

Local Law Filing

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" **County** Nassau County
" **City of**
" **Town**
" **Village** Inc. Village of Farmingdale

Local Law No. **2 of the year 2018**

A local law
(Insert Title)

TITLE:
**LOCAL LAW 2 OF 2018 AMENDING CHAPTER 600,
ARTICLE XIV, "BUSINESS D DISTRICT,"
SECTION 600-100 (P) AND (R)
OF THE CODE OF THE
INCORPORATED VILLAGE OF FARMINGDALE**

Be it enacted by the of the Board of Trustees
(Name of Legislative Body)
" **County** Nassau County
" **City of as follows:**
" **Town**
" **Village** Inc. Village of Farmingdale

[Adopted 2-5-2018 by L.L. No.2-2018]

- P. Development Incentive Bonuses.
1. This subsection is intended to give the Board of Trustees all powers set forth in New York State Village Law §7-703 and intended to comply with Article 16-a of the General Municipal Law ("Long Island Workforce Housing Act.")
 2. Definitions. As used in this section:
 "Density Bonus" shall mean a development incentive bonus of ten percent (10%) density increase over: (1) the maximum allowable as of right residential density or (2) maximum floor area ratio if part of a mixed-use development. All density

calculations resulting in fractional units shall be rounded up to the nearest whole number. The granting of a Density Bonus shall not require, in and of itself, a comprehensive plan amendment, zoning change or other discretionary approval.

“Maximum Density” shall mean the maximum number of units or maximum floor area ratio, if part of a mixed-use development, which is permitted as of right in the Business D zoning district.

“Workforce or Next Generation Housing” shall mean the housing required, and authorized, by the Board of Trustees, for the grant of a Density Bonus. Such housing shall be targeted to households with incomes less than eighty percent (80%) of the Area Median Income for Nassau County, as defined by the United States Department of Housing and Urban Development and with unit sales prices or rents not to exceed thirty percent (30%) of the household's annual income. The Board of Trustees may permit the developer to make provision of other land or the construction on another site within the same local government; or make the payment of a fee in lieu of the requirement to satisfy the Workforce or Next Generation Housing requirement herein. Such housing units shall remain affordable unless the approval of the Board of Trustees is amended in writing, after a public hearing. The Board of Trustees may not require that the targeted income and household annual income requirements be reduced and modified to require more affordable units below the limits set forth herein unless mandated by court order.

3. Density Bonuses. The Board of Trustees is hereby authorized to grant Density Bonuses in accordance with this section. A subdivision plat or site plan which proposes: (1) A minimum of five residential units or a mixed-use development that incorporates a minimum of five residential units; (2) the Maximum Density; and (3) which seeks a density bonus, shall not be approved unless the Density Bonus set forth in section (2) is granted. Notwithstanding anything to the contrary in this section, no Density Bonus shall be required where the applicant does not seek a density bonus and no Density Bonus shall be granted unless the applicant, in exchange for such Density Bonus, sets aside at least twenty percent (20%) of all units proposed, as Workforce or Next-Generation housing or provides cash in lieu thereof as permitted by New York State Law. Any approval required herein shall be conditioned upon the Village and the applicant entering into a written agreement memorializing the requirements of this section and the filing of such agreement in the office of the Nassau County Clerk.

4. Procedure for Obtaining Density Bonuses: Application, Review Process, Imposition of Terms and Conditions. Applications for development bonuses shall be completed by each applicant and filed with the Village Building Department along with the payment of any applicable fees. Authorization for Density Bonuses shall be subject to approval by the Board of Trustees after a public hearing. Upon completion of the public hearing to consider the application for the Density Bonus, the Board of Trustees shall grant or deny the application. In the event that the Board of Trustees grants a Density Bonus, it may impose such terms and conditions as are necessary to advance the

Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive Plan.

5. Environmental Impact Statement. In the event that the Board of Trustees determines that a generic environmental impact statement is warranted pursuant to Village Law §7-703(3)(c), any applicant for Density Bonuses shall pay the cost, if any, of preparing the environmental impact statement, if so required by the Board of Trustees, and such charge shall be added to any site-specific charge made pursuant to the provisions of §8-0109 of the Environmental Conservation Law.

6. Prohibitions. The Board of Trustees may not grant any incentive bonus other than the Density Bonus set forth in this section and such Density Bonus may be granted only in accordance with this section.

7. Public Hearing. Public Notice. The Board of Trustees shall hold a public hearing to review all applications for special permits and Density Bonuses submitted pursuant to this section. Public notice shall be given by posting and publication in the official village newspaper of such hearing at least ten (10) days prior to the date thereof. Before an application for Density Bonuses may be heard by the Board of Trustees, a complete and accurate list of the names and addresses of the owners of all the lands within a radius of two hundred (200) feet of the property affected by such application as appears on the latest completed assessment roll of the Village of Farmingdale shall be submitted simultaneously with the application. The applicant shall send, by certified mail, to each owner shown on the applicable list, no less than ten (10) days nor more than twenty (20) days before the date set for a hearing upon this application, a notice addressed to such owners signed by the applicant, generally identifying the property affected thereby and setting forth the nature of the application and Density Bonuses requested and the date, hour and place fixed by the Board of Trustees for a hearing thereon. Before such cases may be heard by the Board of Trustees, the applicant must file with the Village Clerk, not later than five (5) days prior to the hearing date, an affidavit of the mailing of such notice as herein provided, said affidavit to be made on forms to be provided by the Board of Trustees.

Section 600-100(R) shall be amended and read as follows

R. Workforce or affordable housing requirement.

Workforce or affordable housing shall be provided in accordance with §600-100(P).

This Local Law shall become effective immediately upon being filed with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.2 of 2018 of the Village of Farmingdale was duly passed by the Board of Trustees On February 5, 2018, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ and was deemed duly adopted on _____ 2006, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ on _____ 2006.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by on _____ 2006. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2006, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances. DOS-239 (Rev. 05/05)

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2006, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the County of Nassau State of New York, having been submitted to the electors at the General Election of November 20, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, above.



[Handwritten signature]

Village Clerk /Treasurer

2.13.18

Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Handwritten signature]

Signature

Title Village Attorney

Village of Farmingdale

Date: 2/13/18