

BOARD OF TRUSTEES

JUNE 28, 2016

A regular meeting of the Board of Trustees of the Village of Garden City in the County of Nassau, New York, was held at the Garden City Library, 60 Seventh Street in said Village on June 28, 2016 at 8:00 p.m.

Present: Mayor Nicholas P. Episcopia, Trustees Brian C. Daughney, Robert A. Bolebruch, Richard V. Silver, Theresa A. Trouvé and John M. Delany.

Absent: Trustees John A. DeMaro and Stephen S. Makrinos.

Also Present: Ralph V. Suozzi, Village Administrator
Karen M. Altman, Village Clerk
Philip Butler, Bee Ready Fishbein Hatter & Donovan, LLP

Attendance: Approximately 10

The Clerk reported that due notice of this meeting had been served on each member of the Board.

Mayor Episcopia called for citizens comments on Agenda items.

There being none, the Mayor called for the first Agenda item.

NEW BUSINESS

FORMAL AGENDA

1. Set Date for Public Hearing - July 21, 2016 - Proposed Local Law in Connection with the Establishment and Regulation of An Affordable Housing Density Bonus, together with related SEQRA Compliance.

Village Counsel reviewed with the Board the Proposed Local Law, completed Part I Short Environmental Assessment Form and draft resolution, which were circulated to the Trustees in advance of the meeting. The Mayor called for a motion to approve the resolution as drafted.

After discussion, Trustee Delany introduced the following resolution and moved for its adoption:

RESOLUTION NO. 119-2016

WHEREAS, pursuant to a Judgment issued by the United States District Court for the Eastern District of New York, and affirmed in part by the United States Court of Appeals for the Second Circuit, the Village of Garden City ("Village") is required to take certain actions in furtherance of development of affordable housing (as defined in that Judgment) within the Village; and

WHEREAS, in furtherance of that Judgment, and consistent with the Village's adopted policy to foster fair housing, the Village Board of Trustees ("Board") is considering the adoption of a proposed local law designated as Bill GC 1602 to provide for a system of density bonuses for affordable housing; and

WHEREAS, the Board has reviewed and discussed the aforesaid Judgment, and the proposed local law, and an Environmental Assessment Form ("EAF") prepared in accordance with the requirements of the State Environmental Quality Review Act and its implementing regulations (collectively "SEQRA");

NOW, THEREFORE, BE IT RESOLVED that the Board finds and concludes that the proposed local law is intended to be an addition to the Village's comprehensive plan, and that the Affordable Housing Density Bonus authorized and required pursuant to such law is determined to be in conformity with the aforesaid Judgment and the Village's comprehensive plan; and it is further

RESOLVED, that the Board hereby determines that the Board is the Lead Agency for SEQRA review of the proposed legislation; and it is further

RESOLVED, that the Board hereby determines that the proposed adoption of the local law should be classified as an Unlisted Action pursuant to SEQRA; and it is further

RESOLVED, that the Board hereby finds and concludes that

(a) the proposed action consists of the adoption of legislation to authorize a system of density bonuses, in accordance with the Judgment of the United States District Court for the Eastern District of New York, to create requirements for affordable housing units in all residential developments consisting of five (5) or more residential units, and in mixed-use developments containing five (5) or more residential units;

(b) the proposed legislation would require other legislative or administrative review and action respect to any particular project before the approval for development of such project would occur, with such review to include compliance with SEQRA requirements as to each such proposed action;

(c) the proposed legislation does not, in and of itself, authorize a density bonus, nor otherwise alter or amend the Village zoning and planning regulations, for any particular property, development or project, and each such project will require independent review pursuant to SEQRA prior to approval;

(d) in the course of its review of the EAF, the Board has considered the following factors, among others, and hereby makes the following findings with respect to each of the following factors:

(i) the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(ii) the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(iii) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

(iv) the proposed action would not conflict with the community's current plans or goals as official approved or adopted, and is consistent with such plans and goals;

(v) the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) the proposed action would not result in a major change in the use of either the quantity or type of energy;

(vii) the proposed action would not create a hazard to human health;

(viii) the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(x) the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xii) the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular; and it is further

RESOLVED, that the Board further finds and determines that the proposed action would not have a significant adverse environmental impact; and it is further

RESOLVED, that any environmental impacts which may result from any particular project involving approval of a residential development with five or more dwelling units, or a mixed use development including residential uses, will be reviewed as part of the customary review process for such actions, and appropriate conditions, if any, may be imposed at the time of approval of any such project; and it is further

RESOLVED, that the Board further finds and determines that no further environmental review is required with respect to the proposed action; and it is further

RESOLVED, that the Mayor is authorized on behalf of the Village to execute part III of the Environmental Assessment Form in accordance with the foregoing findings and determination.

The vote on the foregoing resolution was as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

On motion of Trustee Daughney, and unanimously carried, he requested to temporarily suspend the Rules and Procedures of the Board of Trustees.

Village Counsel further advised the Board that notice to the Nassau County Planning Commission is needed for the proposed local law.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 120-2016

WHEREAS, Notice of the Proposed Local Law must be sent to the Nassau County Planning Commission for comment in accordance with Section 239-m of the General Municipal Law;

NOW THEREFORE, BE IT RESOLVED, that the Clerk is hereby directed to send notice of the proposed local law to the Nassau County Planning Commission for comment.

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+ The vote on the foregoing resolution was as follows:

AYES: 6
NOES: 0

Trustee Delany then introduced the following resolution and moved its adoption:

RESOLUTION NO. 121-2016

WHEREAS, the Municipal Home Rule Law required the holding of a public hearing on the proposed local law prior to its adoption:

NOW THEREFORE, BE IT RESOLVED, that on July 21, 2016, the Board of Trustees shall hold a public hearing at Village Hall, 351 Stewart Avenue, Garden City, New York, at 7:30 p.m., to consider the adoption of a Proposed Local Law in Connection with the Establishment and Regulation of an Affordable Housing Density Bonus; and be it

FURTHER RESOLVED, that the Clerk is hereby directed to publish and post a notice of said public hearing in accordance with all applicable State and Local Laws.

The vote on the foregoing resolution was as follows:

AYES: 6
NOES: 0

The resolution was declared adopted.

On motion of Mayor Episcopia the Board voted to go into executive session at 8:05 p.m. to discuss a personnel matter. The Board reconvened at 8:47 p.m.

There being no further business, on motion duly made, the meeting adjourned at 8:48 p.m.