

2008 - 544

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 28 - 2008  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 157 (PUBLIC  
BENEFIT INCENTIVES)

Resolution for Town Board Meeting dated: September 23, 2008

The following resolution was offered by: Supervisor Petrone  
COUNCILWOMAN BERLAND

and seconded by: COUNCILMAN BESEN

THE TOWN BOARD having held a public hearing on the 9th day of September, 2008 at 2:00 p.m. to consider adopting Local Law Introductory No. 28-2008, amending the Code of the Town of Huntington, Chapter 157 (Public Benefit Incentives); and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 28 -2008 amending the Code of the Town of Huntington, Chapter 157 (Public Benefit Incentives); as follows:

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

LOCAL LAW NO. 30- 2008  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 157 (PUBLIC BENEFIT INCENTIVES)

Section 1. Chapter 157 (Public Benefit Incentives), is hereby amended to read as  
follows:

CHAPTER 157  
PUBLIC BENEFIT INCENTIVES

ARTICLE I  
GENERAL PROVISIONS

§157-1 Legislative Intent.

It is the intent of the Town Board to [amend the code to] establish [the grant of] incentives and/or benefits to applicants who submit proposals that incorporate specific physical, social, economic or cultural amenities of benefit to the residents of the Town.

## §157-2 Definitions.

As used in this Chapter the following terms shall have the meanings indicated:

**APPRENTICESHIP PROGRAM** -- A program utilized by an applicant as defined by Article 23 of the New York State Labor Law and qualified in compliance with any requirements of New York State Education Law and this chapter.

**DEPARTMENT** -- For purposes of this chapter department shall mean [either] the Town of Huntington Department of Engineering Services [and/or the Department of Planning and Environment].

**EXPEDITED REVIEW** -- The grant of a priority status to an application that shall result in the [placement] review of the application [utilizing an Apprenticeship Program,] ahead of applications filed prior thereto, including applications currently under review[, that do not provide an Apprentice Program].

**INCENTIVE** -- A specific benefit or bonus granted to an applicant proposing to construct, reconstruct, develop or redevelop a parcel or parcels of land.

## §157-3. [(RESERVED)] Exemptions.

The expedited review of applications covered by this Chapter shall not apply to applications before the Town Board, Planning Board or Zoning Board of Appeals.

## §157-4. [(RESERVED)] Application for expedited review.

A. Unless otherwise set forth in this chapter, an application for an expedited review shall be filed at the time an application for a permit or other approval is submitted for review to the Department of Engineering Services and shall consist of the documents and information requested by the Director of Engineering or his/her designee.

B. The Director may grant or deny the application for an expedited review, and shall notify the applicant in writing. If the application is denied, the reasons thereof shall be stated in the notice.

## §157-5. [(RESERVED)] Prohibitions.

It shall be unlawful for any person or business entity to make false statements or mislead a town department, agency or board in order to secure an expedited review pursuant to the provisions of this chapter, or to fail and/or neglect to inform the Department who is reviewing the application of a change in the project which would negate eligibility for an expedited review.

## §157-6. (RESERVED)

ARTICLE II  
[(RESERVED)] UNIVERSAL DESIGN INCENTIVE

§157-7 [(RESERVED)] Legislative Intent. The Town Board finds that the incorporation of certain Universal Design features during the planning, construction, extension or alteration of one family residences will afford all persons basic access to residential buildings regardless of age, size or abilities. In furtherance of this goal, the Town Board intends to establish a mechanism by which applications for single family development or redevelopment containing Universal Design features are fast tracked through the approval process to the fullest extent practicable.

§157-8 [(RESERVED)] Requirements. All applications for development, redevelopment, modification or alteration of single-family residences shall receive expedited review by the Department of Engineering Services, to the fullest extent practicable, if three or more of the following universal design features are incorporated into the construction:

(A) Zero-step Entrance. At least one stepless entrance to the residence which may be located at the front, rear or side of the structure, but does not include any entrance that is located within an attached garage. There shall be less than a one-half inch rise at the stepless entrance. A sidewalk or walkway being utilized as the accessible route to the stepless entrance must have a slope no greater than 1:12.

(B) Doorways and passageways. All doors on the ground floor of the new construction or addition (including bathrooms, walk-in closets, pocket and sliding doors, and any door intended for human passage) shall have a minimum clearance of thirty-four inches. A thirty-six inch door, hung in the standard manner, provides the thirty-four inch clear opening required by this article.

(C) Adaptability features. The existence of at least one room on the ground floor which can be easily converted into a bedroom, except that such conversion is prohibited and no credit for this feature shall be granted for the purpose of this article if the residence already has four bedrooms.

(D) Bathroom. Reinforcements or "blocking" between wall studs around the toilet and the bathroom/shower areas to conveniently and safely allow for future installation of grab bars, commencing at a height of thirty-two inches from the floor and extending to a height of at least thirty-eight inches above the floor. Reinforcements may be constructed of plywood or wood blocking.

- (1) Behind the toilet, a minimum twenty-six-inch-wide reinforced area is required, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange. Where a toilet is adjoining a side wall, a minimum twenty-six-inch wide reinforced area is required, which safely accommodates a twenty-four inch grab bar and provides proper backing for flange. For a side wall adjoining a toilet, a forty-four inch wide reinforced area is required to safely accommodate a forty-two inch grab bar with proper backing for flange.



- (2) Along a tub wall, reinforcements shall be at least fifty (50) inches wide which safely accommodates a forty-eight (48) inch grab bar and provides proper backing for flange. Side walls shall have a minimum twenty-six (26) inch wide reinforced area, which safely accommodates a twenty-four (24) inch grab bar and provides proper backing for flange.
- (3) Inside a shower stall, reinforcements shall be at least twenty-six (26) inches wide on each side adjoining a wall, which safely accommodates a twenty-four (24) inch grab bar and provides proper backing for flange.

(E) Convenient facilities. There shall be at least a ½ bathroom located on the ground floor, and the fixtures shall be arranged to provide sufficient floor space so as to allow an individual using a wheelchair or other mobility aid to enter and close the door, use the facilities, reopen the door and exit. A sixty-inch turning radius is required to meet the requirements of this article. Maneuvering space may include any knee space or toe space available below bathroom fixtures including the clear space under a wall-hung lavatory.

§157-9. (RESERVED)  
 §157-10. (RESERVED)  
 § 157-11 (RESERVED)  
 § 157-12 (RESERVED)  
 § 157-13 (RESERVED)  
 § 157-14 (RESERVED)  
 § 157-15 (RESERVED)

### ARTICLE III SOLAR POWER INCENTIVE

§157-16 [(RESERVED)] Solar Panels. All building permit applications for the installation of solar panels on residential and non-residential buildings shall receive expedited review by the Department of Engineering Services and the permit application fee for said installation shall be waived.

§ 157-17 (RESERVED)  
 § 157-18 (RESERVED)  
 § 157-19 (RESERVED)

### ARTICLE [III] IV APPRENTICESHIP INCENTIVE

§157-20 [(RESERVED)] [§157-31] Apprenticeship Program Incentive.

An applicant who proposes to develop [and construct a parcel(s) of] land utilizing a qualified and verified Apprentice Program [in the development and execution of their proposal,

will] shall be eligible for [to receive an incentive of] an expedited review of [its submissions] the permit application before [to] the [Town of Huntington] Department of Engineering Services[, the Department of Planning and Environment, Planning Board and Zoning Board of Appeals]. An applicant otherwise required under § 87-55.1 to provide an Apprenticeship Program, [will receive a grant of the Apprenticeship Program Incentive] shall be eligible for the incentive so long as [such] the applicant [agrees to be subject to] complies with all of the [conditions and terms of this chapter] provisions of this article.

§157-21 [(RESERVED)] [§157-32] Procedure and Required Documentation.

An application for the incentive shall be filed at the time an application for a permit or other approval is submitted for review to the Department of Engineering Services, and shall contain the following: [Upon the filing of an application for a building permit or, a submission of a proposed site plan, an applicant seeking the grant of an Apprenticeship Program incentive must submit the following documentation in addition to the standard required building permit application and/or site plan documents and submissions:]

\* \* \*

(C) Any other document requested by the Department.

§157-22 [(RESERVED)] [§157-33] Review and Determination.

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§157-23 [(RESERVED)][§157-34] Appeal.

If the application for expedited review is denied or revoked once granted, the applicant may appeal by filing a signed and notarized statement containing the facts on which the appeal is based, accompanied by the sum of one hundred (\$100) dollars to cover the cost of the hearing and of processing the appeal. At the hearing before the Hearing Officer the applicant shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. The applicant may present such competent and material testimony or other evidence in his own behalf as may be relevant to the subject matter of the hearing. The Hearing Officer shall file his/her written findings no later than thirty (30) days from the close of the hearing.

[Whenever the department makes a determination to deny an application pursuant to the criteria set forth in this chapter, an opportunity to appear before a duly appointed hearing officer shall be scheduled in accordance with this chapter. Any applicant whose incentive grant has been denied or revoked may make an application to appeal same, accompanied by an administrative fee of one hundred (\$100) dollars.]

§157-24 through §157-27 (RESERVED)

ARTICLE V (RESERVED)§157-28 through §157-34 (RESERVED)ARTICLE VI (RESERVED)§157-35 through §157-40 (RESERVED)ARTICLE VII (RESERVED)§157-41 through §157-47 (RESERVED)ARTICLE VII§157-48 [§157-35] Penalties and Enforcement.

- A. A person or business entity who commits or permits any act in violation of this Chapter shall be deemed to have committed an offense against this Chapter and shall be liable for such violation and the penalty therefor, and shall upon conviction thereof, be subject to a fine or penalty of not less than One Hundred (\$100) Dollars. Each day, or part thereof, such violation continues or is permitted to exist following notification by the Town, or service of a notice of violation or summons shall constitute a separate offense, punishable in like manner.
- [A.] [In addition to the immediate withdrawal and revocation of any building permits, certificates of occupancy, subdivision or site plan approvals, for each violation of the provisions of this Chapter, any person or business entity that has applied for and been granted an incentive under this chapter, where such violation has been committed, or who commits such offense or permits the offense to continue shall be held liable, on conviction thereof, to a fine or a penalty of not less than One Hundred dollars (\$100) per day, for each day the offense or violation exists.]
- B. In addition to any penalties set forth herein, the Director of Engineering Services or his/her designee may revoke any permit, certificate of occupancy or certificate of permitted use that has been issued as he or she deems advisable.
- C. [B.] In addition to the penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil relief, including but not limited to, compensatory actions or fines or other civil remedies, which in the opinion of the Town Attorney may seem necessary and proper. Such civil relief may be sought in a court of competent jurisdiction or from a duly appointed hearing officer whenever permitted by law.



