

**LOCAL LAW NO. 1 OF 2020
ENACTED:**

**A PROPOSED LOCAL LAW AMENDING THE MUNICIPAL
CODE OF THE INCORPORATED VILLAGE OF ROSLYN, CHAPTER 470
ENTITLED “ZONING”, TO ADD THERETO SECTION 470-21 TO CREATE
THE “TMU TRANSIT-ORIENTED MIXED-USE DISTRICT”**

§ 470-21. TMU Transit-Oriented Mixed-Use District

- A. Purpose. The purpose of the TMU Transit-Oriented Mixed-Use District is to encourage development that takes advantage of its proximity to the Long Island Railroad’s Roslyn station and provides for a mix of uses appropriate for its unique location within the Village of Roslyn.
- B. Permitted principal uses:
- (1) Residential apartments in accordance with the following standards:
 - (a) The maximum gross density shall be 30 units per acre, except as may be increased pursuant to Subsection D.
 - (b) Residential apartments shall not be permitted along any street frontage at street level.
 - (c) Residential apartments shall only be permitted on upper floors, or in portions of a building not directly fronting on a street.
 - (2) Convenience and specialty retail establishments.
 - (3) Service retail establishments such as barbershops, beauty parlors, nail salons, dry cleaning pickup establishments, laundries, copy establishments, tailors, household and electronic repair establishments, health clubs, gyms, and travel agencies.
 - (4) Retail stores which prepare, store or sell food or drinks.
 - (5) Restaurants and eating and drinking establishments, with or without outdoor dining, but excluding drive-in or drive-through restaurants.
 - (6) Banks, financial institutions, insurance agencies and real estate offices, but excluding drive-through banks.
 - (7) Professional and medical offices in accordance with the following standards:

- (a) Access shall only be permitted to office uses from the interior of a property or a building lobby.
 - (b) Offices shall not be permitted along any street frontage at street level.
- (8) Mixed-use development in accordance with the following standards:
 - (a) One or more of the nonresidential uses listed in Subsections B(2) through (6) above shall be provided at street level of any building.
 - (b) The maximum gross density shall be 30 units per acre, except as may be increased pursuant to Subsection D.
- C. Accessory uses. The following accessory uses on the same lot as the principal use shall be permitted:
 - (1) Uses customarily incidental to the above-permitted uses.
 - (2) Private customer and employee parking and loading.
 - (3) Interior and exterior amenities, including rooftop decks.
- D. Development incentive bonuses.
 - (1) This Subsection D 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 D, the following terms shall have the meanings indicated:

COMMUNITY BENEFITS OR AMENITIES — Open space, parks, the amenities set forth in Subsection D(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.

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 this chapter 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 D on condition that specific physical, social, or cultural benefits or amenities would inure to the benefit of the community.

INCENTIVE BONSUSES and INCENTIVE ZONING are collectively referred to as “BONSUSES” in this Subdivision D.

- (3) Purpose. The purpose of this system of Bonuses shall be 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 or land use techniques.
- (4) Applicable zoning districts. This system of Bonuses shall be applicable to the TMU Transit-Oriented Mixed-Use 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 3d, any applicant for 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 Bonuses in accordance with the schedule below in exchange for the applicant providing one or more of the following facilities or amenities: affordable workforce housing, open space, parks and recreational facilities, streetscape amenities, landscaping, road improvements, road and/or traffic signalization and control improvements upon those public streets which may be impacted by the project or development, on-street parking, street trees, sidewalk extensions in parking lanes to slow vehicular traffic, and other elements which make roads more pedestrian friendly, water and sewer system improvements, streetscape elements such as lighting, furniture, and public art so as to enhance the appearance of the station area, 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 D, the Board of Trustees may, at its discretion, award Bonuses by increasing the density, coverage and floor area ratios up to the maximums indicated in the schedule below. The Board of Trustees may also, at its discretion, award Bonuses by increasing building heights, varying required setbacks, allowing topographical changes, and varying permissible uses in the district.

Schedule of Bonuses within the TMU Transit-Oriented Mixed-Use Zone

Minimum Yard to Any Property Line: 0.5 feet
Maximum Building Coverage: 80%
Maximum Lot Coverage: 100%
Maximum Floor Area Ratio: 3.0
Maximum Gross Density: 60 units per acre

Minimum parking for residential units:

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|------------------|-----------------------|
| 0 bedroom units | 1 per dwelling unit |
| 1 bedroom units | 1 per dwelling unit |
| 2 bedroom units | 1.5 per dwelling unit |
| 3+ bedroom units | 2 per dwelling unit |

No Bonuses for parking for nonresidential uses

Other Bonuses are at the discretion of the Board of Trustees

- (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 Bonuses 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 Bonuses; application, review process, and imposition of terms and conditions. Applications for Bonuses shall be completed by each applicant and filed with the Village Building Department along with the payment of any applicable fees. Authorization for 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 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 Bonuses. 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, social and governmental policies.
- (10) Public hearing; public notice. The Board of Trustees may, in its absolute discretion, summarily determine whether or not to consider the application. If its determination is in the affirmative, it shall hold a public hearing to review an

application submitted pursuant to this Subsection D. Public notice shall be given by publication in the official Village newspaper of such hearing at least 10 days prior to the date thereof.

- (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 rental development which incorporates five or more residential units, the applicant shall set aside at least 20% of such units for affordable workforce housing on site. For purposes of this subsection, "affordable workforce housing" means housing for individuals and families at or below 120% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development (www.huduser.gov). Rent, including utilities, for each affordable workforce housing unit shall be no more than 30% of that household's income. 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 this requirement. Each applicant is required to engage in affirmative marketing to ensure outreach to racially and ethnically diverse households, including those who are least likely to apply. The applicant shall enter into a contract with a local housing group to administer the affordability of the housing units, and to monitor the rental of all units for compliance with the Village Code and New York State laws. A covenant setting forth the requirements of this Subsection (12) in recordable form shall be executed by the applicant and filed by the applicant in the Office of the Nassau County Clerk. The covenant shall be prepared by the applicant and submitted to the Village Attorney for approval as to form and content. This Subsection (12) shall not in any way relieve applicant of its requirement to comply with New York State General Municipal Law § 699-b, but is intended to provide additional requirements for the provision of affordable workforce housing.

Bulk requirements for the TMU District shall be as follows:

Minimum lot area shall be 30,000 square feet.

Minimum lot width shall be 200 feet.

Minimum front yard facing Railroad Avenue and Warner Avenue: 0 feet.

Minimum yard to any other property line: 5 feet.

Maximum building coverage: 60%.

Maximum lot coverage: 80%.

Maximum building height: 40 feet.

Maximum floor area ratio: 2.0.

Maximum density: 30 units per acre.