.

(F) No burial spaces shall be opened or closed except under the direction and control of the Division of Cemeteries. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains; as the matter is subject to the control of the local Health Department.

(G) The town assumes no responsibility for errors in opening graves when those errors are caused by others.

(H) No lot shall be used for any purpose other than burial of human remains.

§ 55-9 CEMETERY MAINTENANCE AND CARE.

(A) All improvement hereafter made shall be made with the view of making all lots correspond with the uniform grade of the surrounding land.

(B) No grading, leveling or excavating upon a burial space shall be allowed. Mounds that hinder the free use of lawnmower or other lawn-care device are prohibited. Surfaces other than earth or sod are prohibited; this includes stone, limestone, wood chips and the like.

(C) No lot or part thereof shall be enclosed by a fence, railing, coping, hedge, ditch, post and chain or other similar device.

(D) Only one shrub will be permitted on any one lot, with prior approval of type of shrub and location by the Division of Cemeteries. The Division of Cemeteries has the right to order the removal of any trees, plants and shrubs which are not planted in accordance with these provisions.

(E) Borders, hedges or any type of shrub or flowers around any grave or lot and the planting of ivy, barberry or rose bushes is strictly prohibited throughout the cemetery.

(F) The placing or installation of signs, boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, wood or iron crosses and similar articles upon or within graves or lots is prohibited, and the Director may order the removal of any of said articles. Vigil lights are permitted, subject, however, to the owner's risk of damage or loss.

(G) Cut flowers may be placed on burial spaces at any time and the town shall remove same when they become unsightly. Plantings must be no more than 18 inches from the headstone.

(H) The Division of Cemeteries shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that

through decay, deterioration, damage or otherwise become unsightly, a source of litter, maintenance problem or are otherwise a violation of this section. This provision shall not apply to monuments or markers. Except where the violation or item must be immediately removed for necessary maintenance or to perform a burial.

(I) Cemetery care includes only seeding and top dressing; cutting and trimming grass, shrubs and trees; and general upkeep of the cemetery. Cemetery care does not include the maintenance of monuments, markers and other memorials.

(J) In Section 26-A of Greenfield Cemetery, no plantings or artificial flowers of any type are permitted. Only fresh cut flowers placed in a vase at ground level in back of the marker will be permitted. Glass containers and vigil lights will not be allowed, and, if found on graves contrary to these regulations, they will be removed immediately.

§ 55-10 CHAPEL

The Division of Cemeteries reserves the right to install a Committal Shelter for interment services in lieu of a grave side service and issue rules and fees for the use thereof.

§ 55-11 REPURCHASE OF BURIAL SPACES.

The Town may repurchase any burial space from the owner for the original price paid minus a 20% owner transfer fee upon written request of the owner or his or her legal heirs or representatives.

§55-12 GENERAL REGULATIONS.

(A) Use of profane or boisterous language is prohibited.

(B) Alcohol is not permitted in the cemetery.

(C) Animals, except leader dogs, are not permitted in the cemetery.

(D) Driving off the established roads is prohibited.

(E) No firearms are allowed in the cemetery, except in the case of military funerals or ceremonies performed by official veterans' organizations on federal holidays.

(F) No person shall injure, deface or destroy any burial space, marker monument, memorial, tree, shrub or other item in the cemetery.

(G) Use of recreational vehicles (ATVs) within the cemetery is prohibited.

(H) Picking of flowers or breaking or damaging trees, shrubs or plants.

(I) Soliciting business of any kind or soliciting contracts or orders for monuments, headstones or any other work.

(J) Signs, notices or advertisements of contractors, stonecutters, undertakers or others.

(K) Selling refreshments of any kind.

(L) Hours of interments shall be as follows:

a. Weekdays, Monday to Friday: 9:00 a.m. to 12:00 noon, and from 1:00 p.m. to 3:00 p.m.

b. Saturdays: 9:00 a.m. to 1:00 p.m.

c. Interment will not be made on Sunday unless the Director shall determine that it is necessary on a religious or emergency basis.

(M) Interments will not be conducted on Holidays in which the Town of Hempstead municipal offices are closed.

(N) Persons operating motor vehicles within the grounds of Greenfield Cemetery shall observe a fifteen-mile-per-hour maximum speed limit

(O) No truck, cart or other commercial vehicle shall be permitted within the grounds of the cemetery except when such vehicle is used in the conduct of official business with the Division of Cemeteries.

§ 55-13 MAUSOLEUMS

The erection of a mausoleum shall be subject to the following provisions:

A. Lots for mausoleums or underground vaults must be at least 1,000 square feet in area.

B. Plans and specifications for the erection of a mausoleum must first be submitted for approval by the Division of Cemeteries, as well as the site and grade of the lot on which the mausoleum is to be erected.

C. The mausoleum or underground vault shall not occupy more than 30% of the area of the lot.

D. No interments shall be permitted within the area of the lot not occupied by the mausoleums or underground vault.

E. Perpetual care of the lot to be occupied by the mausoleum or underground vault must be contracted for by the owner with the Director of the Division of Cemeteries.

F. A duplicate key to the door of the mausoleum or underground vault must be on deposit with the Division of Cemeteries.

§ 55-14 GREENFIELD CEMETERY RECEIVING VAULT

Greenfield Cemetery shall maintain a receiving vault for the repose of bodies, subject to the following regulations:

(A) The receiving vault is for temporary use only, and under no circumstances shall a body be considered as interred or buried by reason of repose therein.

(B) The receiving vault may be used by those who desire to make provisions for final interment, either in this cemetery or elsewhere, upon payment of the usual charges in advance, subject, however, to the rules of the Board of Health regarding public vaults.

(C) Before the vault is used, a responsible member of the family of the deceased must sign an affidavit stating the length of time the receiving vault will be used.

(D) The remains of any person who has died of an infectious and/or contagious disease shall not be allowed to be deposited in the receiving vault unless the body is placed in a metallic-lined box hermetically

sealed. This rule applies also if the body is to be kept longer than 10 days.

(E) The Division of Cemeteries reserves the right to refuse the depositing of bodies in the vault during the extreme warm weather or during the prevalence of epidemics.

(F) Upon failure to make suitable arrangements for the final disposition of the remains temporarily placed in the receiving vault within a reasonable time or upon failure to pay rental the cemetery may, in its discretion, remove the body and inter it, after first having mailed a registered letter to the last known person who made the placement, stating its intention of making said removal.

(G) The Division of Cemeteries reserves the right, without notice, to remove from its vault, at once, and inter any remains not in good state of preservation or when the condition of the body renders its interment necessary.

(H) The Division of Cemeteries reserves the right to exclude flowers from the receiving vault.

§ 55-15 COLUMBARIUM RULES AND REGULATIONS

(A) The Director of Cemeteries may promulgate rules related to the use and operation of the Columbarium, and may set and adjust any fees reasonably related to the use and operation thereof.

(B) The town is responsible for the reservation and maintenance of columbarium niches. The town will establish records regarding the columbarium. These records will include the names of those who have purchased a niche, copies of Columbarium Right Agreements, copies of Certificates of Cremation, and Columbarium Rules and Regulations.

(C) A columbarium niche is for the interment of human remains only. Deceased pets, valuables, flowers, mementoes, etc. will not be allowed in a niche.

(D) Niche openings can only be performed by town employees. Anyone, other than a town employee, who attempts to open a niche, will be prosecuted under applicable state and local laws.

(E) Any acts of vandalism will also be prosecuted under applicable state and local laws.

(F) The town will be responsible for repairs to the columbarium. The town will take all reasonable care to ensure the safety of interred remains. However, the town will not be held responsible for the loss or destruction of interred remains due to vandalism, acts of nature or any unforeseen circumstances.

§ 55-16 INDEPENDENT CONTRACTORS; INSURANCE.

A. Independent contractors who undertake various projects within cemeteries and burial grounds under the jurisdiction of the Town of Hempstead are hereby designated as either of the following two categories:

(1) Independent contractors who are engaged in projects under contract on behalf of the Town of Hempstead; or

(2) Independent contractors as, for example, monument setters and sandblasters who are engaged in projects on behalf of individuals, partnerships or corporations other than the Town of Hempstead.

B. Independent contractors in Subsection **A(1)** shall be subject to the following regulations and insurance coverage:

(1) Independent contractors, their agents or employees shall report to the Division of Cemeteries before work is instituted in order to obtain written authorization to work on any particular project and to verify the location of the job site.

(2) The independent contractor shall provide a certificate of insurance showing compliance with worker's compensation and disability insurance requirements, and, in case any work is sublet, the independent contractor shall require his subcontractor to provide the same protection to his employees. The independent contractor shall furnish the town with said certificates of insurance attesting to their being in full force and effect, with an insurance company approved by the town or licensed to do business in the State of New York.

(3) The independent contractor shall furnish the town with a certificate evidencing a public liability policy covering the independent contractor's own operations and those of his subcontractors, which policy shall include completed operations coverage, as well as contractual liability coverage, to insure the assumption of liability elsewhere set forth in the contract.

(4) The independent contractor shall furnish the town with a certificate evidencing automobile liability coverage in comprehensive form for owned, hired and nonowned automobiles for \$1,000,000 bodily injury for each person, and \$1,000,000 for each occurrence, and for property damage in the amount of \$500,000. All automobile coverage shall be in full force and effect, and notice of cancellation thereof, if any, must be mailed simultaneously to the town.

(5) The independent contractor shall furnish to the town an owner's protective liability policy in the name of the Town of Hempstead, which shall cover any liability of the town which may arise out of the operations of the independent contractor or any of his subcontractors. All liability insurance policies issued shall be in an amount not less than \$1,000,000 for bodily injuries, including death, to any one person, and subject to the same limit for each person, in an amount not less than \$1,000,000 on account of each occurrence; and for property damage in an amount not less than \$500,000 for each occurrence, and in an amount not less than \$1,000,000 on account of all occurrences. Said insurance policy shall be obtained by and at the sole expense of the independent contractor and shall provide that said policy shall not be in any manner whatsoever changed or canceled, unless not less than 10 days' prior

written notice shall be made to the Town of Hempstead without any exception to such notice requirement.

C. Independent contractors in Subsection **A(2)** shall be subject to the following regulations and insurance coverage:

(1) Independent contractors, their agents or employees shall report to the Division of Cemeteries before work is instituted in order to obtain written authorization to work on any particular project and to verify the location of the job site.

(2) The independent contractor shall provide a certificate of insurance showing compliance with worker's compensation and disability insurance requirements, and, in case any work is sublet, the independent contractor shall require the subcontractor to provide the same protection to his employees. The contractor shall furnish the town with said certificates of insurance attesting to their being in full force and effect, with an insurance company approved by the town or licensed to do business in the State of New York.

(3) The independent contractor shall furnish the town with a certificate evidencing automobile coverage in comprehensive form for owned, hired and non-owned automobiles for \$1,000,000 for bodily injury to each person, and \$1,000,000 for each occurrence, and for property damage in the amount of \$500,000. All automobile coverage shall be in full force and effect, and notice of cancellation thereof, if any, must be mailed simultaneously to the town.

(4) The independent contractor shall furnish the town with a certificate evidencing a public liability policy covering the independent contractor's own operations and those of his subcontractors in an amount of not less than \$100,000 for all damages arising out of bodily injury to one person and a limit of \$300,000 for each occurrence, and for property damage in an amount not less than \$50,000 for any occurrence and in an amount not less than \$100,000 on account of all occurrences. This liability coverage shall be in full force and effect, and notice of cancellation thereof, if any, must be mailed simultaneously to the town.

D. Independent contractors, their agents and employees are to abide by the same designated working hours as exist for employees of the Division of Cemeteries.

E. Labor shall be dispensed with when in conflict with the reverence expected during funeral services at the grave site.

F. Independent contractors shall reinstate the area of the work site, after the project is completed, in as nearly the same condition as it was before work was commenced on the project, so that no unkempt condition shall remain; accordingly, rubbish shall be removed and deposited in containers within the cemetery reserved for that purpose.

§ 55-17 DUTIES OF DIRECTOR OF DIVISION OF CEMETERIES.

The Director of the Division of Cemeteries shall have supervision of all matters, including personnel and maintenance of personnel records, maintenance of accounting and divisional records, including budget control and statistical analysis and overall direction and coordination of activities of the Division. The Director shall supervise the employees of the Division of Cemeteries both in the office and outside the office in the cemetery burial grounds.

§55-18 NICHEs.

(A) A single niche is 12"x12"x12".

(B) The urn must be of a material suitable for interment (no cardboard). The town shall have full authority to refuse to accept for interment any receptacle deemed unsuitable. Leaving the cremated remains in the urn sent by crematorium is allowed as long as it meets the above requirements.

§ 55-19 NICHE PURCHASES.

(A) Upon payment in full, a Columbarium Right Agreement will be given to the person or persons who purchased the rights to the niche (hereby known as the lessee(s)). This is their proof of payment and should be kept in a safe place that is known to family members or friends. The lessee(s) will receive a copy of the Columbarium Rules and Regulations.

(B) The holder of the Agreement acquires no property rights in the columbarium or any of its niches. Legal title to the columbarium and niches remains with the town at all times. The Agreement attests only to the right to inter cremated remains of the person(s) named on the Agreement in the specific niche, also stated on the Agreement, pursuant to the Columbarium Rules and Regulations, as amended from time to time. In the event of a discrepancy between the Agreement and the administrative records, the latter shall take preference.

(C) Columbarium Right Agreement for a niche can only be made through the town. A niche must be paid in full before interment. The town will buy back a niche from the owner for the original price minus a 20% ownership transfer fee paid upon written request of said owner or his/her legal heirs or representatives.

(D) A niche reservation cannot be transferred or sold.

§ 55-20 INTERMENT

(A) Interment arrangements must be made by the lessee or the lessee's family; this can be done through a funeral home or by contracting the town directly.

(B) A copy of the Certificate of Cremation must accompany the cremated remains. Any orders from the funeral home are considered orders from a family.

(C) Any funeral home costs are the responsibility of the lessee or the lessee's family. An opening and closing fee will be assessed at the time of the opening at the current rate.

§ 55-21 ENGRAVING OF NICHE COVER

(A) To maintain the columbarium in a uniform manner, the town will arrange for the engraving of the niche plaque and/or scroll. Only first and last name, date of birth, and death date will be allowed.

(B) Only one font scroll will be allowed on all niche plaques.

(C) An engraving fee will be assessed at the time of interment. Niche plaques are required to be engraved.

§55-22 FLOWERS AND WREATHS

No flower arrangements, plants, wreaths, toys, or mementoes will be allowed to be placed near the Columbarium at any time, except at the time of interment.

§ 55-23 REMOVAL OF THE INTERRED CREMATED REMAINS

(A) In the event that the columbarium requires repairs in order to maintain its integrity, the lessee(s) agrees to permit the temporary removal of any cremated remains until those repairs are completed. The cremated remains will be returned to the proper niche by the town.

(B) If cremated remains must be removed from the columbarium by the family or an authorized person, a written request must be made to the town. This request must explain the reason for the removal, who is making the request, their relationship to the deceased, the day and time requested for the removal, and who will take possession of the cremated remains. Additional information or documentation may be required.

(C) An opening and closing fee will be assessed at the time of the opening. The town will exercise reasonable care in making a removal, but it assumes no liability for damage to any urn in the process of making a removal.

(D) If a niche's cover has already been engraved, the cost of replacement cover is not the responsibility of the town. Replacement covers can be obtained from the town at the current established price.

§ 55-24 PENALTIES FOR OFFENSES.

Any person or persons, association or corporation committing an offense against any provision §§ of this chapter shall be guilty of a violation, and shall be subject to a fine of up to \$500 as may be determined by a court of jurisdiction

Section 2. This local law shall become effective immediately upon filing with the secretary of state.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on April 5, 2022 at 7:00o'clock in the evening of that day for the purpose of considering the application of JANTON REALTY, INC. for a variance from the provisions of "GSS" Ordinance to add a canopy over existing pump island, convert service bays to convenience store and operate self-service on the s/e/c Smith Street & Hempstead Babylon Turnpike on the following described premises Merrick, New York:

An irregular parcel on the s/e/c of Smith Street and Hempstead Babylon Turnpike w/frontage on Smith Street of 98.46' and frontage of 115.01' on Hempstead-Babylon Turnpike having property depth of 55.51' situated in Merrick, New York, Town of Hempstead, County of Nassau State of New York.

Maps pertaining to said proposal is on file with the application above mentioned in the office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, NEW YORK.

DONALD X. CLAVIN JR.
SUPERVISOR

KATE MURRAY
TOWN CLERK

Dated: MARCH 22, 2022
Hempstead, N.Y.

Item #

7

Case #

14625

**DECISION:
GLOBAL
MONTELLO
GROUP
CORP.
ELMONT**

Item # 8

case# 16415