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Town of Smithtown Smithtown NY

Resolution RES-2020-385

Adopted
May 5, 2020 2:00 PM

The Town Board to authorize the Town Clerk to advertise for a public hearing to be held on Thursday, May 21, 2020 at 2:00 p.m. to consider a proposed amendment to Chapter 322 of Town Code, entitled "Zoning," as it relates to Special Exception for Mixed Use Building.

Information

Department:	Town Attorney	Sponsors:
Category:	Advertisement for Public Hearing	

Links

[Reference](#) RES-2020-444 : The Town Board to consider proposed Local Law 8-2020, amendments to Chapter 322 Zoning as it relates to special exception for mixed-use buiding. THIS PUBLIC HEARING WILL REMAIN OPEN FOR COMMENTS FOR THE NEXT TWENTY DAYS.

Body

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to advertise for a public hearing to be held on Thursday, May 21, 2020 at 2:00 p.m. time then in effect to consider a proposed amendment to Chapter 322 of Town Code, entitled "Zoning," as it relates to Special Exception Uses.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York will hold a public hearing on Thursday, May 21, 2020 at 2:00 p.m. time then in effect to consider a proposed amendment to Chapter 322 of Town Code, entitled "Zoning," as it relates to Special Exception Uses.

To attend virtually (PC, Mac, smart phone, ipad, tablet) visit smithtownny.gov (Town Meetings) for simple click and Zoom URL address or use the following **Zoom** meeting directions. For regular phone access, use the number provided below.

Whichever method you choose you will need to input the **Webinar ID: 912 3868 6443** and the **password: 812512** when prompted.

If this is your first time using Zoom, you may be asked to check your audio and video settings at <https://zoom.us/test>.

Via Computer - either download the Zoom app at <https://zoom.us/download> or insert the following link to your browser <https://support.zoom.us/hc/en-us/articles/214629443-Zoom-web-client>. Click on "Join a Meeting". Insert Meeting ID and password. Click "Open Zoom Meetings". You will be asked for your email address and name. Click on "Join Webinar" and you will be at the meeting at its scheduled time and date.

Via mobile device (smart phone, ipad, tablet) - download the free Zoom app from your app store. It looks like a white camera inside a blue square. Follow the prompts and use the Webinar ID and password above.

Regular phone - Dial 1-646-558-8656

You can leave the meeting at any time.

**Proposed Local Law #8-2020
Chapter 322. Zoning.**

Additions indicated by underlines.
Deletions indicated by strikeouts.

Chapter 322. Zoning.

§322-3

ACTIVE USE - a use that generates daily public patronage, including but not limited to bars, commercial entertainment, restaurants, museums, retail (sales and service), personal service, offices, and similar uses, and a use which provides an amenity for building residents.

MIXED-USE BUILDING - A multi-story structure that is designed to integrate various uses, such as office, commercial, institutional, and residential uses, with active uses occupying the ground floor. A building that is designed exclusively for one use type shall not be considered mixed-use. A mixed-use building integrates uses in a coherent physical design.

§322-34 Specific overlay districts

A. The Hauppauge Industrial Park Overlay District

- (1) The Hauppauge Industrial Park, also known as the "John V. N. Klein Industrial Park," is a unique land use feature of Town containing a large concentration of high-value warehousing, manufacturing, and office uses in an attractive planned industrial park setting. The regulations set forth in this section are intended to provide flexibility to allow the Hauppauge Industrial Park to continue to be attractive for high-quality business development, and to be competitive with other industrial areas in the region and nation. The Hauppauge Industrial Park Overlay District shall comprise a portion of the Light Industrial zoned properties located in the Hauppauge Industrial Park. [Amended 7-14-2015]
- (2) Overlay district accommodations and standards:
 - (a) Parking garages not exceeding two stories, both aboveground and underground, shall be permitted as a customary accessory use to offices, non-nuisance industries, hotels, banks and mixed-use buildings. The yard setbacks for parking garages shall be the same as for principal buildings. Parking garages shall not be considered floor area for the purposes of this chapter.
 - (b) Outdoor storage shall be permitted as a customary accessory use, provided that it meets the following criteria:
 - [1] All storage shall be screened from view. The storage area shall be surrounded by a solid fence, not exceeding six feet in height, or by dense evergreen hedges at least eight feet in height. If all or part of the entire site is surrounded by a solid fence, not exceeding six feet in height, or by dense evergreen hedges at least eight feet in height, and the storage area is screened from view thereby, no additional screening shall be required.
 - [2] No storage area shall be located in a required front and or within 10 feet of any property line.
 - [3] No storage area shall exceed 10% of the gross floor area; provided, however, that a storage area may be up to 20% of the gross floor area, if it is entirely within containers.
 - [4] No material may be stored pursuant to this section in a manner contrary to that required by any other section of the Town Code.
 - (c) Lobbies, atria, and similar amenity spaces over 1.5% of the building size as determined by the Board of Site Plan Review shall not be used in calculating the floor area for determining compliance with the floor area ratio and parking requirements.
 - (d) No structure shall exceed 50 feet in height, except along Vanderbilt Motor Parkway (C.R. 67), where no structure shall exceed 62 feet in height. [Amended 7-14-2015]
 - (e) No modification of any use, structure, or site pursuant to this Article V shall be permitted except in conformity with an approved site plan or site plan exemption as described in §322-85 of this chapter and on a site that is otherwise in compliance with this chapter.
 - (f) Mixed use buildings shall be permitted by Town Board Special Exception pursuant to the criteria described in §322-94 and §322-104.2

[1] _____ Bars, commercial entertainment, retail and personal service uses shall be permitted in mixed-use buildings only.

§322-104.2 Mixed-use building

A. _____ The Town Board may, upon application and after a public hearing on notice, as provided for in §322-94 for special exception uses, authorize a special exception for a mixed-use building, as defined in §322-3, if said Board finds that the proposed use is desirable and compatible with the surrounding area and is in keeping with those purposes of this chapter as stated in §322-2.

B. _____ Before approving such a special exception, the Town Board shall determine that the following minimum conditions are provided:

1. _____ The building shall be located on a lot of at least seven (7) acres in size.
2. _____ The lot shall have frontage along Motor Parkway or Old Willets Path south of Rabro Drive, or within 500' of the following intersections: Adams Avenue & Commerce Drive, Adams Avenue & Wireless Boulevard, Moreland Road & Commerce Drive, Moreland Road & Wireless Boulevard, Marcus Boulevard, & Kennedy Drive.
3. _____ A minimum of 50% of the ground floor shall be occupied by active uses. A minimum of 30% of the active uses occupying the ground floor shall be uses that generate daily public patronage.
4. _____ The site shall provide off-street parking consistent with §322-61 and §322-62 of the Town Code. The minimum number of parking stalls shall be the sum of the required parking stalls for each use of the building.
5. _____ A minimum of 20% of residential units shall be affordable workforce housing units and shall comply with the Town's Affordable Workforce Housing Policy.

**322 Attachment 8
Town of Smithtown
INDUSTRIAL DISTRICTS: TABLE OF
DIMENSIONAL REGULATIONS**

Dimension	District		
	WSI Wholesale and Service Industry	LI Light Industry	HI Heavy Industry
Minimum lot area (square feet)	20,000	80,000 ⁵	80,000
Minimum lot area per dwelling unit (square feet)	20,000	80,000	n.a.
Minimum lot frontage at setback line (feet)	100	100	200
Minimum road frontage (feet)	50	50	80
Minimum front yard depth (feet)	50	50	80
Minimum rear yard depth (feet)	50 ⁴	50 ⁴	50 ⁴
Minimum side yard width			
Any 1 ¹ (feet)	5 ⁴	20 ⁴	50 ⁴
Total of both (feet)	15	40	100
Maximum gross floor area ³ (percent of lot area)	50	42	50
Minimum landscape area (percent of lot area)	8 ⁶	18 ⁷	10
Maximum height			
Feet	35	35	40
Stories	--	--	--
Accessory building or structure			
Maximum occupancy of required rear yard (percent)	25	25	25
Maximum height (feet)	18	18	18
Minimum distance from any lot line (feet)	10	10	10

Dated: May 5, 2020

Meeting History

May 5, 2020 2:00 PM Video **Town Board** **Regular Meeting**

RESULT: ADOPTED [UNANIMOUS]
MOVER: Edward R. Wehrheim, Supervisor
SECONDER: Thomas J. McCarthy, Councilman

AYES: Edward R. Wehrheim, Thomas J. McCarthy, Lynne C. Nowick, Lisa M. Inzerillo, Thomas W Lohmann

Discussion

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