

2024-178

RESOLUTION AMENDING RESOLUTION 2024-166 SCHEDULING PUBLIC HEARINGS TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 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 ON THE TOWN BOARD'S OWN MOTION

Resolution for Special Town Board Meeting dated: March 27, 2024

The following resolution was offered by:

and seconded by:

WHEREAS, the Horizons 2020 Comprehensive Plan Update identified the need to create a mixed-use Town Center in Melville with a robust mix of retail, office, commercial service and residential use, along with community public open space and other amenities to support the economic and social well-being of the locality; and

WHEREAS, in order to accomplish this objective, it is necessary to create a new overlay zoning district which contains the appropriate development 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 amends Resolution 2024-166 as set forth herein scheduling three public hearings on this matter: the first is scheduled for the 30th day of April 2024 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 7th 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 11th 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 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 as described and listed in Schedule "A" 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. 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)

* * *

§ 198-34.1 MTCOD Melville Town Center Overlay District

(A) Legislative Intent

- (1) The Town Board is committed to the creation of a Melville Town Center that will provide a robust mix of retail, office, commercial service, residential uses and community public space that will support the economic and social well-being of the locality.
- (2) To further that stated objective, the Town Board has established the Melville Town Center Overlay (MTCOD) district. It is the expressed intent of the Town Board that properties within the MTCOD will have frontages oriented towards the major roadways within the subject district, namely Maxess Road, Baylis Road, Melville Park Road or Corporate Center Drive.
- (3) The Town Board will pause the acceptance of new applications after the submission of the first application(s) totaling four-hundred (400) combined residential units in the Melville Corporate Center and Melville Town Center, and thereafter each successive submission of application(s) totaling four-hundred (400) units in the Melville Corporate Center and Melville Town Center, to assess the cumulative impact of the developments on traffic conditions, fire/emergency and educational services. The total number of

residential units in the Melville Corporate Center and Melville Town Center combined shall not exceed three thousand units.

(B) Uses of Property

Notwithstanding any provision of the law to the contrary, in addition to those uses permitted as of right in the I-1 Light Industry zone where the MTCOD is located, the following additional uses will be allowed as presented in (C) 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 adjacent streets and surrounding 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, 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.
- (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 lighting and ground floor activity among business and residential uses.
- (7) Properties greater than five (5) acres may be required to be subdivided in such a manner as to allow for a diversity of ownership.

(C) Special Use Permitted Uses

- (1) Mixed use buildings or sites shall consist of up to seventy-five (75) 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 service shops, 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) Breweries, brewpubs, wineries, and distilleries where the products are manufactured, warehoused, and/or served on premises, and commercial athletic, recreation, and training/educational facilities may also serve as commercial uses in building.
- (3) 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.

(D) Application

The property owner shall apply to the Town Board by filing a joint application for a Special Use Permit pursuant to §198-66 of this chapter and Site Plan Approval in the MTCOD, and shall follow the procedure in Section 198-116 and A202 as set forth in the Town Code.

(E) Height, Area and Bulk Regulations.

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

(2) Height of the building is limited to fifty (50) feet consisting of no more than four (4) stories of occupied space. Minimum building height is twenty-five (25) feet and two (2) stories of habitable space.

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

(4) Minimum fifteen (15) 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, 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 on Maxess Road, Baylis 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 MTCOD that do not directly front on Maxess Road, Baylis 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 zero-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 per unit
 - (b) For each commercial/office building over 10,000 square feet in a project: \$2.50 per additional square foot.
- (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.

(G) 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 § 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 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 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 the 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.

* * *

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: NOES: ABSTENTIONS:

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.