

# Local Law Filing

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Bill 14I of 2013

Local Law \_\_\_\_ of the year 2014

*(Insert Title)*

A local law adopting a Steamboat Road Townhome Redevelopment Incentive Overlay District within the Village of Great Neck.

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

~~County~~

~~City~~

~~Town~~ of Great Neck

~~Village~~

Section 1. Legislative intent.

- A. This local law is intended, in part, to provide for a system of zoning incentives, or bonuses, as the Board of Trustees deems necessary and appropriate, consistent with the provisions of Village Law § 7-703, to advance the Village's specific physical, cultural, and social policies in accordance with the Village's comprehensive plan and in coordination with other community planning mechanisms and land use techniques.
- B. The Village has developed a land use plan for the Steamboat Road corridor within the Village designed to enhance its primarily residential character through quality redevelopment of distressed properties and incompatible uses. In order to facilitate the redevelopment, the Steamboat Road Townhome Redevelopment Incentive Overlay District has been established to allow for townhomes and to provide an incentive or bonus to applicants who provide or make provision for specific physical, social, and/or cultural amenities, or cash in lieu thereof, of benefit to the residents of the Village, as from time to time determined by resolution of the Board of Trustees, provided such are in accordance with the comprehensive plan established by this chapter.

- C. The Board of Trustees recognizes that the portion of Steamboat Road within the Village has a dominant single-family dwelling residential character, with several commercial, religious, and recreational uses interspersed throughout.
- D. The commercial activity on Steamboat Road is characterized by the following features:
  - (1) Retail spaces on Steamboat Road that are vacant or underutilized;
  - (2) Commercial buildings that are in a dilapidated condition; and
  - (3) Industrial warehousing and storage businesses that are inconsistent with the character of the rest of the corridor.
- E. Further, the Board of Trustees recognizes that there are no transitional uses or elements between the commercial activity and the single-family character of the area.
- F. Based on the existing conditions, the Board of Trustees recognizes that these factors present an opportunity for infill residential development that is transitional between the primary residential character of the neighborhood and existing commercial activity.
- G. The Board of Trustees further recognizes that townhomes represent the type of residential development that can act as a transitional element.
- H. As such, the purpose of the Steamboat Road Townhome Redevelopment Overlay is to maintain and enhance the corridor's primarily residential nature by transitioning its somewhat distressed commercial core to residential uses of appropriate density.
- I. In accordance with the provisions of Village Law § 7-703, the Board of Trustees has evaluated the effects of any potential incentives that are possible by virtue of the provision of community amenities, including the potential development of affordable housing gained by the provision of any incentive or bonus afforded to an applicant or lost in the provision by an applicant of any community amenity to the Village, and has found that:
  - (1) The districts within the Steamboat Road corridor contain adequate resources, environmental quality and public facilities, including adequate transportation, water supply, waste disposal, and fire protection, and there will be no significant environmentally damaging consequences and such incentives or bonuses are compatible with the development otherwise permitted.
  - (2) The granting of incentives or bonuses, as provided in this local law, will not have significant effect on the environment.

- (3) There is approximate equivalence between potential affordable housing lost or gained.

Section 2. Chapter 575, Zoning, of the Code of the Village of Great Neck, is hereby amended by adding a new Article XXXIII, Steamboat Road Townhome Redevelopment Incentive Overlay District, to read as follows:

**“Article XXXIII  
Steamboat Road Townhome Redevelopment Incentive Overlay (SR-TRIO)**

**§ 575-300. Applicability.**

- A. The provisions of this article shall apply to the Steamboat Road Townhome Redevelopment Incentive Overlay District as hereinafter set forth.
- B. The boundaries of said district, as shown on the Building Zone Map of the Village of Great Neck, shall include the following properties within Section 1 of the Blocks indicated, as they appear on the Nassau County Land and Tax Map on the date that this subsection takes effect:
  - (1) Block 64, Lots 1-4, 6, 8, and 207-211;
  - (2) Block 124, Lots 1-7, 9, 108, and 208-210;
  - (3) Block 128, Lots 1, 4-7, 9, 10, 94-95, 97-99, 108, 196, 295, 302, 308, 402, 502, 547, and 548;
  - (4) Block 129, Lots 7-8, 11-18, 21, 41, 344, and 345;
  - (5) Block 198, Lots 1-18 and 22-30 ; and
  - (6) Block 199, Lots 1-9 and 57-58.

**§ 575-301. Use.**

In addition to the uses permitted in the underlying district, a building may be erected, altered, or used and a lot or premises may be used for any of the purposes set forth in this section when permitted by the Board of Trustees, pursuant to the powers set forth in Village Law § 7-703, as may be amended from time to time, with regard to incentive zoning, as an incentive or bonus to applicants who provide or make provision for specific physical, social, and/or cultural amenities, or cash in lieu thereof, of benefit to the residents of the Village, as from time to time determined by resolution of the Board of Trustees, provided such are in accordance with the comprehensive plan established by this chapter.

- A. Single-family detached dwellings in accordance with the zoning limitations for single-family detached dwellings in Residence D Districts.
- B. Townhomes.

C. As an accessory to a townhome, the following uses also may be permitted:

- (1) Real estate office for the management, marketing, and/or sales of the units.
- (2) Indoor and outdoor recreation facilities, including indoor swimming pools, spas, tennis courts, clubhouses, pool houses, recreation and/or fitness centers, business centers, meeting spaces, and similar facilities, provided that such facilities are planned as an integral part of the principal use and are for the sole use of the residents of such principal use and their guests.
- (3) Off-street parking areas and garages.

**§ 575-302. Maximum height for townhomes.**

The maximum height for a townhome shall not exceed 30 feet or 22 feet at the eaves.

**§ 575-303. Minimum townhome development.**

No townhome may be built and no existing building may be converted to a townhome unless such townhome shall be part of a complex containing not less than 6 townhomes.

**§ 575-304. Minimum street frontage for townhomes.**

No townhome shall be constructed and no existing building shall be converted for use as a townhome on a lot having street frontage of less than 100 feet.

**§ 575-305. Minimum floor area for townhomes.**

No townhome shall provide habitable floor area of less than 1,000 square feet.

**§ 575-306. Maximum density for townhomes.**

The maximum density for townhomes shall be at the ratio of 15 dwelling units per acre.

**§ 575-307. Maximum Building area for townhomes.**

The building area for townhomes shall not exceed 50% of the lot area.

**§ 575-308. Minimum Front yards for townhomes.**

The minimum front yard setback shall be 20 feet from the property line, or, with the approval of the Board of Trustees, not less than 21 feet from the curb, which area shall be landscaped except for necessary access drives, parking, and walkways.

**§ 575-309. Minimum Side yards for townhomes.**

The minimum side yard setback for each side yard shall be 15 feet, which area shall be landscaped, except for necessary access drives, parking, and walkways.

**§ 575-310. Minimum Rear yards for townhomes.**

The minimum rear yard setback shall be 20 feet.

**§ 575-311. Minimum distance between adjacent townhome buildings.**

- A. The minimum distance between townhome buildings shall be 10 feet.
- B. Encroachments not exceeding 2 feet from each building shall be permitted within said 10-foot distance.
- C. In no event shall the distance between such encroachments be less than 8 feet.

**§ 575-312. Maximum townhome building length.**

- A. No townhome building shall contain more than four townhomes.
- B. The maximum length of a townhome building shall not exceed 136 feet.
- C. No horizontal plane of any façade of a townhome building shall exceed 88 feet without a change or break in said plane of at least 10 feet.

**§ 575-313. Landscaping and buffers.**

As part of the site plan approval, the Board of Trustees shall require a landscape plan that provides adequate buffer and appropriate design treatment for the uses of the abutting properties.

**§ 575-314. Permitted encroachments.**

Encroachments shall be permitted to the extent permitted in the underlying district.

**§ 575-315. Accessory structures.**

All accessory structures shall be permitted to the extent permitted in the underlying district.

**§ 575-316. Accessory buildings.**

All accessory buildings shall be permitted to the extent permitted in the underlying district.

**§ 575-317. Design standards for townhomes.**

- A. For all townhome developments, the site plan application shall consider all visual impacts of the proposed development on adjacent properties and the surrounding community, including, but not limited to shadowing effects and those guidelines specified in § 575-179.
- B. In addition, building frontage along a public street should be designed with principal access to the street. If driveways and indoor garages are provided in that area, there should be sufficient space for at least one vehicle to park in the driveway without blocking the sidewalk. Principal pedestrian access should be provided to the townhome from the street.

**§ 575-318. Parking requirements for townhomes.**

There shall be provided on each lot or premises on which a townhome is erected, altered, or used, accessory parking facilities for the use of the occupants of such buildings, which facilities shall include the following parking:

- A. For each one-bedroom unit: one parking space
- B. For each two-bedroom unit: two parking spaces
- C. For each three-bedroom unit: two parking spaces
- D. For each unit with four or more bedrooms: three parking spaces
- E. In addition, one guest parking space shall be provided on each lot or premises for each two units. For clarification, as an example, a lot with five units would only require two guest parking spaces. Signage as approved by the Building Department shall clearly designate each such guest parking space as guest parking only.
- F. Tandem parking, with the condition that all parking spaces that are in tandem with each other shall be assigned to the same unit, shall be subject to the approval of the Board of Trustees.

**§ 575-319. Development incentives.**

- A. In recognition of the opportunities to advance a specific physical, cultural, and/or social policy of the Village, in accordance with the Village's comprehensive plan, as set forth in this chapter, in coordination with such other community planning mechanisms and/or land use techniques as may be available and appropriate, if any, where an applicant proposes such an opportunity that the Board of Trustees may, from time to time, by resolution, find appropriate and that meets the criteria herein, the Board of Trustees may approve a town home development in accordance with this article.
- B. In determining whether or not to grant the development, the Board of Trustees shall consider the following:
  - (1) The extent and dollar value of the proposed amenity;
  - (2) The public costs that would otherwise be required to effect the proposed amenity; and
  - (3) The improvement to the immediate neighborhood and/or the Village as a whole from the proposed amenity.
- C. Payment in lieu of community amenities.
  - 1) At the request of the applicant or on its own determination that the identified amenities to the Village are not immediately feasible or otherwise not practical for the applicant to provide, the Board of Trustees may require, in lieu of the identified amenities, a payment to the Village of a sum determined by the Board of Trustees. Alternatively, the Board may choose to accept a partial amenity and

partial payment in lieu of such proposed amenity. If cash is accepted in lieu of a community amenity, provision shall be made for such sum to be deposited in a trust fund to be used by the Board of Trustees exclusively for specific community amenities that could be applied throughout the Village authorized by the Board of Trustees.

- (2) Any payment in lieu of community amenities must be received prior to the issuance of a building permit for the construction of the proposed development.

**§ 575-320. Limitations on incentives.**

- A. The Board of Trustees may approve adjustments to any zoning restrictions set forth in this article, other than as to use and the other limitations set forth in this section.
- B. No incentive shall permit:
  - (1) Any change of the requirements set forth in §§ 575-302, 575-303, 575-305, 575-307, 575-311, or 575-312.
  - (2) Any change greater than 5% of the requirements set forth in §§ 575-304, 575-308, 575-309, 575-310, or 575-318.
  - (3) A maximum density of 18 dwellings per acre.

**§ 575-321. Incentive procedures.**

Applications seeking a townhome development in accordance with this Article shall comply with the procedural requirements outlined in Article XXXI.

Section 3. Effective Date. This local law shall take effect immediately.