

2024-

Resolutions 166 and 167

3-12-2024

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

LOCAL LAW INTRODUCTORY NO. 12-2024 AMENDING THE  
CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING) TO CREATE THE MELVILLE TOWN CENTER OVERLAY  
DISTRICT (MTCOD) AND AMEND THE ZONING MAP IN ORDER TO APPLY SAID  
DISTRICT TO CERTAIN PROPERTIES LISTED IN SCHEDULE "A" ON THE TOWN  
BOARD'S OWN MOTION

Section 1. Amendment to Chapter 198 (Zoning) of the Code of the Town of Huntington to create the Melville Town Center Overlay District (MTCOD) and amend the zoning map in order to apply said district to certain properties as listed in Schedule "A" attached to this resolution on the Town Board's own motion.

CHAPTER 198 (ZONING) ARTICLE I  
(GENERAL PROVISIONS)

ARTICLE V (INDUSTRIAL DISTRICTS)

\* \* \*

â 198-34.1 MTCOD Melville Town Center Overlay District

(A) Legislative Intent

- ( ) The Town Board is committed to the creatj\_o n of a **Meivi1le To C ter** at will provide a robust mix of retail. office. commercial service. residential uses and community public snace that will support the economic and social well-being of the locality.
- (2) To further that stated obj•ct ygthe\_J\_o l3oard\_ has **establi d }**he Melville Town Center Overlay fMTCOD)) **district. It is the expressed** intent of the **Town** Board that **properties within** the MTCOD **will** have frontaoes **oriented** towards the maior roadways within the **subject district. namely** Maxess Road. Bavlis Road. Melville Park Road **or Corporate Center Drive.**
- (3) The Town Board will pause the acceptance of new **qpp [} c@ion** aflertbe submission of the first application(s) t9taling four-hunted f400) residential units. and thereafter each successive submission of anplicationfs) totaling four-hundred f400) units. to assess the cumulative impact of the developments on traffic conditions. fire/emerezncy and educational services.

(B) Uses of PropertY



Notwithstanding any provision of this chapter (other than 198-66), in addition to the uses permitted as of right in the 1-1 Light Industry zone where the MTCOD is located, the following additional uses will be allowed as presented in IC) Permitted Uses and subject to a special use permit and a site plan review, provided they conform to the following parameters:

- (1) Is of high quality and visually appealing from adjoining areas, with an emphasis on building placement and orientation that complements adjoining properties.
- (2) Has an appropriate mix of uses as defined in the Permitted Uses Schedule (C) of this Chapter.
- (3) Has open spaces, parks, playgrounds, streets, lighting, landscaping and utilities that are well related to the site and arranged to achieve a safe, efficient and contextually sensitive development.
- (4) When appropriate, contributes to a central public gathering space that may be used for community events.
- (5) Shows high inter-connectivity between proposed uses and adjacent areas to the rear and all sides.
- (6) Promotes walkability, pedestrian scale and ground floor activity on business and residential uses.
- (7) Properties greater than five acres may be redeveloped in such a manner as to allow for a diversity of ownership.

**IC) Special Use Permitted Uses**

- (1) Mixed use buildings or sites shall consist of up to 25 percent residential use (with no residential units on the ground floor) and at least twenty-five (25) percent but no more than forty (40) percent professional office use or commercial uses such as retail, personal services, food shops, bistros, bars, restaurants and day care. Multiple buildings may be permitted on a single lot. Vape/cannabis stores, drive-through windows, and self-storage facilities are expressly prohibited.
- (2) Buildings used for manufacturing, warehousing and/or storage on premises and commercial athletic, recreation, and training/educational facilities may also serve as commercial uses in building.
- (3) Recreational 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.

**1D) Application**

The property owner shall apply to the Town Board for application for a Special Use Permit pursuant to 198-66 of this chapter and Site Plan Approval in

the M'FCOD, and shall follow the procedure in Section 198-1.6 and A202 as set forth in the Town Code.

(E) Final, Area and Bulk Regulations.

- (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 four (4) stories of habitable space. Minimum building height is twenty-five (25) feet and two (2) stories of habitable space.

(3) Maximum percentage of lot covered by building shall not exceed ninety (90) percent.

(4) Minimum fifteen (15) percent of the site shall be comprised of useable public, recreational, and/or open space that is available to the general public, including but not limited to: trails, paths, parks, sidewalks, plazas, public art or gathering spaces. Such space may be provided within required yard setbacks.

(5) Floor Area Ratio shall not exceed 3.6.

(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) Properties in Maxcass Road, Eaylis Road, Melville Park Road or Corporate Center Drive must front on these roads and buildings must be set back thirty (30) feet from the property line. Areas of properties within the M'FCOD that do not directly front on Maxcass Road, Eaylis Road, Melville Park Road or Corporate Center Drive shall not be developed until such time that the front areas of the property are developed and should be developed as complementary buildings oriented towards the Main Street development. A six-foot side yard setback is permitted.

(8) Minimum residential unit sizes shall be 600 sq. ft. for a studio unit, 700 sq. ft. for a 1-bedroom unit, and 800 sq. ft. for a 2-bedroom unit.

(9) No commercial tenant space shall exceed 20,000 sq. ft. in size.

(F) Incentives, Credits, and Fees

- (1) Applicants are required to pay a one-time fee with seventy-five (75) percent directed to a fund established by the Town to support the creation and operation of Town Center Parks within the overlay district and twenty-five percent (25) directed to the Fire/Ambulance District to cover the increased costs associated with additional development. The total fee shall be calculated as follows:



- (a) For each unit over 25 in a project: \$1,500
- (b) For each commercial/office square foot over 25,000 square feet in a project: \$2.50

- (2) In the alternative, applicants may have the option of meeting the fee requirement for the creation of Parkland by dedicating property to the Town that furthers the objective of creating Town Center Parks. The Town Board has full discretion as to whether the property dedication meets the fee requirement.

### <C1 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 inclusion in the Melville Town Center Overlay District. In order to accomplish these goals, the Town Board is exercising its police power and authority under 4 10(1)(ii)(a)(6), (11) & (12) and 4 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 permit to allow development in the Melville Town Center Overlay District, and the issuance of a building permit or other Town approval.

(2) As a condition of processing any matter on 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 time, the applicant shall pay for any unused portion of the sums on deposit and

returned to the applicant.

~~/3; its disc etion the Town Board ma adopt or r9n whplq gr in part.~~  
~~the findjqPs and determinations of any consultant or study commissioned by~~  
~~the Board or the applicant.~~

\* \* \*

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 invalid, 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 Offices of the Secretary of State of New York.

\*\*\* INDICATES NO CHANGE TO PRESENT TEXT ADDITIONS  
ARE INDICATED BY UNDERLINE DELETIONS ARE  
INDICATED BY [BRACKETS]

VOTE:	AYES: 4	NOES: 0	ABSTENTIONS: 0
Supervisor Edmund J. Smyth		<b>AYE</b>	
Councilman Dr. Dave Bennardo		<b>AYE</b>	
Councilman Salvatore Ferro		<b>AYE</b>	
Councilwoman Brooke A. Lupinacci		<b>ABSENT</b>	
Councilwoman Theresa Mari		<b>AYE</b>	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



SCHEDULE A

MELVILLE TOWN CENTRE OVERLAY DISTRICT

SUFFOLK COUNTY TAX MAP NUMBER

- 0400-268.00-01.00-007.001
- 0400-268.00-02.00-002.000
- 0400-268.00-02.00-003.000
- 0400-268.00-01.00-010.000
- 0400-268.00-01.00-008.000
- 0400-268.00-02.00-017.009
- 0400-268.00-02.00-017.012
- 0400-268.00-01.00-017.002
- 0400-268.00-01.00-009.000
- 0400-268.00-02.00-017.022
- 0400-268.00-02.00-017.021
- 0400-268.00-02.00-017.018
- 0400-268.00-02.00-021.000
- 0400-268.00-02.00-017.020
- 0400-268.00-01.00-018.000
- 0400-268.00-01.00-017.003
- 0400-268.00-02.00-020.000
- 0400-268.00-02.00-019.000
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RESOLUTION SCHEDULING PUBLIC HEARINGS TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 13-2024 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE V (INDUSTRIAL DISTRICTS), § 198-34 (1-1 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: March 12, 2024

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

and seconded by: **SUPERVISOR SMYTI**

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 three public hearings on this matter: the first is scheduled for the 30<sup>th</sup> day of April at 7:00 p.m. at West Hollow Middle School at 250 Old East Neck Road, Melville, New York the second is scheduled for the 7<sup>th</sup> day of May, 2024 at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, and the third is scheduled for the 11<sup>th</sup> day of June, 2024 at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory Number 13-2024 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. 13-2024

.AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198 (ZONING), ARTICLE V (INDUSTRIAL DISTRICTS),

§ 198-34 (1-1 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 i3ulk Requirements), is hereby amended as follows:

CHAPTER 198 ZONING

ARTICLE V INDUSTRIAL

DISTRICTS

§ 198-34 1-1 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 may be approved be the Town Board for all industrial zoned properties south of the Lone Island Expressway in Melville (except for those properties within the Melville Town Center Overlay District and properties south of Ruland Road) when they have access to oublic sewers and the Board finds that the oroosal:

1. Is of high quality and visually appealing from adjacent streets and surrounding areas, with an emphasis on building placement and orientation that complements d oinin o res
  2. has an appropriate mix of uses as defined in the Permitted Uses Schedule (a).
- Aja.3<sup>5/2</sup> 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.



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4. When appropriate, contributes to a central public gathering space that may be used for community events.
5. Shows high inter-connectivity between proposed uses and adjacent areas.
6. Promotes walkability, pedestrian scale lightening and around floor activity among business and residential uses.

## 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 (75% or more 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. Residential units or parking are permitted on the first floor.

(3) Breweries, brewpubs, wineries, distilleries, and other 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 primarily residential use buildings as provided for in (a) Permitted Uses (2), the frontages of properties along the Service Roads of the

Lone Island Expressway shall continue to be developed in accordance with the permitted uses, special uses under 4-198-34(f)(3 & 4), and required front

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 Lone Island Expressway in order to preserve the existing zoning aesthetic.

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

## Prohibited Uses.

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{1} Drive-throuuhs for any uses other than a bank.

{2\_} Self-storage facilities.

Warehousing and manufacturing. except as specifically permitted under subsection fc) above.

Vape and caNnabis stores.

Dimncnsional Standards.

(1) All required area, parking and bulk regulations of the underlying zoning shall be adhered to unless alternate requirements are provided for below.

The height of the building is limited to fifty (50) feet and four (4) stories of habitable space except buildings of eighty-five (85) or more of office use may have a height of not to exceed (58) feet.

Maximum percent of lot covered by building excluding structured parking shall not exceed forty (40) percent.

Minimum twenty (20) percent of the site shall be comprised of usable 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.

Floor Area Ratio shall not exceed .75.

Parking for residences shall be calculated at one (1) space per studio or one (1) bedroom unit and .5 spaces for each additional bedroom.

f7) Front Yard building setback shall be 30 feet.

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 one-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) sq. ft. of usable building space. Up to 10-20% of the required parking for a residential use may be shared with parking for office uses.

Incentives, Credits and Fees

(1) Applicants are required to pay a one-time fee to the hire/

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servicing

addr \_\_\_\_\_,csidcn s and busc . \_\_\_\_\_

(a) 1'or cach unit ovcr 25 in a proiect: \$1.500.00

(b) 1'or cach tifficc/coininercial sqtiarc foot ovcr 25,000 square feet in a  
prolecl:  
\$2.50



f2) Applications which provide some of the objectives listed in Section F.5 of this Code may receive credit, to be determined by the Board, in the form of parking requirement relief and dimensional relief.

fe) Review of Applications

(1) 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.

(ñ 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 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 § 10a(1)(f)(i) (a)(6), 111) & 112) and § 10f(1)(ii)(d)(3) of the Municipal Home Rule Law; the New York State Constitution; § 64(2) 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 district in Melville, and the issuance of a building permit or other Town approval.

f2) As a condition of processing an application over which it has jurisdiction, 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.

f3) In its discretion the 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.

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: 0

Supervisor Edmund J. Smyth	<b>AYE</b>
Councilman Dr. Dave Bennardo	<b>AYE</b>
Councilman Salvatore Ferro	<b>AYE</b>
Councilwoman Brooke A. Lupinacci	<b>ABSENT</b>
Councilwoman Theresa Mari	<b>AYE</b>

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		Minimum Depth of Yards		Minimum Side Yards				Minimum Lot Area		Minimum Lot Width (feet)	Minimum Lot Frontage (feet)	Maximum Percent of Lot Covered by Building
				Maximum Building Height	Minimum Depth of Yards	Interior Lots		Corner Lots		Area per Dwelling Unit (square feet)	Gross area (square feet)					
						Width of One yard (feet)	Combined Width of Two Yards (feet)	Width of Yard on Street Side (feet)	Width of Interior Side yard (feet)							
	198-34	I-1 Light Industry District	All uses	55	30	25	2	25	50	30	30	3 acres	250	150	60	

Aja.3/05/24

3-12-2024