

## REPEAL LOCAL LAW

### LOCAL LAW FOR THE INCORPORATED VILLAGE OF NEW HYDE PARK AMENDING SECTION 195, ENTITLED "GENERAL PROVISIONS", TO ESTABLISH SUBSECTION 195- 3.2, ENTITLED "DEVELOPMENT INCENTIVE BONUSES"

#### 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.~~
- (2) ~~Definitions. As used in this subsection, the following terms shall have the meanings indicated:~~

~~COMMUNITY BENEFITS OR AMENITIES—Open space, parks, the amenities set forth in Subsection (6), or other specific physical, social or cultural amenities, or cash in lieu thereof, as authorized by the Board of Trustees, which provide a benefit to the residents of the community.~~

~~DEVELOPMENT INCENTIVE BONUS OVERLAY DISTRICT—That portion of the Industrial Zoning District beginning at the south side of the most easterly point on Plaza Avenue running west within the Industrial Zoning District to the westerly side of the properties located within the Industrial Zoning District at the end of 2<sup>nd</sup> Avenue and S. 4<sup>th</sup> Street, then running south to the north side of the Long Island Rail Road right-of-way, then running east along the Long Island Rail Road right-of-way to easterly side of the intersection of S. 8<sup>th</sup> Street and 2<sup>nd</sup> Avenue, then running south across the Long Island Rail Road right of way to the most southerly point of the Industrial Zoning District on S. 8<sup>th</sup> Street, then running east within the Industrial Zoning District to the Village boundary line, then running north to the northside of the Long Island Rail Road right-of-way, then running east to the most easterly point in the Village and then running north to the point of beginning.~~

~~INCENTIVE BONUSES—Adjustments to the permissible density, coverage, floor area ratios, parking requirements, setbacks, topographical changes, area, height, open space, use or other provisions of the New Hyde Park zoning and land use laws for a specific purpose authorized by the Board of Trustees.~~

~~INCENTIVE ZONING—The system by which specific incentives or bonuses are granted to applicants pursuant to this subsection on condition that specific physical, social, or cultural benefits or amenities would inure to the benefit of the community.~~

- (3) ~~Purpose. The purpose of this system of incentive bonuses shall be to advance the Village's specific physical, cultural and social policies in accordance with the Village's~~

~~downtown revitalization and in coordination with other community planning mechanisms or land use techniques.~~

- ~~(4) Applicable zoning districts. This system of development incentive bonuses shall be applicable to the Development Incentive Bonus Overlay District.~~
- ~~(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, Subdivision 3c, any applicant for incentive bonuses shall pay a proportionate share of the cost, if any, of preparing an environmental impact statement, if so required, 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) The Board of Trustees, following a public hearing, may provide incentive bonuses in exchange for the applicant providing one or more of the following facilities or amenities: open space, parks and recreational facilities, streetscape amenities, landscaping, road improvements, water and sewer system improvements or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the Village authorized by the Board of Trustees.~~
- ~~(7) For applicants who provide or make provision for amenities and facilities in this subsection, the Board of Trustees may, at its discretion, award the incentive bonuses by varying the required density, coverage and floor area ratios, parking requirements, building heights, required setbacks, topographical changes, open space, and permissible uses in the district.~~
- ~~(8) Criteria for approval; methods required for determining the adequacy of community amenities. To evaluate the adequacy of the proposed benefits to be accepted in exchange for the requested incentives, the following information shall be provided by the applicant with its application for development incentive bonus approval:
  - ~~(a) A description of the proposed amenities outlining the benefits that will accrue to the community;~~
  - ~~(b) The economic value of the proposed amenities to the Village as compared with the economic value of the proposed incentives to the applicant;~~
  - ~~(c) A preliminary demonstration that there are adequate sewer, water, transportation, waste disposal and fire protection facilities serving or proximate to the proposed development to handle the additional demands the incentive and amenity may place on such facilities beyond the demand that would otherwise occur with as-of-right development; and~~
  - ~~(d) An explanation as to the way in which the amenity will implement physical, social or cultural policies of the Comprehensive Plan and this chapter.~~~~

- ~~(9) Procedure for obtaining incentive 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 development incentive 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 development incentive bonuses, the Board of Trustees shall grant or deny the application. The Board of Trustees shall determine whether the proposed amenities provide sufficient public benefit to provide the requested incentives. In the event that the Board of Trustees grants such application, 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.~~
- ~~(10) Public hearing; public notice. The Board of Trustees may, in its absolute discretion, summarily determine whether or not to consider (entertain) the application. If its determination is in the affirmative, it shall hold a public hearing to review an application submitted pursuant to this subsection. Public notice shall be given by publication in the official Village newspaper of such hearing at least 10 days prior to the date thereof. Before an application for development incentive 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 400 feet of the property affected by such application as appears on the latest completed assessment roll of the County of Nassau 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 10 days nor more than 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 development incentive 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 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.~~
- ~~(11) If the Board of Trustees determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical, the Board of Trustees may require, in lieu thereof, a payment to the Village of a sum to be determined by the Board of Trustees. If cash is accepted in lieu of other community benefit or amenity, provisions shall be made for such sum to be deposited in a trust fund to be used by the Board of Trustees for specific community benefits authorized by the Board of Trustees.~~
- ~~(12) In any instance in which a unit count incentive bonus beyond that allowed as of right in the Village's Code shall be granted for a residential or mixed-use development which incorporates five or more residential units, the applicant shall set aside at least 10% of such units for affordable workforce housing on site or shall otherwise comply with §699-b of the New York State General Municipal Law. For purposes of this~~

~~subsection, "affordable workforce housing" means housing for individuals and families at or below 80% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development. Affordable workforce housing units shall be of consistent design to those of the rest of the development. The applicant and its successors shall annually submit a certification to the Village that it is in compliance with §699-b of the New York State General Municipal Law.~~