

## BUILDING DEPARTMENT

TO: Board of Trustees

The following building permit applications have been reviewed by this department and it has been determined that they comply with all zoning and building codes:

	LOCATION	TYPE OF CONSTRUCTION/COMMENTS	ARB	
8/30/19	89 Nelson St. Jennifer Pankowski DB 19-00087	Replace existing stoop with a new stoop with the same dimensions 12' x 5'6".	N/A	R
8/30/19	132 William St. Michael Gregory DB 19-00088	New two story frame dwelling with one car attached garage as per drawings by Kurt Jacobs dated 7/7/19.	X	R
8/30/19	64 Jefferson Rd. Rajive Khurand FP 19-00016	6' wood fence along the west side of the house. Note: no fencing in front yard.	N/A	R
8/30/19	216 Melville Rd. Power Home Remodeling DB 19-00089	Replace 20 existing window units with energy efficient units.	N/A	R
9/4/19	39 Balcom Rd. Paul Colon 39 Balcom Rd.	Install 10 roof mounted solar panels.	N/A	R
9/4/19	106 Fairview Rd. Paul Defendini DB 19-00092	Install semi in-ground pool and a hot tub as per drawings submitted by Charles Lembo Architect dated 5/18. Note: Surrounding deck not approved.	N/A	R
9/5/19	150 Oakview Ave Frank Peteani DB 19-00091	Finished cellar with half bath and exterior entry stair as per drawing submitted by Fiore Architecture dated 8/7/19.	N/A	R
9/11/19	28 Merokee Pl. Philip Bambino Plumbing PP 19-00028	Oil to gas conversion	N/A	R
9/16/2019	154 Prospect St. Margaret Barrett DB 19-00093	Install lawn sprinkler system.	N/A	R
9/16/19	18 Balcom Rd. Kate Wright DB 19-00094	Install 16 x 32 inground pool as per drawings submitted by Labcrew Engineering PC	N/A	R
9/17/19	10 Duane St. Hai Yan Yang DB 19-00095	Install 14 roof mounted solar panels as per drawings submitted by Daniel Dunzik Architect dated 9/11/19	N/A	R
9/17/19	116 Conklin St. Lee Selinger	Abandon oil tank by filling with foam	N/A	R

	PP 19-00029			
9/17/19	501-503 Conklin St. RR Plumbing SW 19-00009	Repair sidewalk	N/A	C
9/24/19	25 Bernard St. Cathy Farmer DB19-00096	Relocate 20 roof top solar panels as per drawings submitted by Solar City Dated 6/4/19.	N/A	R
9/25/19	43 Conklin St. Steve Holzman FP 19-00017	5' peeled stockade fence.	N/A	C

# **INCORPORATED VILLAGE OF FARMINGDALE**

## **RESOLUTION ADOPTING LOCAL LAW ESTABLISHING THE FARMINGDALE BUSINESS IMPROVEMENT DISTRICT**

**WHEREAS**, The Incorporated Village of Farmingdale (Village), on June 4, 2018 resolved to pass, Local Law 4 of 2018, authorizing the application of General Municipal Law (GML), Article 19-A, Business Improvement Districts, to and within the Incorporated Village of Farmingdale; and

**WHEREAS**, Local Law 4 of 2018, was subject to a permissive referendum and was not effective until thirty (30) days had elapsed from its adoption provided no petition requesting a referendum had been filed with the Incorporated Village of Farmingdale; and

**WHEREAS**, on July 16, 2018 no petition requesting a referendum was filed, the Village adopted and filed Local Law 4 of 2018, with the New York State Secretary of State and directed the Village Attorney to prepare a district plan (District Plan) for the Farmingdale Business Improvement District ("Farmingdale BID"); and

**WHEREAS**, the District Plan was prepared at the direction of the Village Board and filed with the Village Clerk; and

**WHEREAS**, the District Plan filed with the Village Clerk was considered by the Village Board of Trustees' ("Village Board") and on August 5, 2019 the Village Board resolved to adopt the District Plan and set the meeting for a public hearing to adopt a local law establishing the (Resolution to Adopt and Set hearing to Establish the Farmingdale BID) for September 3, 2019; and

**WHEREAS**, the August 5, 2019 Resolution to Adopt and Set hearing to Establish the Farmingdale BID considered by the Village Board contained:

- A copy of the district plan;
- Notice that:
  - the district plan was on file in the Village Clerk's office for public inspection;
  - the Village Board of Trustees would hold a public hearing on the Farmingdale BID on September 3, 2019;
  - (and statement that) any owner of real property located within the proposed Farmingdale BID, who is therefore deemed benefited by its establishment, who wishes to object to the Farmingdale BID's formation must file a written objection, on forms provided by the Village Clerk, in the office of the Village Clerk within thirty (30) days of the conclusion of the public hearing(s) commenced on September 3, 2019;
  - (and statement that) the Farmingdale BID would not be established if written objections are filed from:
    - The owner(s) of at least fifty-one (51) percent of the

assessed valuation of all the benefited real property situated within the proposed Farmingdale BID boundaries, as shown upon the Village's most recently completed assessment roll (not including tax exempt property which will not benefit by the Farmingdale BID), or

- At least fifty-one (51) percent of the owners of benefited real property within the proposed Farmingdale BID boundaries (not including tax exempt property which will not benefit by the Farmingdale BID); and

**WHEREAS**, a summary of the Resolution to Adopt and Set hearing to Establish along with notice of the public hearing to consider a local law establishing the Farmingdale BID was published as required by law and mailed to each owner of real property, all persons who were registered with the Village to receive tax bills concerning real property and all tenants of each building located within the Farmingdale BID boundaries as shown on the most recent Village assessment roll; and

**WHEREAS**, on September 3, 2019 a public hearing was held to consider the adoption of a local law establishing the Farmingdale BID; and

**WHEREAS**, at the September 3, 2019 public hearing the Village Board advised the public, as previously set forth in the Resolution to Adopt and Set hearing to Establish Farmingdale BID, that the Village Board would consider a Resolution to Adopt and Establish the Farmingdale BID on October 7, 2019; and

**WHEREAS**, at the September 3, 2019 public hearing the Village Board also advised the public that objections to the establishment of the Farmingdale BID were required to be made in writing and on forms provided by the Village Clerk and filed with the Village Clerk on or before, 9:30 a.m. on October 4, 2019; and

**WHEREAS**, Village Board finds that, as of the October 4, 2019 deadline, there were made and filed with the Village Clerk, objections from less than:

- fifty-one (51) percent of the assessed valuation of all the benefited real property situated within the proposed Farmingdale BID boundaries, as shown upon the Village's most recently completed assessment roll (not including tax exempt property which will not benefit by the Farmingdale BID); and
- fifty-one (51) percent of the owners of benefited real property within the proposed Farmingdale BID boundaries (not including tax exempt property which will not benefit by the Farmingdale BID); and

**WHEREAS**, the Village Board has determined that there were insufficient objections made and filed with the Village Clerk by the October 4, 2019 deadline; that all the real property within the boundaries of the proposed Farmingdale BID will benefit from its establishment, exempting those properties that have been included in the proposed

Farmingdale BID despite their tax exempt status; that all real property benefited is included within the limits of the proposed Farmingdale BID; and that the Farmingdale BID is in the public interest;

**NOW, THEREFORE, BE IT RESOLVED:**

The Village Board hereby adopts the attached Local Law establishing the Farmingdale BID in accordance with the a copy of the District Plan attached hereto and made a part hereof;

Furthermore, the Village Board directs that, within twenty (20) days, Village Clerk forward, the following to the State Comptroller:

- the District Plan so that the Comptroller can determine whether the Village's tax and debt limitations will be exceeded by the establishment of the Farmingdale BID; and
- An itemized statement of:
  - The current outstanding indebtedness of the Village for all purposes;
  - The amount of budgetary appropriations for the payment of any outstanding indebtedness, whether or not the appropriations have been realized as cash;
  - The amount of indebtedness proposed to be contracted for the improvements, and the amounts, purposes and probable date of issuance of any bonds, bond anticipation notes, capital notes, deferred payments notes and budget notes which the Village has authorized to be issued but which in fact have not yet been issued to date;
  - the total assessed valuation of the taxable real property situated in the Farmingdale BID as shown on the most recent assessment rolls;
  - the amount of municipal real property taxes levied against the Farmingdale BID properties in the preceding fiscal year; and
  - the average full valuation of the taxable real property of the Village as determined in accordance with the definition provided in Local Finance Law § 2(7-a); and
- A statement, on a form prescribed by the Comptroller, signed or verified by the Mayor, attesting that the provisions of GML Article 19-A have been met.

The vote recorded in connection with this matter follows on the next page:

Mayor Ralph Ekstrand  
Deputy Mayor William Barrett  
Trustee Cheryl Parisi  
Trustee Walter Priestley  
Trustee Anthony Addeo

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DULY RESOLVED, by the Board of Trustees, as of this, the 7<sup>th</sup> day of October, 2019.

\_\_\_\_\_  
Ralph Ekstrand Mayor,  
Inc. Village of Farmingdale

Attest:

\_\_\_\_\_  
Brian Harty  
Clerk/Treasurer  
Inc. Village of Farmingdale

Dated: \_\_\_\_\_, 2019

## Chapter 254

### Business Improvement District

- §254-1 Intent. Purpose.
  - §254-2 Creation of district.
  - §254-3 Improvements and services.
  - §254-4 Operation and control.
  - §254-5 When effective.
- 

#### §254-1 Intent. Purpose.

The provisions of the New York State General Municipal Law (GML) Article 19-A are applicable to establishing, extending and operating business improvement districts (BIDS) within the Incorporated Village of Farmingdale. The Board of Trustees of the Incorporated Village of Farmingdale has determined that a resolution, as required by GML Article 19-A, to provide for the creation of a district plan ("District Plan") for the Business Improvement District of the Village of Farmingdale was duly and properly adopted. The District Plan establishes a portion of downtown Farmingdale as the Farmingdale Business District (Farmingdale BID). The Board of Trustees has determined that a District Plan, including all information required by § 980 of the GML, was duly and properly filed with the Village Clerk/Treasurer of the Village of Farmingdale. By resolution of the Board of Trustees and pursuant to GML § 980-e(a), a public hearing was properly scheduled, advertised and held on the establishment of the BID. The Board has also determined that there has been compliance with the requirements of GML § 980-e(c) and every owner and all known tenants of the real property located within the Farmingdale BID were notified of the public hearing. The public hearing on the establishment of the Farmingdale BID, having been held, the Board of Trustees finds each of the questions set forth in GML § 980-f(1) has been answered affirmatively. No objection has been presented by the requisite number of owners of real property in the Farmingdale BID to the adoption of this chapter. The Farmingdale BID cultivates and advocates the economic growth of the Farmingdale BID creating an inviting, dynamic, and sustainable community that celebrates the Village's history while building towards its future. The BID is dedicated to improving the quality of life within the District, to further enhance and make the community a vibrant, attractive destination for

visitors, businesses, residents, property owners, the daily workforce, and students. The Board of Trustees concludes that the creation of the BID is in the public's best interest and will benefit the health and welfare of the residents of the Village of Farmingdale and that all properties benefited are included in the District Plan.

§254-2      Creation of district.

The Farmingdale BID shall be and hereby is created and established in the Village of Farmingdale for a period of five years, being October 7, 2019, through September 30, 2024. Any extension of the Business Improvement District beyond the five years herein authorized shall occur only by adoption of a subsequent local law as may be approved by the Board of Trustees. All properties within the Farmingdale BID will benefit from the establishment thereof and all properties benefited are included within the boundaries of the Farmingdale BID. Any amendments, or extensions of the Farmingdale BID must be adopted in accordance with the provisions of § 980-g of GML Article 19-A. The boundaries of the Farmingdale BID are contained in the July 9, 2019 District Plan adopted by the Board of Trustees on August 5, 2019, and as set forth in the attached map.

§254-3      Improvements and services.

All services and improvements provided under the District Plan shall be undertaken solely in the name of Farmingdale BID. Services pursuant to the BID shall not be in substitution for those municipal services provided by the Village of Farmingdale, but shall act as additional services. All improvements and services shall be provided pursuant to the District Plan and in compliance with the GML.

§254-4      Operation and control.

This chapter and the provisions set forth in Article 19-A of the GML shall govern the operation and control of the Farmingdale BID.

§254-5      When effective.

This article shall become effective upon compliance with the requirements set forth in § 980-g of Article 19-A of the General Municipal Law and upon 30 days after filing with the New York State Secretary of State.



**FARMINGDALE BUSINESS  
IMPROVEMENT DISTRICT**

**DISTRICT PLAN**

**PREPARED PURSUANT TO GENERAL MUNICIPAL LAW SECTION 980**

Inc. Village of Farmingdale  
361 Main Street  
Farmingdale, New York 11375

July 9, 2019

## **TABLE OF CONTENTS**

- 1. Purpose and Intent.**
- 2. Properties within the Business Improvement District.**
- 3. Proposed services and Improvements.**
- 4. First Year Budget and Proposed sources of Funding.**
  - a. Budget**
  - b. Sources of Funding**
  - c. Method of Assessments**
- 5. Management; Member Rights and Regulations.**
  - a. Management**
  - b. Member Rights and Regulations**
- 6. Term. Duration.**

## **1. Purpose and Intent.**

The Board of Trustees believes that the creation of a Farmingdale Business Improvement District (BID) will have an incredibly positive impact on the Village's commercial enterprises within the BID boundaries and upon the Village in general. The finds that the BID will:

- bring about positive change at no cost to the Village, the Village residents or the business concerns outside of the BID;
- increase the value of commercial properties and businesses within the BID;
- allow for the growth of those commercial businesses, and create additional, new businesses and business opportunities;
- study ways to preserve and enhance the vibrancy of the BID and the Village Downtown;
- stimulate investment in the BID and Village at large;
- support events and entertainment that will draw visitors to Village;
- help create a *Community Brand* and will improve the level and quality of amenities for the Village;
- serve to increase the communication between the Village Administration and Businesses and increase the compliance with local laws;
- create additional resources which will contribute to the beatification and security of the BID for the benefit of the Village and the public at large;
- have the indirect benefit of increasing the property (both commercial and residential) and business values outside the BID; and
- create a new initiative and additional funds which will contribute to the long-term sustainability of the Village Downtown and result in a reduction to the Village of costs previously borne by the Village and its residents, costs related to the creation, revitalization and sustaining of the Village Downtown.

For the reasons set forth above, the Board of Trustees believes that the Farmingdale BID would be in the best interest of the Village and its residents. Therefore, the Board of Trustees had determined that, in accordance with Section 980 of the General Municipal Law this proposed District Plan should be adopted as the BID District Plan and the Farmingdale BID

should be created.

## **2. Properties within the Business Improvement District.**

The BID is located in the heart of the Farmingdale Downtown; the D-MU Zoning District.

The properties and businesses within the following area will be included in the BID:

Main Street, beginning at the intersecting South Front Street, continuing south to Prospect Street. *Annexed hereto as Schedule A and made a part hereof is a Map of the Proposed BID boundaries and the properties located within the BID.*

## **3. Proposed services and Improvements.**

The services to be provided pursuant to this District Plan shall include any services required for the enjoyment, protection, and general welfare of the public, the promotion, and enhancement of the BID, and to meet needs identified by members of the BID. The services shall not take the place of, but supplement those services provided by the Village on a Village-wide basis. The services shall be performed under the direction of the Farmingdale Business Improvement Management Association ("FBMA"), as set forth in section 5, *infra*. The improvements to be provided pursuant to this may include, but are not limited to those specified in this section 3. Subject to any approvals and controls that may be required by the Village, and in addition to the approval of the Board of Directors of the FBMA, in subsequent years the BID may provide such additional services as are permitted by law. The BID services and improvements shall include, but not be limited to, the following:

- Street Maintenance and beautification; including, but not limited to, sidewalk amenities;
- BID specific benches, trash receptacles and other street furniture;
- BID specific signage, plaques, markers, street lighting, plantings, and key building identification;
- snow removal and sanitation;
- marketing and entertainment; including, but not limited to, advertising (general periodic marketing as well as specific event marketing;

- branding; event planning, set-up and breakdown;
- incorporation and other administration, and consultant fees;
- economic development, other new initiatives and reserve; and
- any other services and/or improvements the DMA finds are in the best interest of the BID, so long as those services and improvements are complaint with the purpose and intent of the BID.

#### **4. First Year Budget and Proposed sources of Funding.**

##### **a. Budget:**

The BID budget for year one shall be \$33,830.13 and shall be apportioned as determined by the Board of Directors of the DMA.

##### **b. Sources of Funding:**

The BID shall be funded by the introduction of a BID assessment. The BID shall enter into a contract for the purpose of having the Village levy and collect and then disburse to the BID, assessments with respect to the BID properties. The BID may also accept grants and donations from private institutions, local or federal government, other public and private entities and individuals, and other not-for-profit organizations. The BID may also borrow money from private lending institutions, other public and private entities or individuals and other not-for-profit organizations for the purpose of furthering the purpose and intent of the BID. Any loans shall be subject to the written approval of the Farmingdale Board of Trustees.

##### **c. Method of Assessments:**

To defray the cost of BID services and improvements as herein before described all BID properties shall be assessed in proportion to the benefit such property receives from the services and improvements. Each property shall be assessed an amount, that when totaled together with amounts for other properties in the BID shall yield an amount sufficient to meet the BID's annual budget as determined by the FBMA. The amounts, exclusive of debt service, assessed and levied in a given year against the benefited properties as assessments, may not exceed 20%

of the total general Village taxes levied in that year against the benefited properties. For purposes of the BID assessment all properties within the BID shall be classified into the following categories:

*Class A Property:* A building with any type food or drink establishment on the ground floor.

*Class B Property:* A building with any type of retail establishment or other retail on the ground floor, but excluding a building with general office use on the ground floor.

*Class C Property:* A building with a general office use on the ground floor or any ground floor use not specified in Class A or Class B, except that Government and not-for-profit owned property devoted entirely to public or not-for-profit use shall be classified as Class D and exempt from district assessment.

*Class D Property:* Government and not-for-profit owned property devoted entirely to public or not-for-profit use.

Specific Formula for calculating assessment:

*Class A Property:* Each Class A property shall be assessed Twenty percent (20%) of the BID budget.

*Class B Property:* Each Class B property shall be assessed Ten percent (10%) of the BID budget.

*Class C Property:* Each Class C property shall be assessed Five percent (5%) of the BID budget.

*Class D Property:* Class D properties shall not be assessed.

## **5. Management; Member Rights and Regulations.**

### **a. Management:**

The business and affairs of the FBMA shall be vested in and managed and controlled by the FBMA Board of Directors. The FBMA shall be established under Section 402 of the New York State Not-for-Profit Corporation Law. The FBMA shall be organized for the purpose of executing the responsibilities of a FBMA in accordance with New York State Law. Furthermore, the FBMA shall carry out the activities prescribed in the Farmingdale BID District Plan and shall promote and support the BID. The FBMA shall make no expenditure of monies

other than in accordance with, and pursuant to, a budget which has been approved by the Village and the Directors of the FBMA. The FBMA, with the approval of the Board of Trustees and as permitted by law, may revise the itemization within any budget and increase the maximum yearly budget subject to the cap of 20% of the total general Village taxes levied in that year against the benefited properties.

The FBMA Board of Directors shall consist of three classes of directors (Class A, B and C), one representing each of the Class A, B and C members of the FBMA. Each of the Class A and B directors shall be elected by the members of its respective Class of members of the FBMA. Directors shall be elected or appointed, as the case may be, and shall serve in staggered terms, as further described in the FBMA By-Laws. Directors shall be appointed as follows:

- i. One (1) director shall be appointed by the Mayor of the Village of Farmingdale to serve as a Class C director and member of the FBMA.
- ii. One (1) director shall be appointed by the Village Treasurer of the Village of Farmingdale to serve as a Class C director and member of the FBMA.
- iii. One (1) director shall be appointed by the Board of Trustees of the Village of Farmingdale to serve as a Class C director and member of the FBMA.
- iv. Four (4) directors shall be owners (or representatives of owners as provided in the FBMA By-Laws) of real property located within the BID (Two (2) Class A1 directors; one (1) Class A2 director; and one (1) Class A3 director).
- v. Two (2) directors shall be tenants (or representatives of tenants as provided in the FBMA By-Laws) of commercial space in a building located within the BID (One (1) Class B2 director; and one (1) Class B3 director).

The number of directors which shall constitute the entire Board of Directors shall never be an even number or less than nine (9). Subject to the foregoing limitation, and any limitation now or hereafter imposed by applicable law, the Board of Directors may fix, from time to time, the size of the Board of Directors at any number above nine (9) and/or the designation of classification of the newly created directorship(s) (i.e., Class A1, Class A2, Class A3, Class B2 and Class B3) by approval of a majority of the entire Board of Directors at any annual, special or regular meeting of the Board of Directors. No decrease in the number of directors shall shorten the term of any incumbent director.

**b. Member Rights and Regulations:**

The rights and responsibilities of each BID member and the regulations which shall govern the Farmingdale BID, its officers and directors shall be set forth in the FBMA bylaws.

The FBMA shall have three classes of membership:

*Class A:* Owners of record of real property in the BID as the same may be amended, as approved by the Board of Trustees of the Village of Farmingdale, or such other persons as are registered with the Village of Farmingdale to receive real property tax bills for property located in the BID, shall be Class A members of the FBMA. There shall be no more than one (1) Class A member of the FBMA for each parcel of record. Each Class A member shall have one (1) vote.

*Class B:* Tenants of commercial space within the District shall be Class B members of the FBMA. There shall be no more than one (1) Class B member of the FBMA for each such tenant. Each Class B member shall have one (1) vote.

*Class C:* The persons serving from time to time by virtue of their appointment as Class C directors shall also be Class C members of the FBMA. Each Class C member shall have one (1) vote.

**6. Term. Duration.**

The BID shall be created and established for term of five years, beginning upon the date of the Board of Trustees' decision adopting a local law establishing the BID. The BID shall expire upon the expiration of this five year period.



# Incorporated Village of Farmingdale

## Proposed Business Improvement District

### Parcel Map – Area # 1



1 inch = 100 feet



# Incorporated Village of Farmingdale

## Proposed Business Improvement District

### Parcel Map – Area # 2

WASHINGTON ST

CONKLIN ST



1 inch = 100 feet

MAIN ST

PROSPECT ST

274 Main St

280 Main St

282 Main St

326 Conklin St

292-298 Main St

300 Main St

302 Main St

306-308 Main St

310 Main St

312 Main St

320 Main St

334 Main St

342 Main St

346 Main St

348 Main St

354-356 Main St

360 Main St

273 Main St

279 Main St

283 Main St

297 Main St

301 Main St

305 Main St

309-317 Main St

319-325 Main St

331 Main St

## Incorporated Village of Farmingdale Workforce Housing Zoning District

### History of workforce housing in the Village

Before 2008 there was no requirement in the Village to produce workforce housing. In 2008 the NYS Legislature enacted the Long Island Workforce Housing Act (LIWFHA). The state passed this law in response to the shortage, and to increase the availability, of workforce housing. Importantly, the state made this a requirement only on Long Island. The law required all Long Island municipalities to mandate some workforce housing units when a developer proposed to build multi-family units. Workforce housing is typically intended to serve the essential workforce of the communities in which it is built, such as police, fire fighters, nurses, and teachers. Workforce housing is, therefore, typically aimed at *moderate-income* families, rather than *lower-income* residents. After the passage of the LIWFHA, the Village, in accordance with State law, granted approval to various developers and required some of the units be set aside as workforce housing, and such units were built in the Village.

### A Fair Housing Law Suit Changes the Village's Workforce Housing Requirements

On or about 2006, the Village was sued by the former residents of 150 Secatogue Avenue. Those individuals claimed that the Village intentionally discriminated against them and the Village's actions in connection with the development of 150 Secatogue *made housing unavailable* to them on account of their race and ancestry, i.e., because they were Hispanic. The case was settled in 2014 after many years of litigation under the current administration because the Village was exposed to a significant monetary uninsured judgment in the event that it was found the Village intentionally discriminated against the former tenants and because in settling the case the Village retained authority to control the actions it would be required to take to address the shortage of housing suffered by the former residents. The Village was mindful that if it did not take such control and lost at trial, a Federal Court could dictate the actions it had to take as it did in one upstate county where the municipality was required to actually build *lower-income* housing. Instead, the Village Board chose to eliminate all risk and work with the Long Island Housing Partnership (LIHP) and the affected Plaintiffs to come up with a solution that would be agreeable to all parties. In the end, an agreement was reached; the Village agreed *to use its best efforts to ensure the development of* workforce housing for the affected tenants of 150 Secatogue. Toward this end it agreed that 50% of all newly created workforce housing units would be set aside for the former tenants of 150 Secatogue and be made available to them at 50% of the Nassau-Suffolk County AMI (adjusted area median income, which is presently \$125,500). Importantly, the agreement does not require the Village to create any housing. It requires the Village to work with the LIHP and the affected tenants and make good faith efforts and serve as a catalyst for the creation of such housing. For example, and pursuant to the agreement, the

Village meets with developers to which it was introduced by LIHP and agreed to relax various fees and waiting periods so that the housing envisioned in the agreement could be built expeditiously. Over the years since the settlement the Village has complied with its promises under the agreement and 7 units have been created. Despite the creation of only 7 units the Village has not been subject to any penalty or sanction because it was only required to use best efforts and this it has done.

Since the case was settled, the Village, at the suggestion of LIHP and in accordance with the settlement agreement, has met with various developers who had an interest in creating multi-family dwellings on Rt. 109. One such inquiry and proposal came from Peter Florey of the D&F Development Group. At the time LIHP introduced Mr. Florey to the Village, the Village Board had already considered the creation of workforce housing on Rt. 109.

*A Developer Proposes to Develop 100% Workforce Housing*

D&F has approached the Village and advised that it has acquired the rights to build upon 6 lots on Rt. 109 and has proposed a workforce housing development in that area. The proposed development requires a zone change because multi-family units are not currently permitted in the area. The Village Board has been, and is, open to the creation of workforce housing in the area but desires to maintain the requisite degree of control over such development to ensure that the character of the community is preserved and there is as little disruption to the community as a whole. The Village, for example, has no interest in creating workforce housing tailored to a limited segment of the population. Instead, it seeks the development of housing with a mix of differing income level units. Indeed, this type of mix is precisely what is found in the recent, successful, multi-family developments in the Village. The creation of the workforce housing zone would also go a long way toward reaffirming the Village's ongoing *best efforts to ensure the development of* workforce housing for the affected tenants of 150 Secatogue and satisfy the requirements in the settlement agreement.

And so the proposed creation of the WFH Zoning District has many benefits:

- It will result in the creation of workforce housing which will be made available to individuals in the essential workforce;
- It will create housing for the children or other family members of Village residents who desire to stay in Farmingdale but cannot presently afford to do so;
- It will create workforce housing for the affected tenants of 150 Secatogue and serve as further evidence that Village has used *its best efforts to ensure the development of the housing* required by the settlement agreement;
- It will revitalize an area that, in recent years, has become somewhat depressed; and
- It will result in the creation of housing that is representative of the greater Farmingdale community.

To those that would argue that this law should not be passed as it will open the flood gates to overdevelopment and the overabundance of undesirable housing units, we say that this not possible because the proposed local law:

- only applies to the limited area on Rt. 109; It does not allow another developer to create this housing in any other area of the Village;
- is unlikely that a developer could obtain the rights to sufficient acreage to propose a zone change for another workforce housing development in another area of the Village;
- Even if a developer was able to obtain sufficient acreage and approached the Village requesting a zone change, the Village Board would have the *discretion* to deny *even* the consideration of the zone change.
  - And if the Village considered the zone change it would have the *discretion* to *deny the change* after it studied the request in relation to the area.
- Lastly, the proposed WFH local law limits the type of workforce housing which can be built. There is no possibility that the newly created zone would be comprised entirely of *lower-income* housing. The proposed code specifically prohibits such construction as it specifically prohibits the predominant construction of any other one type of income level housing. The Village Board desires a mix of various income level units and this is what the code will require is built.

In the end, by creating a Work Force Housing Zone, the VOF will create opportunities for affordable housing for hard working Long Islanders. The applicants will need to have established credit and earn less than the area median income. (The area medium income for a family of four on Long Island is approximately \$128,000) A lottery system will be administered though the Long Island Housing partnership. To see examples of the formulas, visit their website and go to rentals. [www.LIHP.org](http://www.LIHP.org)

Additionally, the VOF is fulfilling its legal obligation regarding the settlement of the 2014 Federal Antidiscrimination Housing law suit by making its best efforts to create affordable housing over a ten year period.

**There will be a public hearing on Monday, October 7, 2019 at 8pm at Farmingdale Village Hall if you would like to attend or make a statement. I have included a copy of the proposed Local Law including the area that is proposed for the new zoning district.**

**LOCAL LAW \_\_ OF 2019 AMENDING CHAPTER 600,  
OF THE CODE OF THE INCORPORATED VILLAGE OF  
FARMINGDALE (VILLAGE), ADDING ARTICLE XV  
“WORKFORCE HOUSING (WFH) DISTRICT”  
AND AMENDING THE ZONING MAP OF THE VILLAGE  
TO INCLUDE THE BOUNDARIES OF THE WFH DISTRICT”**

Article XV, “Workforce Housing District,” shall read as follows and the boundaries shall be in accordance with the zoning map annexed hereto and made a part hereof:

§600-104      Purpose. Intent. Boundaries.

- A.      The Board of Trustees for the Village of Farmingdale is cognizant of the high housing costs in Farmingdale and on Long Island and has determined that there is a shortage of attractive and workforce housing for workers, including, but not limited to, workers who reside in the Town of Oyster Bay and Village of Farmingdale, and workers and fire fighters, police officers, nurses, other service workers as well as teachers and other child care professionals and educators. The Board of Trustees intends, by the implementation of this Workforce Housing District, to encourage the development of attractive housing which is not cost prohibitive in Farmingdale and on Long Island.
- B.      The boundaries of the Workforce Housing District shall be as shown on the Workforce Housing Zoning District Map which accompanies this article. The Workforce Housing Zoning District Map and the legends thereon are hereby declared to be part of this article.

§600-105      Permitted uses. Definitions.

- A. Permitted uses. In the Workforce Housing District, no building or premises shall be used and no building shall be erected or altered for other than Multifamily Dwellings which meet the Workforce Housing requirements set forth in this Article and only following the grant of a special permit by the Board of Trustees.
- B. Definitions. As used in this Article, the following terms shall have the meanings indicated:

**Community benefits or amenities**

Community benefits or amenities shall mean workforce housing, and other community benefits which include, but are not limited to, open space, parks, the amenities 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.

### **Incentive bonuses/Incentive Zoning**

Incentive bonuses/Incentive Zoning shall mean adjustments to the limitations and regulations set forth in §600-106.

### **Workforce Housing**

Workforce Housing shall be defined as Multifamily Dwellings which meet the requirements of this Article.

#### **Workforce Housing, Type I**

Type I Workforce Housing shall be defined as housing targeted to households with incomes at or below fifty percent (50%) and no greater than sixty percent (60%) of the area median income (AMI) for Nassau County, as defined by the United States Department of Housing and Urban Development (HUD), and with unit sales prices or rents not to exceed thirty percent (30%) of the household's annual income.

#### **Workforce Housing, Type II**

Type II Workforce Housing shall be defined as housing targeted to households with incomes of more than sixty percent (60%) but less than eighty percent (80%) of the area median income (AMI) for Nassau County, as defined by the United States Department of Housing and Urban Development (HUD), and with unit sales prices or rents not to exceed thirty percent (30%) of the household's annual income.

#### **Workforce Housing, Type III**

Type III Workforce Housing shall be defined as housing targeted to households with incomes of more than eighty percent (80%) but less than one hundred percent (100%) of the area median income (AMI) for Nassau County, as defined by the United States Department of Housing and Urban Development (HUD), and with unit sales prices or rents not to exceed thirty percent (30%) of the household's annual income.

§600-106      Limitations and Regulations upon Development.

In the Workforce Housing District the following limitations and regulations shall apply:

Maximum Floor Area Ratio (FAR)	1.5
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Maximum building area coverage	90%.
Maximum density	20 units / acre.
The Minimum Site Area	no less than 40,000 square feet.
Frontage.	no less than 100 feet.
Maximum building height	no greater than 36 Feet or 3 stories.
Minimum front yard setback	no less than 35 feet.
Minimum side yard setback	no less 35 than feet.
Minimum rear yard setback.	no less than 35 feet.
Minimum landscaped buffer	25 feet.
Minimum dwelling unit size	750 square feet.
Minimum Off-Street Parking	1 space for each studio; 1.5 spaces for one bedroom; two spaces for two bedrooms; and 0.5 additional space for each additional bedroom.
Building Superintendent	One superintendent shall be required to reside on the premises.

§600-107 Development Incentive Bonuses.

- A. Intent. 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, §699-B of the General Municipal Law, “Long Island Workforce Housing Act. ”

- B. Purpose. The purpose of the system of incentive bonuses set forth in this section shall be to advance the Village's intent to create workforce housing and to advance the Village's other physical, cultural and social policies in accordance with the Village's comprehensive plan and in coordination with other community planning mechanisms or land use techniques.
- C. Incentive Bonuses Required. A subdivision plat or site plan which proposes the maximum density or maximum number of workforce housing units permitted in the WFH Zoning District, shall not be approved unless the applicant receives a density bonus, permitting the development of additional units, which additional units shall be equal to ten percent (10%) of the maximum density or maximum number of units permitted in the WFH Zoning District. In exchange for such density bonus, the Village Board shall require all units be set aside as workforce housing in accordance with Gen. Mun. Law §699-B.
- D. Additional Incentive Bonuses Permitted. For a subdivision plat or site plan which proposes more than the maximum density or maximum number of workforce housing units permitted in the WFH Zoning District, the Board of Trustees may grant a greater density bonus than the density bonus permitted in §600-107(D) subject to §600-107(F) in exchange for additional workforce housing units and/or additional community benefits.
- E. Prohibitions. In the Workforce Housing District, the Board of Trustees may grant an incentive bonus only for increased density or units as set forth in this Article. No other incentive bonus may be granted in the Workforce Housing Zoning District. The following limitations apply to the Board of Trustees power to grant incentive bonuses. These limitations cannot be altered or modified under any circumstances:
1. Densities cannot exceed thirty (30) units per acre;
  2. Developments must contain:
    - a. No less than forty percent (40%) of the total units as Type III Workforce Housing as defined in §600-105; and
    - b. No more than fifty percent (50%) of the units as Type I Workforce Housing as defined in §600-105;

3. Buildings heights cannot exceed 36 feet or 3 stories (measured from the average grade of the property), except that the Board may grant incentive bonuses for increased height (for a maximum of five (5) additional feet) provided such height in excess of the 36 feet is limited to: architectural or design elements or relief; mechanical rooms or areas for the storage of mechanicals such as HVAC equipment; penthouses for elevators or stairways; skylights; chimneys and/or flues; or renewable energy equipment. No more than thirty percent (30%) of the floor area may be dormered. The maximum roof pitch shall be a 12 on 12 pitch;
4. No variance or relief from any parking requirement may be granted by the Board of Trustees;
5. Building area cannot exceed 90%;
6. Dwelling unit size cannot be less than 550 square feet.
7. Lot size shall be no less than 40,000 square feet.
8. Floor Area Ratio may not be less than 1.5.
9. Building superintendent must reside on premises.

F. Procedure for Obtaining Incentive Bonuses.

1. Application, Review Process, Imposition of Terms and Conditions. Applications for development bonuses shall be completed by each applicant. The Board of Trustees shall determine whether the proposed amenities provide sufficient public benefit to warrant 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. 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 general fund restricted cash account to be used by the Board of Trustees for specific community benefits authorized by the Board of Trustees.

2. 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 incentive 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.
3. 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.

§600-108. Additional regulations.

- A. Public Hearing. Public Notice. The Board of Trustees shall hold a public hearing in accordance with §600-138 for all Workforce Housing special permit applications.
- B. No special permit may be granted unless the permit requires that the owner of the property enter into a contract with a housing group, approved by the Village, for the continued monitoring and maintenance of the workforce housing units in the Workforce Housing District and compliance with this Article. Proof of such contract shall be submitted to the Superintendent of Buildings on an annual basis. Proof of compliance with this Article and the special permit shall be submitted to the Superintendent of Buildings on an annual basis. The special permit shall be recorded in the Office of the Nassau County Clerk.
- C. Costs, fees and expenses. Costs, fees and expenses shall be determined and assessed in accordance with §600-137.
- D. Site Plan Approval. All developments in the Workforce Housing District shall be subject to site plan review in accordance with §600-134.

§600-109      When effective.

This Article shall become effective immediately, as provided in the Municipal Home Rule Law, upon being filed with the Secretary of State of the State of New York.



<u>ADDRESS</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
860 Fulton St	49	166	61
870 Fulton St	49	166	62
890 Fulton St	49	166	63
896 Fulton St	49	166	39
900 Fulton St	49	166	40
906 Fulton St	49	166	19,43

