

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 18-2020 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE IV (COMMERCIAL DISTRICTS) AND ARTICLE VII (OFF-STREET PARKING).

Resolution for Town Board Meeting Dated: July 21, 2020

The following resolution was offered by: **SUPERVISOR LUPINACCI**  
**COUNCILMAN SMYTH**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington has experienced an increase in the number of applications for multi-story mixed-use development in the C-6 General Business zone, and this new development has raised issues that need to be covered or clarified in the Zoning Code; and

WHEREAS, the Town Board intends to update the code to ensure that larger mixed-use developments are subject to careful Town review and will establish standards to help new development match existing neighborhood character; and

WHEREAS, this resolution is paired with a similar resolution amending Chapter A202 (Subdivision Regulations and Site Improvement Specifications) in order to accomplish these goals; and

WHEREAS, these two resolutions are part of a single planning action that would affect the potential uses of more than twenty-five (25) acres of land in the C-6 General Business District, and is therefore identified as a Type I action in accordance with SEQRA, 6 NYCRR Part 617.4(b)(2); and

WHEREAS, the Town Board, 100 Main Street, Huntington, NY 11743 is the Lead Agency as it is the only agency authorized to amend the Huntington Town Code;

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby adopts the Environmental Assessment Form prepared by the Department of Planning and Environment and issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law on the proposed Zoning Code amendment, and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: [planning@huntingtonny.gov](mailto:planning@huntingtonny.gov); and

BE IT FURTHER RESOLVED

THE TOWN BOARD, having held a public hearing on the 16th day of June, 2020 at 2:00 p.m. to consider adopting Local Law Introductory No. 18-2020, amending the Code of

the Town of Huntington, Chapter 198 (Zoning), Article IV (Commercial Districts) and Article VII (Off-Street Parking), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 18-2020, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article IV (Commercial Districts) and Article VII (Off-Street Parking), as follows:

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

LOCAL LAW NO. 23-2020  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)  
ARTICLE IV (COMMERCIAL DISTRICTS) AND  
ARTICLE VII (OFF-STREET PARKING)

Section 1. Amendment to Chapter 198 (Zoning), Article IV (Commercial Districts) and Article VII (Off-Street Parking), as follows:

CHAPTER 198  
ZONING

\* \* \*

ARTICLE IV  
COMMERCIAL DISTRICTS

\* \* \*

§ 198-27. C-6 General Business District.

A. Use regulations. In the C-6 General Business District, a building or premises shall be used only for the following purposes:

\* \* \*

(16) Automobile parking lots as a principal use or to provide accessory parking for a permitted use, except as limited in §198-27(A)(22) and §198-27(A)(23), but not to include a yard for the display or storage of motor vehicles as chattel, which is specifically prohibited.

\* \* \*

(22) Mixed use buildings can be established where a permitted commercial use occupies the ground floor and a residential use occupies space on upper floors [provided that] in existing buildings, and/or construction of new gross floor area within the pre-existing footprint of the subject building. All mixed-use buildings will be subject to site plan review and must meet the following criteria and standards:



- (a) ~~[n]No upper floor exceeds the footprint of the ground floor[, and].~~
- (b) ~~[t]The buildings meet all of the height, area and bulk requirements of the zoning district.~~
- (c) ~~Storage and/or community space shall be limited to no more than 15% of the ground floor.~~
- (d) ~~Additional required parking resulting from the establishment of a mixed use building shall conform to §198-43(A) and §198-43(C). Parking shall not be located in the front of the building.~~

Notwithstanding any other section of this chapter to the contrary, parking for residences above commercial uses shall be calculated at the rate of ~~[one (1)]~~ one and a half (1.5) spaces per studio or one bedroom dwelling unit, and half a space (0.5) for each additional bedroom. Parking lots and residential apartments shall not be considered permitted uses on the ground floor of the building.

(23) Mixed-use buildings with new construction that modifies or exceeds the footprint of the existing building on site. All mixed-use buildings will be subject to site plan review by the Planning Board and must meet the following criteria and standards:

- (a) No upper floor exceeds the footprint of the ground floor.
- (b) The buildings meet all of the height, area and bulk requirements of the zoning district.
- (c) Storage and/or community space shall be limited to no more than 15% of the ground floor.
- (d) Parking shall conform to §198-43(A) and §198-43(C).
- (e) The combined square feet of the upper stories of a building shall not exceed 150% of the square feet of the first floor of the building, except in the Huntington Station Overlay District.

Notwithstanding any other section of this chapter to the contrary, parking for residences above commercial uses shall be calculated at the rate of one and a half (1.5) spaces per studio or one bedroom dwelling unit, and half a space (0.5) for each additional bedroom. Parking lots and residential apartments shall not be considered permitted uses on the ground floor of the building.

~~[(23)]~~ (24) Day-care centers, provided that all state and county regulations are complied with; and

~~[(24)]~~ (25) Convenience Markets in shopping centers with at least ten thousand (10,000) square feet or more of retail or restaurant gross floor area, and in hamlet centers where no parking is provided on site.

~~[(25)]~~ (26) Hookah Lounges and Vape Stores/Lounges subject to the restrictions set forth in § 198-71(F).

\* \* \*

G. Height, area and bulk regulations. See Article IX. In addition, the following shall apply:

\* \* \*

(3) All buildings with residential uses on the upper stories shall not exceed thirty-eight (38) feet in height, except in the Huntington Station Overlay District where it will remain forty-five (45) feet.

\* \* \*

## ARTICLE VII OFF-STREET PARKING

§ 198-43. General requirements and procedures.

\* \* \*

C. All residential development in commercial zoning districts shall be provided with on-site parking in accordance with §198-47 or §198-46[(A)](B). Municipal parking lots and existing parking spaces providing parking for on-site commercial uses cannot be used to provide required parking for residential uses.

\* \* \*

### 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: 3 NOES: 2 ABSTENTIONS: 0

Supervisor Chad A. Lupinacci	AYE
Councilwoman Joan A. Cergol	NO
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	NO
Councilman Edmund J. Smyth	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED



ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 28-2020 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER A202 (SUBDIVISION AND SITE PLAN REGULATIONS).

Resolution for Town Board Meeting Dated: July 21, 2020

The following resolution was offered by: **SUPERVISOR LUPINACCI**  
**COUNCILMAN SMYTH**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington has experienced an increase in the number of applications for multi-story mixed-use development in the C-6 General Business zone, and this new development has raised issues that need to be covered or clarified in the Subdivision Regulations and Site Improvement Specifications; and

WHEREAS, the Town Board intends to update the code to ensure that larger mixed-use developments are subject to careful Town review and will establish standards to help new development match existing neighborhood character; and

WHEREAS, this resolution is paired with a similar resolution amending Chapter 198 (Zoning) in order to accomplish these goals; and

WHEREAS, these two resolutions are part of a single planning action that would affect the potential uses of more than twenty-five (25) acres of land in the C-6 General Business District, and is therefore identified as a Type I action in accordance with SEQRA, 6 NYCRR Part 617.4(b)(2); and

WHEREAS, the Town Board, 100 Main Street, Huntington, NY 11743 is the Lead Agency as it is the only agency authorized to amend the Huntington Town Code; and

WHEREAS, the Town Board issued a Negative Declaration for the combined related actions on July 21, 2020, and the SEQRA information can be found in the enactment resolution for Local Law Introductory No. 18-2020;

NOW THEREFORE

THE TOWN BOARD, having held a public hearing on the 16th day of June, 2020 at 2:00 p.m. to consider adopting Local Law Introductory No. 28-2020, amending the Code of the Town of Huntington, Chapter A202 (Subdivision Regulations and Site Improvement Specifications), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 28-2020, amending the Code of the Town of Huntington, Chapter A202 (Subdivision Regulations and Site Improvement Specifications), as follows:

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

LOCAL LAW NO. 24-2020  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER A202 (SUBDIVISION AND SITE PLAN REGULATIONS)

Section 1. Amendment to Chapter A202 (Subdivision Regulations and Site Improvement Specifications), as follows:

CHAPTER A202  
SUBDIVISION AND SITE PLAN REGULATIONS

\* \* \*

§ 5 SITE PLAN APPLICATION PROCESS.

\* \* \*

5.2 SITE PLAN REVIEW PROCEDURES.

\* \* \*

5.2.2 SITE PLAN APPLICATION PROCESS.

\* \* \*

5.2.2.2 SUBMISSION OF THE PROPOSED SITE PLAN.

\* \* \*

5.2.2.2.3 SANITARY REQUIREMENTS

Existing, expanded or proposed septic / liquid sanitary waste disposal system(s) shall be coordinated with the Suffolk County Department of Health Services for compliance with the Suffolk County Sanitary Code. Coordination with the associated sewer district (if applicable) and Town of Huntington departments relative to the design of the overall project is also required. All aspects of the sanitary system(s) to include all sanitary lines, pump stations, holding tanks, use(s) of the building(s), etc. shall be depicted on the plans.

All projects for properties within the Huntington Sewer District proposing to convert existing commercial space on upper floors to residential use, or construct additional upper floors for residential use are required to submit their sanitary use projections to the Department of Planning and Environment and Department of Environmental Waste Management prior to the submission of a site plan. The subject departments shall jointly review the projections relative to the current and/or planned capacity or the sewer district to accommodate the proposed conversion/expansion.



## 5.2.2.2.4 DRAINAGE REQUIREMENTS

The drainage system required for the development of any site shall consist of the proper of curbing as specified in Appendix C-5, catch basins, leaching basins, and possibly a recharge basin, as determined by the Town Engineer. The selected drainage system will be based upon the acreage being developed, the topography of the site and the overall conditions of the surrounding watershed areas. Also, depending on site location or area of project disturbance, the applicant may be required to comply with the requirements of a Stormwater Pollution Prevention Plan (SWPPP) per Town Code Chapter 170.

\* \* \*

- d. All projects proposing to construct new first floor space, convert existing commercial space on upper floors to residential use, or construct additional upper floors for residential or commercial use within the Huntington Village Hamlet Center, as defined in the Town's Comprehensive Plan Update Horizons 2020, shall be subject to all drainage requirements as specified in this section. In the alternative, if it is not possible to comply with this subsection due to site or environmental conditions at the sole determination of the Department of Engineering Services, applicants shall make payment to the Town of Huntington Department of Planning and Environment prior to the release of the performance bond or the issuance of the Certificate of Occupancy, whichever occurs first; a fee that represents the estimated cost of installing the drainage improvements required for the site plan. The Town of Huntington's Highway Department requirements contract cost in effect at the time of the application shall be used to calculate the estimated drainage improvement fee. The funds shall be deposited in a Drainage Impact Fee Account specifically designated for use by the Highway Department to fund drainage or related storm water improvements, including water quality improvements, at a location within the subject watershed, at the sole discretion of the Highway Department.

\* \* \*

## 5.2.2.2.7 ARCHITECTURAL AND SITE DESIGN REQUIREMENTS.

\* \* \*

3. Huntington Village Hamlet Center. All site plans in the Huntington Village Hamlet Center involving the construction of new buildings, front facades, exterior additions or alterations of over 1,000 sq. ft., or demolitions of all or part of a building shall be coordinated with the Historic Preservation Commission, whose comments shall advise the Planning Board in their architectural review.

- a. Local orientation

\* \* \*



- iii. Attached row-style multi-story masonry buildings are the predominant building type in the district. New buildings should match this style where appropriate, especially if they are replacing existing buildings that fit into the [urban] neighborhood fabric. Buildings in these locations should cover all or most of their lots and be built at the front property line, with exceptions allowed for retaining existing parking, seating areas, public plazas, planned transition areas into the building, and alleys allowing passage through long blocks.
- iv. The height and setbacks of the building are similar to the height and setbacks of other commercial, mixed use, and multi-family residential buildings on adjacent lots.
- v. At the edges of the hamlet center, where buildings may have setbacks from property lines or wood frame construction, new construction should be located and designed to complement the surrounding buildings.

\* \* \*

### 5.2.3 REVIEW PROCESS

\* \* \*

#### 5.2.3.2 PLANNING BOARD HEARINGS ON SITE PLAN (AT BOARD'S OPTION)

The Planning Board shall review the site plan and supporting data before approval is given and take into consideration the following objectives:

\* \* \*

- 7. All projects proposing to convert existing commercial space on upper floors to residential use, or construct additional upper floors for residential use within a hamlet center, as defined in the Town's Comprehensive Plan Update Horizons 2020, are required to submit a traffic analysis of the impacted street intersections. If it is determined that the Level of Service at any impacted intersection is reduced, the project applicant will be required to provide mitigation measures to maintain or improve the Level of Service at the impacted intersection.

\* \* \*

### 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:    5    NOES:    0    ABSTENTIONS: 0

Supervisor Chad A. Lupinacci	<b>AYE</b>
Councilwoman Joan A. Cergol	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Edmund J. Smyth	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 58-2019, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE VII (OFF-STREET PARKING).

Resolution for Town Board Meeting Dated: July 21, 2020

The following resolution was offered by: **COUNCILMAN SMYTH**  
**SUPERVISOR LUPINACCI**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington has received significant input from residents and other stakeholders about parking issues in the Huntington Hamlet Center; and

WHEREAS, there is a need to provide additional municipal parking to serve existing businesses and residents rather than new development; and

WHEREAS, this action does not meet the criteria of any Type I or Type II actions in accordance with SEQRA, 6 NYCRR Parts 617.4 & 617.5, and therefore it is classified as an Unlisted action; and

WHEREAS, the Town Board, 100 Main Street, Huntington, NY 11743 is the Lead Agency as it is the only agency authorized to amend the Huntington Town Code;

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby adopts the Environmental Assessment Form prepared by the Department of Planning and Environment and issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law on the proposed Zoning Code amendment, and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: [planning@huntingtonny.gov](mailto:planning@huntingtonny.gov); and

BE IT FURTHER RESOLVED

THE TOWN BOARD, having held a public hearing on the 16th day of October, 2019 at 7:00 p.m. to consider adopting Local Law Introductory No. 58-2019, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VII (Off-Street Parking), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 58-2019, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VII (Off-Street Parking), as follows:



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

LOCAL LAW NO. 25 --2020  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)  
ARTICLE VII (OFF-STREET PARKING)

Section 1. Amendment to Chapter 198 (Zoning), Article VII (Off-Street Parking), as  
follows:

CHAPTER 198  
ZONING

\* \* \*

ARTICLE VII  
OFF-STREET PARKING

§ 198-44. Commercial and industrial districts.

(A) With respect to expansion of a building so as to increase the commercial or industrial gross floor area, a new building containing only commercial or industrial uses, or a change of use in an existing building to a commercial or industrial use requiring additional parking spaces, municipal parking facilities acquired by the Town before September 1, 2019 within three hundred (300) feet from the building in commercial districts and not more than five hundred (500) feet from the building in industrial districts may be used to satisfy all or part of the requirements as a special exception, subject to the approval of the Zoning Board of Appeals on findings that the conditions set forth in § 198-66 have been met. Municipal parking facilities acquired by the Town on or after September 1, 2019 and located in the Huntington Hamlet Center as defined in the Horizons 2020 Comprehensive Plan cannot be used to satisfy parking requirements.

\* \* \*

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: 1 ABSTENTIONS: 0

Supervisor Chad A. Lupinacci	<b>AYE</b>
Councilwoman Joan A. Cergol	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>NO</b>
Councilman Edmund J. Smyth	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED