

RESOLUTION SCHEDULING A PUBLIC HEARINGS TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 44-2024 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE V (INDUSTRIAL DISTRICTS), § 198-34 (I-1 LIGHT INDUSTRY DISTRICT), ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS), AND ARTICLE IX (HEIGHT, AREA AND BULK REGULATIONS), § 198-55 (CHART OF HEIGHT, AREA AND BULK REQUIREMENTS)

Resolution for Town Board Meeting Dated: August 6, 2024

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

and seconded by: **SUPERVISOR SMYTH**

WHEREAS, the Horizons 2020 Comprehensive Plan Update identified as a major goal to manage growth and change to maintain Melville's position as an employment hub, with a focus south of the Long Island Expressway by promoting mixed-use developments and improving the visual and aesthetic quality of both new and existing buildings; and

WHEREAS, in order to accomplish this goal, it is necessary to create an option for a Special Use Permit to allow for mixed-use buildings in industrially zoned areas south of the Long Island Expressway in Melville that will enhance the overall business environment and provide opportunities to diversify housing and expand commercial and hospitality services with appropriate guidelines to promote sound development in accordance with good planning practices; and

WHEREAS, the Town Board will pause the acceptance of new applications after the submission of the first application(s) totaling four-hundred (400) residential units, and thereafter each successive submission of application(s) totaling four-hundred (400) units, to assess the cumulative impact of the developments on traffic conditions, fire/emergency and educational services; and

WHEREAS, pursuant to the SEQRA regulations, the scheduling of a public hearing to consider amending the Code of the Town of Huntington is not an action, so no SEQRA review is required at this time.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby schedules a public hearing for the 10th day of September, 2024 at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory Number 44- 2024 amending the Code of the Town of Huntington, Chapter 198 (Zoning) to create a Special Use Permit option for mixed use buildings in industrial zones in Melville south of the Long Island Expressway on the Town Board's own motion, as follows:

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

LOCAL LAW INTRODUCTORY NO. 44-2024
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING), ARTICLE V (INDUSTRIAL DISTRICTS),
§ 198-34 (I-1 LIGHT INDUSTRY DISTRICT), AND ARTICLE IX (HEIGHT, AREA
AND BULK REGULATIONS), § 198-55 (CHART OF HEIGHT, AREA AND BULK
REQUIREMENTS)

Section 1: Chapter 198 (Zoning), Article V (Industrial Districts), § 198-34 (I-1 Light Industry District), and Article IX (Height, Area and Bulk Regulations), § 198-55 (Chart of Height, Area and Bulk Requirements), is hereby amended as follows:

CHAPTER 198
ZONING

* * *

ARTICLE V
INDUSTRIAL DISTRICTS

* * *

§ 198-34 I-1 Light Industry District.

F. Supplementary use regulations and conditionally permitted uses. See Article XI. In addition, the following may be allowed subject to the issuance of a special use permit by the Town Board so authorized pursuant to § 198-66 of this chapter.

* * *

(5) Mixed-use office, commercial, and/or residential buildings and sites. A special use permit for mixed-use office, commercial, and/or residential buildings and sites shall only be approved by the Town Board for all I-1 industrial zoned properties and no other industrial districts south of the Long Island Expressway, east of Walt Whitman Road, west of Pinelawn Road, and north of Ruland Road in Melville (except for those properties within the Melville Town Center Overlay District and properties south of Ruland Road and properties fronting on the East side of Walt Whitman Road excluding properties that have additional frontage on a State road and West of Walt Whitman Road) when they have access to public sewers and the Board finds that the proposal:

1. Follows the initial construction of building foundations within the Melville Town Center Overlay District or six (6) months has passed since the enactment of said district, whichever occurs first.
2. Is of high quality and visually appealing from adjacent streets and surrounding areas, with an emphasis on building placement and orientation that complements adjoining properties.
3. Has an appropriate mix of uses as defined in the Permitted Uses Schedule (a).

4. Has open spaces, parking areas, pedestrian walks, signs, lighting, landscaping and utilities that are well related to the site and arranged to achieve a safe, efficient and contextually sensitive development.
5. When appropriate, contributes to a central public gathering space that may be used for community events.
6. Shows high inter-connectivity between proposed uses and adjacent areas.
7. Promotes walkability, pedestrian scale lighting and ground floor activity among business and residential uses.

(a) Permitted Uses

- (1) Mixed use buildings or sites shall consist of at least twenty (20) percent office use, up to sixty-five (65) percent residential use and no more than twenty-five (25) percent commercial uses such as retail personal service shops, food shops, bistros, bars, restaurants and day care, except as allowed by (2) in the following provision:

(2) Predominately residential use buildings (up to 75% residential) are permitted on properties of four (4) acres or less at the time of the adoption of this Code, as long as the first floor contains up to thirty (30) percent building amenities with the remaining first floor used for retail or commercial space. No residential units or parking are permitted on the first floor.

(3) Breweries, brewpubs, wineries, and distilleries where the products are manufactured, warehoused, and/or served on premises, and commercial athletic, recreation, and training facilities, all containing 20,000 sq. ft. or less, may also serve as secondary commercial uses in an office, industrial, or residential building.

(4) With the exception of predominately residential use buildings as provided for in (a) Permitted Uses (2), the frontages of properties along the Service Roads of the Long Island Expressway shall continue to be developed in accordance with the permitted uses, special uses under § 198-34(F)(3 & 4), and required front yard setbacks of their zone. Additional uses allowed by this section such as retail services and residential should be relegated to the rear of buildings or lots along Broadhollow Road and the Service Roads of the Long Island Expressway in order to preserve the existing zoning aesthetic.

(5) Required parking may be provided in basements, underground, or in structured parking. All structured parking garages shall be located, designed, and/or screened in order to improve their appearance and minimize their visibility from neighboring streets.

(6) Architectural design of buildings along Route 110 area shall be designed to appear as commercial office space.

(b) Prohibited Uses.

- (1) Drive-throughs for any uses other than a bank.
- (2) Self-storage facilities.
- (3) Warehousing and manufacturing, except as specifically permitted under subsection (a)(3) above.
- (4) Vape and cannabis store.

(c) Dimensional Standards

- (1) All required area, parking and bulk regulations of the underlying zoning shall be adhered to unless alternate requirements are provided for below.
- (2) Height of the building is limited to fifty (50) feet and up to four (4) stories of occupied space, except buildings comprised of eighty-five (85) percent or more of office use may have a height of up to fifty-eight (58) feet.
- (3) Maximum percent of lot covered by building excluding structured parking, shall not exceed forty (40) percent.
 - (4) Minimum twenty (20) percent of the site shall be comprised of useable civic, recreational, and/or open space that is available to the general public, including but not limited to: trails, paths, parks, sidewalks, public art or gathering spaces. Such space may be provided within required yard setbacks.
- (5) Floor Area Ratio shall not exceed 1.75.
- (6) Parking for residences shall be calculated at one (1) space per studio or one (1) bedroom unit and .5 spaces for each additional bedroom.
- (7) Front yard building setback of 30 feet.
- (8) Minimum lot area of two (2) acres.
- (9) Minimum residential unit sizes shall be 600 sq. ft. for a studio unit, 700 sq. ft. for a 1-bedroom unit, 800 sq. ft. for a 2-bedroom unit, and 900 sq. ft. for a 3-bedroom unit.
- (10) Office uses are required to have one (1) space per three-hundred and fifty (350) square feet of usable building space. Up to 10-20% of the required parking for a residential use may be shared with parking for office uses.

(d) Incentives, Credits and Fees

(1) Applicants are required to pay a one-time fee to the Fire/Emergency District to off-set increased costs associated with servicing additional residences and businesses:

- (a) For each unit over 25 in a project: \$1,500.00.
- (b) For each office/commercial square foot over 10,000 square feet in a project: \$2.50.

(e) Review of Applications

- (1) The Town Board will pause the acceptance of new applications after the submission of the first application(s) totaling combined four-hundred (400) residential units in the I-1 zone south of the Long Island Expressway in Melville and the Melville Town Center, and thereafter each successive submission of application(s) totaling four-hundred (400) units, to assess the cumulative impact of the developments on traffic conditions, fire/emergency and educational services. The total number of residential units in the I-1 zone south of the Long Island Expressway in Melville and in the Melville Town Center combined shall not exceed two thousand – five hundred (2,500) units. Further, at no time shall the number of units constructed in the I-1 zone south of the Long Island Expressway in Melville exceed twenty-five (25) percent of the cumulative residential units constructed under the Town Board special use permit provisions for the I-1 zone south of the Long Island Expressway and the Melville Town Center.

(e) Retaining Outside Consultants

(1) It is the intention of the Town Board to protect the health, safety and welfare of those residing in neighboring properties and the community-at-large and from the impacts of land development, and to facilitate the expeditious processing of applications by providing the Planning Department and Engineering Services with a mechanism by which they can seek the assistance of outside professionals and/or commission independent studies at the applicant's expense to assist in evaluating any matter involving an application to the Town Board for special use permits within the industrial districts in Melville. In order to accomplish these goals, the Town Board is exercising its police power and authority under § 10(1)(ii)(a)(6), (11) & (12) and § 10(1)(ii)(d)(3) of the Municipal Home Rule Law; the New York State Constitution; § 64(23) and § 130(15) of the Town Law, and any other applicable provision of law now or hereinafter enacted so as to require full payment of all such fees as a condition of approval of a special use permit to allow development in the industrial districts in Melville, and the issuance of a building permit or other Town approval.

(2) As a condition of processing any matter over which it has jurisdiction, and except as otherwise set forth in Chapter 194 for Wireless Telecommunications Facilities, the Town

Board may, at any time, require an applicant to pay for the reasonable costs of such independent studies and/or outside consultants as may be reasonably related to the matter under review. All such costs shall be paid by cash or certified check and are in addition to any other required fee. Within thirty (30) days of the date on the written request for payment, the applicant shall submit to the Department of Audit & Control a fee determined by The Town Board, or its designee, and the fee shall be deposited into an account to be utilized by the Town to pay for such services during the review process. Upon request, the applicant shall be provided with copies of invoices submitted to the Town for the work of outside consultants and studies. In the event the sum initially deposited by the applicant is not sufficient and additional funds are necessary, the applicant shall pay such additional sums within twenty (20) days of the date on the written request for payment. After all reasonable charges have been paid to the vendor(s) by the Town, any balance remaining on deposit in the account shall be returned to the applicant. In the event an application is withdrawn at any stage by the applicant any unused portion of the sums on deposit shall be returned to the applicant.

(3) In its discretion the Town Board may adopt or reject, in whole or in part, the findings and determinations of any consultant or study commissioned by the Board or applicant.

(4) The Zoning Board shall hold a pending application in abeyance, if, in the course of processing such application, it becomes necessary to rescind, modify, vary, or interpret a covenant, condition or restriction imposed by the Town Board. In such event, the applicant shall be directed to file an application with the Town Board for such interpretation, variance or modification, and such Town Board determination shall be made before the Zoning Board can proceed with the application before it.

* * *

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".

* * *

Section 2. Severability.

If any clause, sentence, 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 invalidated, such judgment shall not affect, 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 parts therein.

Section 3. 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.

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

VOTE: AYES: **4** NOES: **0** ABSTENTIONS: **1**

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

Article IX
Height, Area and Bulk Regulations

Symbol	Section Number	District	Uses Permitted in District to Which Standards Apply	Maximum Building Height (stories)	Minimum Depth of Yards		Minimum Side Yards				Minimum Lot Area		Minimum Lot Frontage (feet)	Maximum Percent of Lot Covered by Building	
					Front Yard (feet)	Rear yard (feet)	Number of Yards	Width of One yard (feet)	Combined Width of Two Yards (feet)	Width of Yard on Street Side (feet)	Width of Interior Side yard (feet)	Interior Lots			Corner Lots
	198-34	I-1 Light Industry District	All uses	--	50	30	25	50	30	30	--	3 acres	250	150	60
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