

2023-592

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 19-2023 CONSIDERING ZONE CHANGE APPLICATION #2022-ZM-469, 20 CREEK ROAD, TO CHANGE THE ZONING FROM R-5 RESIDENCE DISTRICT TO R-3M GARDEN APARTMENT SPECIAL DISTRICT FOR THE PROPERTY LOCATED ON THE SOUTH SIDE OF CREEK ROAD, EAST OF WALL STREET, HALESITE, SCTM# 0400-027-02-013

Resolution for Town Board Meeting Dated: December 12, 2023

The following resolution was offered by: **COUNCILMAN FERRO**

and seconded by: **COUNCILMAN BENNARDO**

WHEREAS, Peter Ambrosio, 125 Southdown Road, Huntington, New York 11743, property owner, submitted application #2022-ZM-469 for a change of zone from R-5 Residence District to R-3M Garden Apartment Special District for the property located on the south side of Creek Road, east of Wall Street, Halesite, designated as 0400-027-02-013 on the Suffolk County Tax Map; and

WHEREAS, said application was forwarded to the Department of Planning and Environment by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code § 198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; 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 established itself as Lead Agency on June 13, 2023; and

WHEREAS, the Department of Planning and Environment has prepared EAF Parts II and III which analyze the planning and zoning issues relative to the subject application and consistency with the Horizons 2020 Comprehensive Plan, as well as evaluate potential project impacts in accordance with the SEQRA regulations. SEQRA documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, New York 11743, phone: (631) 351-3196, e-mail: planning@huntingtonny.gov; and

WHEREAS, by resolution dated July 5, 2023, the Planning Board recommended to the Town Board that the Town Board issue a Negative Declaration under SEQRA and approve the zone change application.

NOW, THEREFORE, BE IT

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RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that the action will not have a significant effect upon the environment because the zoning action incorporates measures and conditions of approval to effectively mitigate impacts, and further finds that the proposed action to establish the overlay zone on the property is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts, and additionally finds that any subdivision or site plan resulting therefrom may require its own determination of significance, following SEQRA assessment of the specific project's environmental consequences based upon new information or revisions to the concept plans, the Town Board hereby:

(1) issues a Negative Declaration based on the reasons outlined in the EAF, Parts II and III; and

(2) finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 8th day of August, 2023, at 2:00 PM to consider adopting Local Law Introductory No. 19-2023 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), § 198-7 of the Huntington Town Code, thereby rezoning from R-5 Residence District to R-3M Garden Apartment Special District the property designated on the Suffolk County Tax Map as 0400-027-02-013, and due deliberation having been had and having extended the 90 day period;

HEREBY APPROVES the change of zone as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 19-2023, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

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

LOCAL LAW NO. 9-2024
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 198-7 (Zoning Map) is amended as follows:

CHAPTER 198 (ZONING)

* * *
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

* * *
§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the “Amended Building Zone Map of the Town of Huntington.” The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

All of the premises located on the south side of Creek Road, east of Wall Street, Halesite, designated on the Suffolk County Tax Map as 0400-027-02-013, to be rezoned from R-5 Residence District to R-3M Garden Apartment Special District, more particularly described as:

BEGINNING at a POINT on the southerly side of Creek Road, 330.16 feet west of its intersection with the southerly side of Hill Place,

THENCE from said POINT OF BEGINNING South 18 degrees 40 minutes 30 seconds East, 150.79 feet,

THENCE South 65 degrees 29 minutes 00 seconds West, 105.00 feet,

THENCE North 07 degrees 41 minutes 40 seconds West, 156.70 feet,

THENCE North 65 degrees 29 minutes 00 seconds East, 75.00 feet to the POINT OF BEGINNING.

Such zoning approval shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such Covenants and Restrictions shall be filed at the applicant’s own cost and expense in the Office of the Suffolk County Clerk. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning, and Huntington Town Clerk. All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

- (1) No more than four (4) residential units shall be built on this property; and
- (2) No building shall exceed two (2) stories in height.

* * *

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 invalid, 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 Offices of the Secretary of State of New York.

* * * INDICATES NO CHANGE TO PRESENT TEXT.
ADDITIONS ARE INDICATED BY UNDERLINE.
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

- Supervisor Edmund J. Smyth **AYE**
- Councilman Dr. Dave Bennardo **AYE**
- Councilwoman Joan A. Cergol **NO**
- Councilman Eugene Cook **AYE**
- Councilman Salvatore Ferro **AYE**

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED