

APPENDIX A

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

LOCAL LAW INTRODUCTORY NO. -2010

AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198 (ZONING) AND CHAPTER A202 (SUBDIVISION REGULATIONS AND SITE IMPROVEMENT SPECIFICATIONS) TO CREATE THE HUNTINGTON STATION TRANSIT ORIENTED DISTRICT (HSTOD), AND AMENDING THE ZONING MAP IN ORDER TO REZONE FROM R-7 RESIDENCE DISTRICT TO THE HUNTINGTON STATION TRANSIT ORIENTED DISTRICT (HSTOD) PROPERTY DESIGNATED AS SCTM # 0400-104.04-01-(001-109, 112-114 and 116-118).

Section 1. Amendment to Chapter 198 (Zoning) and Chapter A202 (Subdivision Regulations and Site Improvement Specifications) of the Code of the Town of Huntington to create the Huntington Station Transit Oriented District, and amending the zoning map in order to apply said district to property designated as SCTM # 0400-104.04-01-(001-109, 112-114 and 116-118), as follows:

* * *
CHAPTER 198 (ZONING)
* * *

ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

§ 198-6. Designation of districts.

For the purposes of this chapter, the Town of Huntington outside of its incorporated villages is hereby divided into districts as follows:

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<u>HSTOD</u>	<u>Huntington Station Transit Oriented District</u>	
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§ 198-7. Zoning Map.

The boundaries of the districts enumerated in §198-6 of this chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon, shall be as much a part of this chapter as if the map and every other detail shown thereon were fully described herein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the north side of East Fifth St., 1,130.97 feet west of Park Ave., Huntington Station, containing 26.58 acres, and designated as 0400-104.04-01-(001-109,

112-114 and 116-118) on the Suffolk County Tax Map, to be rezoned from R-7 Residence District to the Huntington Station Transit Oriented District (HSTOD), more particularly described as:

BEGINNING at a POINT on the northerly side of East Fifth St. as widened, distant 1130.97 feet westerly along the north side of the road from its intersection with the westerly side of Park Ave.,

THENCE from said POINT OF BEGINNING westerly along the arc of a curve bearing to the right, having a radius of 642.00 feet and a length of 14.82 feet,

THENCE South 68 degrees 28 minutes 51 seconds East, 17.24 feet,

THENCE South 54 degrees 13 minutes 00 seconds West, 572.21 feet,

THENCE South 64 degrees 46 minutes 30 seconds West, 783.79 feet,

THENCE North 20 degrees 13 minutes 10 seconds West, 364.70 feet,

THENCE South 69 degrees 10 minutes 50 seconds West, 311.06 feet,

THENCE North 18 degrees 7 minutes 30 seconds West, 168.81 feet,

THENCE North 66 degrees 42 minutes 22 seconds East, 295.30 feet,

THENCE North 20 degrees 13 minutes 10 seconds West, 428.95 feet,

THENCE North 76 degrees 53 minutes 50 seconds East, 1423.31 feet,

THENCE South 13 degrees 6 minutes 10 seconds East, 562.35 feet to the POINT OF BEGINNING.

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ARTICLE III (RESIDENCE DISTRICTS)
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§198-19.1. Huntington Station Transit Oriented District,

A. Legislative intent. It is the intention of the Town Board to encourage the creation of compact, walkable residential communities within close proximity to the Huntington Train Station to expand opportunities for residents to limit their dependency on vehicular travel, reduce traffic congestion, and enhance accessibility to existing transit opportunities. The creation of this district will encourage a range of housing options for people of different income levels and at different stages of life within a neighborhood that promotes pedestrian activity, human interactions, safety and livability.

B. Applicability. This district shall be applicable to properties having a minimum lot area of ten (10) acres and located in whole or in part within one-half (1/2) mile of the nearest boundary line of the Huntington Train Station property identified by Suffolk County Tax Map 0400-147.00-04.00-001.001.

C. Conditions of the Change of Zone. The following shall be established conditions of a change of zone into the District, whether or not specifically incorporated in the Town Board resolution granting such change of zone:

(1) The applicant shall demonstrate to the satisfaction of the Town Board that he or she will provide specific improvements to the public infrastructure, at the applicant's sole cost and expense, which shall include but not be limited to sidewalks, roadways, traffic signal devices, and other improvements that result in a pedestrian or vehicular connection to the Huntington Train Station, or reduce automobile use, as may be approved by the Town Board. These improvements shall be a material condition of the change of zone. The Planning Board may, as a condition of site plan, subdivision or resubdivision approval require additional improvements to the public infrastructure as a means of mitigating environmental impacts of a project.

(2) Covenants and restrictions. To ensure continued compliance with this legislation, and as a condition of any change of zone to this District, all market restricted units shall be subject to covenants and restrictions that run with the land and restrict the sale, resale and rental of such units in accordance with the requirements of the District, and other restrictions established by the Town Board on the rezone. Said covenants and restrictions shall be prepared by the applicant and submitted to the Town Attorney for approval as to form and content. Upon approval by the Town Attorney, the applicant shall record the covenants and restrictions in the Office of the Suffolk County Clerk, at his or her own expense, and provide the Town Attorney and the Department of Planning and Environment with a copy of the recorded instrument before the local law will be filed. A copy of the recorded instrument shall be submitted to the Planning Department as part of any application for site plan, subdivision or re-subdivision approval for the property, and shall be noted on the map or plan signed by the Director. All deeds transferring title to the market restricted units shall contain a reference to the Liber and Page of the recorded covenants and restrictions.

D. Use regulations. In the Huntington Station Transit Oriented District, the following uses are permitted:

- (1) Any use permitted in the R-80, R-15 and R-5 Residence District.
- (2) Multiple-family dwellings.
- (3) Any accessory use or structure permitted in the R-80 Residence District, subject to the same limitations and restrictions enumerated in §198-13(B).

E. Off-street parking and loading requirements.

- (1) The off-street parking requirements for multi-family dwellings in the HSTOD are set forth in Article VII.
- (2) Notwithstanding the provisions of Article VIII, no loading spaces are required for multi-family dwellings in the HSTOD.

F. Height, area and bulk regulations. See Article IX.

G. Supplementary use regulations and conditionally permitted uses. See Article XI.

H. Supplemental height, area and bulk regulations. See Article IX.

I. Market restricted housing requirements. No site plan or subdivision for the development or redevelopment of land in the Huntington Station Transit Oriented District shall be approved unless twenty-five (25%) percent of all newly-developed or redeveloped units comply with the following market restrictions. All market restricted units shall be constructed on site and shall be integrated with, and of a similar size and appearance as, market value units. There shall be no ability for a developer to "buy out" of the affordable, workforce or moderate housing components of the District.

(1) Affordable housing.

- (a) A minimum of ten (10%) percent of the total number of for-sale units in a residential development shall be affordable housing. The maximum affordable housing sale price shall be calculated as follows using median family income, adjusted by family size, at the time of the contract of sale:
 - (1) For a two bedroom unit, eighty (80%) percent of the median family income for a family of three, multiplied by 2.5;
 - (2) For a three bedroom unit, eighty (80%) percent of the average of the median family incomes for a family of four and family of five, multiplied by 2.5.
- (b) A minimum of ten (10%) percent of the total number of rental units in a residential development shall be affordable housing. The maximum annual net rental rate for affordable housing shall be calculated by deducting the current annualized monthly utility allowance from the maximum gross rental rate which shall be calculated as follows using median family income, adjusted by family size, at the time of the lease agreement:
 - (1) For a one bedroom unit, fifty (50%) percent of the median family income for a family of two, multiplied by .30;

2010-

(2) For a two bedroom unit, fifty (50%) percent of the median family income for a family of four, multiplied by .30;

(3) For a three bedroom unit, fifty (50%) percent of the median family income for a family of eight, multiplied by .30.

(2) Workforce housing

(a) A minimum of fifteen (15%) percent of the total number of for-sale units in a residential development shall be workforce housing. The maximum workforce housing sale price shall be calculated as follows using median family income, adjusted by family size, at the time of the contract of sale:

(1) For a two bedroom unit, one-hundred twenty (120%) percent of the median family income for a family of three, multiplied by 2.5;

(2) For a three bedroom unit, one-hundred twenty (120%) percent of the average of the median family incomes for a family of four and family of five, multiplied by 2.5.

(b) A minimum of ten (10%) percent of the total number of rental units in a residential development shall be workforce housing. The maximum annual net rental rate for workforce housing shall be calculated by deducting the current annualized monthly utility allowance from the maximum gross rental rate which shall be calculated as follows using median family income, adjusted by family size, at the time of the lease agreement:

(1) For a one bedroom unit, eighty (80%) percent of the median family income for a family of two, multiplied by .30;

(2) For a two bedroom room unit, eighty (80%) percent of the median family income for a family of three, multiplied by .30;

(3) For a three bedroom unit, eighty (80%) percent of the median family income for a family of four, multiplied by .30.

(3) Moderate housing.

(a) Residential developments in the District are not required to provide moderate for-sale housing.

(b) A minimum of five (5%) percent of the total number of rental units in a residential development shall be moderate housing. The maximum annual net rental rate for moderate housing shall be calculated by deducting the current annualized monthly utility allowance from the maximum gross rental rate which shall be calculated as follows using median family income, adjusted by family size, at the time of the lease agreement:

2010-

- (1) For a one bedroom unit, one-hundred ten (110%) percent of the median family income for a family of one, multiplied by .30;
- (2) For a two bedroom room unit, one-hundred ten (110%) percent of the median family income for a family of two, multiplied by .30;
- (3) For a three bedroom unit, one-hundred ten (110%) percent of the median family income for a family of three, multiplied by .30.
- (4) Resale and rental of market restricted housing. Resale and rental of market restricted units shall be monitored by the affordable housing program administrator for compliance with the regulations of the District.

 - (a) The maximum resale price of market restricted units shall be restricted and calculated in accordance with the applicable requirements of Section 198-19.1(I) using the median family income as last reported at the time of the contract of sale. Notwithstanding any other provision to the contrary, the resale price of a market restricted unit may be increased by an amount not to exceed fifty (50%) percent of the documented capital improvements made by the seller, as approved by the affordable housing program administrator, up to a maximum amount of \$10,000.
 - (b) All contracts of sale and lease agreements shall be provided by the affordable housing program administrator, and shall not be amended except as authorized by the administrator. The affordable housing program administrator may pre-approve the developer's standard contract of sale and lease agreement in advance.

 - (1) Prior to closing, a copy of the executed contract of sale shall be provided to the affordable housing program administrator, along with an executed and sworn affidavit by both the seller and purchaser, attesting that the contract of sale is true and accurate, that there are no other agreements between the seller and purchaser, and that the purchaser has not and will not pay any amounts to the seller which are not reflected in the contract of sale.
 - (2) Prior to occupancy, a copy of the executed lease agreement shall be provided to the affordable housing program administrator, along with an executed and sworn affidavit by both the lessor and lessee, attesting that the lease agreement is true and accurate, that there are no other agreements between the lessor and lessee, and that the lessee has not and will not pay any amounts to the lessor which are not reflected in the lease agreement.
- (5) Short term rental of market restricted owner-occupied units. Owner-occupied market restricted units may be rented for a period not to exceed six (6) months if the owner can demonstrate, to the satisfaction of the affordable housing program

administrator, that a financial hardship exists through no fault of the owner requiring such rental. The affordable housing program administrator may, for good cause shown, grant not more than one six-month extension of the rental period. The decision to permit an owner to rent a market restricted unit, or to grant an extension of an approved rental, shall lie within the sole discretion of the affordable housing program administrator. All tenants must meet the income qualifications established for the District, and the maximum net monthly rent shall be no greater than the maximum net annual rent rate set forth in this legislation divided by twelve (12).

J. Financial qualifications of prospective purchasers/owners of market restricted units.

(1) In order to qualify as an eligible purchaser of a market restricted unit, a prospective purchaser's annual household income may not exceed the following income thresholds at the time of the contract of sale:

(a) Affordable housing:

(1) Two bedroom unit: Eighty (80%) percent of the median family income for a family of three;

(2) Three bedroom unit: Eighty (80%) percent of the average of the median family incomes for a family of four and family of five.

(b) Workforce housing:

(1) Two bedroom unit: One-hundred twenty (120%) percent of the median family income for a family of three;

(2) Three bedroom unit: One-hundred twenty (120%) percent of the average of the median family incomes for a family of four and family of five.

(2) Applicants may not have assets which after deduction of the established downpayment and estimated closing costs exceeds twenty-five (25%) percent of the contract sale price of the market restricted unit.

(3) All applicants must have adequate resources and credit to qualify for a home mortgage if they are not able to establish that they have sufficient funds to pay the purchase price and estimated closing costs.

(4) Applicants who are residents of the Town of Huntington, and parents, grandparents, children and grandchildren of Town residents shall have priority to purchase market restricted units.

(5) A list of eligible purchasers for market restricted units shall be created by a lottery system which shall be conducted by the affordable housing program administrator and will establish the order of eligibility for purchasers of market restricted units. After the initial list is created, applicants will be added to the list in the order that their complete application is accepted. It shall be the obligation of eligible purchasers to update their contact information and verify eligibility on an annual basis, or as requested by the affordable housing program administrator, from time to time.

(6) Applicants who are qualified financially and are not residents of the Town of Huntington or a parent, grandparent, child or grandchild of a Town resident, may file an application with the affordable housing program administrator. In the event there are no eligible purchasers who meet all of the requirements, the applicants on the non-priority list will be confirmed by the affordable housing program administrator and contacted by the affordable housing program administrator. The applicants on this list will be added in the order that their complete application is accepted.

K. Financial qualifications of prospective tenants of market restricted units.

(1) In order to qualify as an eligible tenant of a market restricted unit, a prospective tenant's annual household income may not exceed the following income thresholds at the time of the lease agreement:

(a) Affordable housing:

(1) One bedroom unit: Fifty (50%) percent of the median family income for a family of two;

(2) Two bedroom unit: Fifty (50%) percent of the median family income for a family of four;

(3) Three bedroom unit: Fifty (50%) percent of the median family income for a family of eight

(b) Workforce housing:

(1) One bedroom unit: Eighty (80%) percent of the median family income for a family of two;

(2) Two bedroom unit: Eighty (80%) percent of the median family income for a family of three;

(3) Three bedroom unit: Eighty (80%) percent of the median family income for a family of four.

(c) Moderate housing:

(1) One bedroom unit: One-hundred ten (110%) percent of the median family income for a family of one;

(2) Two bedroom unit: One-hundred ten (110%) percent of the median family income for a family of two;

(3) Three bedroom unit: One-hundred ten (110%) percent of the median family income for a family of three;

L. Transfer of ownership and/or tenancy.

(1) Ownership of market restricted units may not be conveyed by will, devise, intestacy, gift, purchase on the open market, or otherwise. Owners interested in conveying a market restricted unit must notify the affordable housing program administrator in writing of their intention to convey their unit. If the unit is for sale, the affordable housing program administrator shall notify the prospective seller of the next eligible applicant in the order of their appearance on a list maintained by the applicable affordable housing program administrator, until such time as an eligible applicant has agreed to purchase the unit. Notwithstanding the restrictions above, a market restricted unit may be conveyed by its owner to a trust, provided that the owner is a beneficiary of the trust and the terms of the trust require that the trustee, within one-hundred and twenty (120) days of the date of the beneficiary's death, or the date when the unit is no longer being used as the beneficiary's primary residence, notify the affordable housing program administrator and offer the unit for sale to the next eligible applicant. Prior to conveying a market restricted unit to a trust, a copy of the trust instrument shall be provided to, and approved by, the affordable housing program administrator. Title may also be transferred to a court-appointed referee in mortgage foreclosure proceedings provided the unit is offered for sale and transferred to the next eligible applicant in accordance with the provisions of this legislation, and a copy of the Order of Reference and Order of Sale is provided to the affordable housing program administrator.

(2) Rental units. No lease shall be transferred or assigned.

M. Administration fees. The affordable housing program administrator shall receive the following administration fee for monitoring compliance with the requirements of this legislation.

(1) Market restricted units for sale. The administration fee shall be equal to one (1%) percent of the contract sale price of the unit, per conveyance, payable by the seller at or prior to closing.

(2) Market restricted units for rent. The administration fee shall be equal to one month's gross rent or one thousand dollars (\$1,000), whichever is lower, per rental or short term rental of an owner-occupied unit, payable by the tenant upon approval of the lease agreement by the affordable housing program administrator.

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ARTICLE VII (OFF-STREET PARKING)

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§ 198-47. Table of Minimum Spaces Required.

Use or Use Category	Basic Unit of Measurement	Additional or Alternative Requirement
* * *	* * *	* * *
<u>Multifamily dwellings located in a HSTOD</u>	<u>1.5 per one bedroom unit</u> <u>2.0 per two or three bedroom unit</u>	

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ARTICLE IX (HEIGHT, AREA AND BULK REGULATIONS)

§ 198-55. Chart of Height, Area and Bulk Requirements.

Height, area and bulk requirements for the various districts shall be as indicated in the chart below, together with other height, area and bulk requirements contained elsewhere in the chapter. Refer to the specific district regulations for special conditions and requirements.

Revisions to this section are set forth and made a part hereof as Schedule "A".

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§ 198-57. Modifications of height regulations

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D. In a Huntington Station Transit Oriented District, the height of principal buildings may be increased to fifty (50) feet where the principal building setback is at least seventy-five (75) feet from all exterior property lines.

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§ 198-58. Modifications of yard regulations.

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M. In a Huntington Station Transit Oriented District, there shall be a setback of a least ten (10) feet on the side of any property abutting an active LIRR/MTA lot or right-of-way.

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ARTICLE X (THE STEEP SLOPES CONSERVATION LAW)

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§ 198-65. Multi-family site development in C-1, HSTOD, R-3M, R-HS and R-RM zoning districts.

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ARTICLE XVII (PLANNING BOARD APPROVALS)

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§ 198-116. Building and site development plans.

A. Authority of the Planning Board.

(1) Site plan approval. Site plan review and approval involving any physical alteration of the land is required by the Planning Board for:

* * *
(c) All development in R-3M, HSTOD, R-HS and R-RM zoning districts; and

* * *
CHAPTER A202 (SUBDIVISION REGULATIONS AND
SITE IMPROVEMENT SPECIFICATIONS)
SCHEDULE A (SUBDIVISION OF LAND FEES)

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B. Preliminary subdivision review:

(1) Residential subdivisions: For any preliminary subdivision plat submitted for review and approval by the Planning Board, there shall be a base fee of six hundred dollars (\$600) in addition to the following fees:

Residence District	FEE* Minor Subdivision	FEE* Major Subdivision
	*	*
<u>HSTOD</u>	<u>\$275/unit</u>	<u>\$300/unit</u>
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SCHEDULE D (RECREATION FEE IN LIEU OF PARKLAND)

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C. In all other zoning districts, the recreation fee for subdivisions and site plans shall be as follows:

