



INCORPORATED VILLAGE OF GARDEN CITY
RESIDENTIAL DEVELOPERS SUBJECT TO
LOCAL LAW 4-2016

Developers' Packet



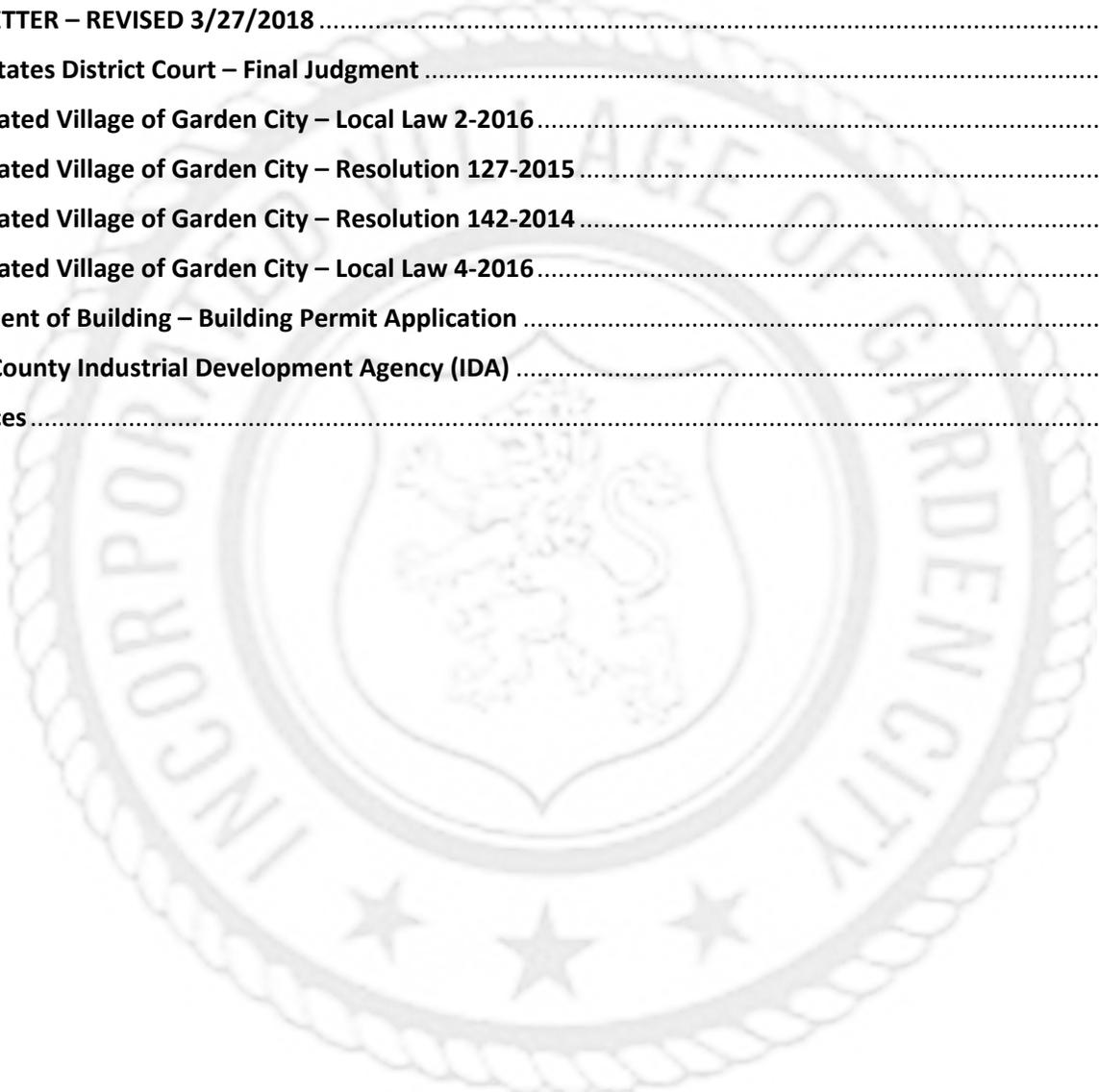
DEPARTMENT OF BUILDINGS

INCORPORATED VILLAGE OF GARDEN CITY
VILLAGE HALL
351 STEWART AVENUE
GARDEN CITY, NY 11530
516-465-4040(O) – 516-742-5377 (F)



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FORM LETTER – REVISED 3/27/2018

FOR USE FOR RESIDENTIAL DEVELOPERS SUBJECT TO LOCAL LAW 4-2016

To Whom It May Concern [REPRESENTATIVE OF PROPOSED DEVELOPER]:

If you are contemplating a development of five or more residential units to be constructed in Garden City, we wish to alert you to a number of relevant factors:

1. Garden City has enacted a “Fair Housing” law, a copy of which is contained in section 13-2 of the Garden City Village Code, and a copy of which is contained within this packet.
2. Garden City has enacted a “Density Bonus” law, a copy of which is contained in section 200-30 of the Garden City Village Code, and a copy is contained within this packet. Your attention is particularly drawn to the provisions of our local law which require that “... the Affordable Housing units be made available equally among ‘low income,’ ‘very low income,’ or ‘extremely low income’ families”
3. Garden City has enacted a Zoning Change Review process for developments which require a change in zoning. A copy of the Zoning Change review process is contained within this packet.
4. Garden City is a member of the Nassau County Urban County Consortium. According to the Nassau County agency, it is dedicated to building a stronger community through the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Neighborhood Stabilization Program (NSP), and the Emergency Solutions Grant (ESG) Program, as well as other programs. Its website is <https://www.nassaucountyny.gov/1528/Consortium>. Garden City has committed, in appropriate cases, to voice its support in the Consortium for applications submitted by developers which support affordable housing units within GC Village limits. The Consortium offices are located at 40 Main Street, Hempstead, NY 11550, and can be reached at 516 572-1915. For more information on Fair Housing and Fair Housing programs, visit the Garden City website at www.gardencity.net, and the U.S. Housing and Urban Development website at www.hud.gov.
5. Developers and/or landowners can seek rezoning of their properties under Resolution No. [142-2014](#) adopted by the Garden City Board of Trustees on November 6, 2014, a copy of which is attached. That Resolution establishes a procedure for the review of proposed zoning changes and lists the factors that must be considered before such changes can be adopted. Developers and/or landowners should use this procedure (as applicable) even when their projects concern “small-scale,” or non-traditional site projects (e.g., small scale “affordable housing” on unused or underused portions of parcels currently occupied by religious, institutional, governmental, or commercial land uses, or on vacant parcels.) Interested land owners and developers should consult with the Building Department. Please note that all projects, including those involving small scale or non-traditional sites, will be subject to the review and approval of the Village.

Additionally, the Village of Garden City has appointed a Fair Housing Compliance Officer (“FHCO”), Anthony M. LaPinta at the September 18, 2014 Board of Trustees Meeting. The FHCO oversees Garden City’s compliance with the April 22, 2014 judgment of the Federal Court in *MHANY et al. v Incorporated Village of Garden City et al.* (a copy is contained within this packet) and the Federal Fair Housing Act, and will review any complaints of housing discrimination made against the Village of Garden City.

Ausberto Huertas Jr., M.S., Assoc. AIA, CEO
Department of Buildings Superintendent
Incorporated Village of Garden City
NYS - Code Enforcement Official

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
MHANY MANAGEMENT INC.,

Plaintiff,

-and-

NEW YORK COMMUNITIES FOR CHANGE,
INC.,

FINAL JUDGMENT
05-CV-2301 (ADS)(WDW)

Intervenor-Plaintiff,

-against-

INCORPORATED VILLAGE OF GARDEN
CITY AND GARDEN CITY BOARD OF
TRUSTEES,

Defendants.

-----X
APPEARANCES:

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Attorneys for the Plaintiffs

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By: Frederick K. Brewington, Esq., of Counsel

Lawyers' Committee for Civil Rights Under Law

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Attorneys for the Defendants Incorporated Village of Garden City and Garden City Board of Trustees

51 Louisiana Ave N.W.
Washington, D.C. 20001

By: Michael A. Carvin

SPATT, District Judge.

I. INTRODUCTION

A. Plaintiff MHANY Management, Inc. (“MHANY”) (formerly known as New York ACORN Housing Company, Inc.), Intervenor-Plaintiff New York Communities for Change, Inc. (“NYCC”) (practical successor to former Plaintiff New York Association of Community Organizations for Reform Now) (collectively, “Plaintiffs”) and several individual former plaintiffs commenced this lawsuit against Defendants Incorporated Village of Garden City, the Garden City Board of Trustees (collectively, “Garden City”), and Defendant County of Nassau (the “County”) on May 12, 2005 by filing a Complaint asserting claims pursuant to the Fair Housing Act, 42 U.S.C. § 3601 et seq. (the “FHA”); 42 U.S.C. § 1981; 42 U.S.C. § 1982; 42 U.S.C. § 1983; 42 U.S.C. § 2000d et seq.; and the Equal Protection Clause of the Fourteenth

Amendment to the United States Constitution. On February 12, 2012, the Court granted summary judgment to the County, and dismissed the case against the County.

B. The Complaint alleged that Garden City discriminatorily re-zoned approximately twenty-five acres of County-owned land located in Garden City (the “Social Services Site”) to prevent affordable housing from being built, which would likely be occupied by minorities.

C. The Court conducted an 11-day bench trial commencing on June 17, 2013. After considering the evidence and the arguments submitted at the trial and the written submissions of the parties, the Court issued a Memorandum of Decision and Order dated December 6, 2013. In that Decision and Order, the Court found that Garden City acted with discriminatory intent in re-zoning the Social Services Site. The Court further found Garden City liable under (1) the FHA, based on theories of both disparate treatment and disparate impact; (2) 42 U.S.C. § 1981; (3) 42 U.S.C. § 1983; and (4) the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED as follows:

II. JURISDICTION

The Court has jurisdiction over this case pursuant to 42 U.S.C. § 3613 and 28 U.S.C. §§ 1343 and 2201.

III. DISMISSAL OF NASSAU COUNTY

Pursuant to this Court’s February 15, 2012 order granting summary judgment to the County, the Clerk of Court is directed to enter a final judgment of dismissal as to the County.

IV. GENERAL NON-DISCRIMINATION

In accordance with the laws of the United States, Garden City shall not take any action:

A. Interfering in any way with any person in the exercise of his or her right under the law to secure equal housing opportunities for himself, herself, or others, or any other right enjoyed under the FHA;

B. Interfering with the development or acquisition of any affordable housing units because of race, color, or national origin; and

C. Discriminating because of race, color, or national origin in any aspect of the enactment or administration of zoning, land use, special permit, or building ordinance laws, policies, practices, requirements, or processes relating to residential property.

V. FAIR HOUSING RESOLUTION

Within sixty days of the date of this Judgment, Garden City shall adopt a Fair Housing Resolution setting forth the fair housing policy of Garden City as it relates to zoning and land use: to assure equal housing opportunities and nondiscrimination in its zoning and other land use processes.

VI. REZONING THE SOCIAL SERVICES SITE

In the event the County announces, within one year of the date of this Judgment, that it intends to sell the Social Services Site for residential development, Garden City shall, within thirty days of being notified of that announcement, begin the process of rezoning the Social Services Site with the R-M zoning designation so as to allow for residential multifamily development on the Social Services Site as of right, with no additional permitting or variance processes required. The Social Services Site shall be rezoned R-M no later than ninety days from the date Garden City is notified of the County's intent under this section, provided all the requirements of the State Environmental Quality Review Act are met.

VII. PARTICIPATION IN THE NASSAU COUNTY URBAN CONSORTIUM

In the event the County does not announce, within one year of the date of this judgment, that it intends to sell the Social Services Site for residential development, or, if the County so announces, but does not actually sell the Social Services Site for residential development within two years of the date of this Judgment, Garden City shall immediately – at the expiration of either the one year or two year period, as appropriate – apply to become a member of the Nassau County Urban Consortium (the “Consortium”).

Once accepted as a member of the Consortium, Garden City shall participate in Consortium activities in good faith.

VIII. AFFORDABLE HOUSING REQUIREMENT

A. “Affordable Housing” as used in this section refers to housing for which a family whose income is 80% or less of the Nassau-Suffolk Metropolitan Statistical Area Median Income (to include families defined by the Department of Housing and Urban Development (“HUD”) as “low income,” “very low income,” or “extremely low income”), pays no more than 30% of its income.

B. In the event the County does not announce, within one year of the date of this Judgment, that it intends to sell the Social Services Site for residential development, or the County so announces, but does not actually sell the Social Services Site for residential development within two years of the date of this Judgment, Garden City shall immediately – at the expiration of either the one year or two year period, as appropriate – require that ten percent of newly constructed residential developments of five units or more be reserved for Affordable Housing, as follows:

1. Garden City will require that, when Garden City approves a subdivision

plat or site plan for five or more residential units or approves a mixed-use development that incorporates five or more residential units, the applicant shall receive a density bonus or other incentive pursuant to a written agreement between the applicant and Garden City, and Garden City shall require of the applicant: (a) to set aside at least ten percent of such units for Affordable Housing on the site; or (b) the provision of other land and the construction of the required Affordable Housing units that are not part of the applicant's current subdivision plat or site plan but are to be provided on another site within Garden City.

2. "Density bonus" means a density increase of at least ten percent over the otherwise maximum allowable residential density or floor area ratio if part of a mixed use development under the Village of Garden City Zoning Code (the "Code") and Comprehensive Plan (the "Plan") as of the date of the application by the applicant to Garden City. All density calculations resulting in fractional units shall be rounded to the nearest whole number.

3. Applicants for residential unit development in Garden City may not avoid this Affordable Housing set-aside by opting to build at less than maximum density under the Code and Plan.

4. Applicants for residential unit development in Garden City may not "buy out" of this Affordable Housing set-aside requirement.

5. Garden City will ensure that all Affordable Housing units remain Affordable Housing through the use of deed restrictions.

IX. FAIR HOUSING TRAINING

A. Garden City shall implement an annual fair housing training program for all elected Garden City officials, and for all officials and Garden City employees who have duties related to the planning, zoning, permitting, construction, or occupancy of residential housing.

The primary purpose of this training program is to educate those persons with respect to the requirements of this Judgment, the FHA, and state and local fair housing laws.

B. The fair housing training shall be conducted by a qualified third party entity or individual, mutually agreed upon by the parties, that has experience providing fair housing training.

C. Each year, at least one time per calendar year, Garden City shall provide in person training of the requirements of this Judgment, the FHA, and state and local fair housing laws. All elected officials, and all officials and employees who have duties related to the planning, zoning, permitting, construction, or occupancy of residential housing shall be required to attend the in-person training within the first year after this Judgment. All newly elected officials, and all newly appointed officials and hired employees who have duties related to the planning, zoning, permitting, construction, or occupancy of residential housing shall be required to attend the in-person training within one year of their election, appointment or hiring.

D. Each person who attends an in-person training session shall sign a form attesting to the fact that he or she completed the training and the date on which it was completed. All training certification forms shall be maintained by Garden City for five years from the date of signature, and made publicly available upon request to the Garden City Village Clerk.

X. FUNDING OF RELIEF

Garden City shall take reasonable measures to fund the relief required by this Judgment.

XI. IMPLEMENTATION AND ENFORCEMENT OF THIS JUDGMENT

A. Fair Housing Compliance Officer: Within ninety days of the date of this Judgment, Garden City shall appoint a person who shall serve as Garden City's Fair Housing Compliance Officer ("FHCO"). The FHCO may not be a current or past employee or elected

official of Garden City, but rather, shall be a third-party independent contractor mutually agreed upon by the parties. Garden City shall at all times during the term of this Judgment maintain a FHCO. The FHCO shall:

1. oversee Garden City's compliance with this Judgment and maintain copies of this Judgment; and

2. receive and review complaints of alleged housing discrimination against Garden City.

B. Record-Keeping Requirements: Garden City shall retain and preserve all records, forms, logs, reports, and other written documents, including electronic records and files, that are relevant to compliance with this Judgment. Garden City shall be responsible for maintaining and preserving, or supervising the maintenance and preservation of, these records. These records shall be maintained for so long as the Court retains jurisdiction over this action, as set out below in Section XIV.

C. Compliance Reports: Garden City shall provide annual reports ("Compliance Reports"), beginning six months after the date of this Judgment, identifying all actions taken by Garden City to comply with the terms of this Judgment so long as the Court retains jurisdiction over this action, as set out below in Section XIV. The Compliance Reports shall be made publicly available and shall be able to be obtained by submission of a written request to the Garden City Village Clerk. Garden City shall also provide the Compliance Reports to the Court. The following information shall be included in the Compliance Reports:

1. A description of all actions taken by Garden City to comply with the terms of this Judgment;

2. A description of the Fair Housing Training required by this Judgment;

3. Any requests for zone changes received by Garden City to accommodate residential housing development for five or more units;

4. Any proposals for residential development of five (5) or more units that have been submitted by the Village.

5. Any written complaint received by Garden City alleging discrimination by Garden City related to zoning or fair housing, with a report of the action taken by Garden City in response to such complaint, including court filings, etc.; and

D. Notice: All notices or writings required to be provided under this Judgment shall be addressed to counsel for the parties.

XII. TIME FOR COMPLIANCE AND PROCEDURE FOR NON-COMPLIANCE

A. Garden City's duties and obligations regarding enacting a Fair Housing Resolution as set out above in Section V, conducting Fair Housing Training as set out above in Section IX, and appointment and maintenance of a FHCO as set out above in Section XI.A shall expire four years after the date of this Judgment.

B. The requirement of a non-discrimination injunction as set out above in Section IV has no time limitation.

C. Garden City's duties and obligations regarding rezoning the Social Services Site for residential multifamily housing development (R-M) as set out above in Section VI, joining the Consortium as set out above in Section VII, requiring Affordable Housing as set out above in Section VIII, and expending sums to fund the relief required by this Judgment as set out above in Section X shall expire five years after the date of this Judgment.

XIII. ATTORNEYS' FEES AND COSTS

Pursuant to Federal Rule of Civil Procedure 54(d)(2)(B), the Plaintiffs shall have fourteen

days from the date this Judgment is entered to file a petition for attorneys' fees and costs. See 42 U.S.C. § 3613(c) and 42 U.S.C. § 1988(b).

XIV. RETENTION OF JURISDICTION

A. This Court retains jurisdiction over the action until Garden City has fulfilled all of its obligations under this Judgment, as determined by the Court, for the purpose of enforcing any of its provisions and terms.

B. The parties shall work cooperatively with one another and in good faith and should use their best efforts to effectuate the purposes of this Judgment and to resolve informally any differences regarding interpretation of and compliance with this Judgment prior to bringing such matters to the Court for resolution.

C. The parties shall have the right to seek from the Court relevant modifications of this Judgment to ensure that its purposes are fully satisfied, provided that any request for a modification has been preceded by good faith negotiations between the parties. The parties may agree in writing to modify the deadlines established in this Judgment without Court approval, but such a writing must be filed with the Court.

D. The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
April 22, 2014

Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge

INCORPORATED VILLAGE OF GARDEN CITY
NASSAU COUNTY, NEW YORK
LOCAL LAW 2-2016

A Local Law to Adopt Chapter 13 of the Village Code Concerning Fair Housing.

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Garden City, as follows:

Section 1. Chapter 13 of the Code of the Incorporated Village of Garden City, entitled "Fair Housing", is hereby enacted as follows:

§13-1 Legislative Intent.

On June 5, 2014, acting as directed by judicial decree as more fully described in the Fair Housing resolution adopted on that date, the Board of Trustees of the Village of Garden City adopted a "Fair Housing Policy". In order to further memorialize its compliance with that judicial decree, the Board of Trustees hereby finds and concludes that it would be reasonable and appropriate to adopt said policy by a more formal legislative act in the form of this local law.

§13-2 Fair Housing Policy.

- A. This policy is adopted in compliance with and in furtherance of judicial decree, to formally state the fair housing policy of the Village of Garden City as it relates to zoning and land use to assure equal housing opportunities and nondiscrimination in its zoning and other land use processes.
- B. The Village shall at all times comply with the Federal Fair Housing Act, 42 U.S.C. 3601, et seq. (the "FHA"), 42 U.S.C. 1981, 42 U.S.C. 1982, 42 U.S.C.1983, 42 U.S.C. 2000d, et seq., and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
- C. The Village shall not interpret nor enforce its zoning and/or land use processes in a manner that unlawfully discriminates in the sale, rental and/or financing of dwellings, and/or in other housing-related transactions, because of race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), or disability.
- D. The Village shall interpret and enforce its zoning and/or land use processes in a manner calculated to assure equal housing opportunities and nondiscrimination as required by law.
- E. The Village shall not interpret nor enforce its zoning and/or land use processes in a manner that restricts or denies housing opportunities or otherwise makes unavailable or denies dwellings to persons because of race, color, national origin, religion, sex, handicap, familial status or disability.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

Village of Garden City
Board of Trustees Meeting - May 7, 2015

VILLAGE COUNSEL

3. Amendment of Prior Board Resolution to Clarify Zoning Change Review Committee Regarding Application. Authorization is requested to amend the prior Board Resolution to clarify that the Zoning Change Review Committee (Committee) shall forward all zoning change requests to the Board of Trustees following completion of the Committee's work on given application. Village Counsel advises that this is a technical amendment to clarify that the Committee should study all zoning change applications which come before it, and (whether or not determined by the Committee to merit consideration by the Board of Trustees), forward all such requests to the Board of Trustees upon completion of the Committee's work on a given application. It is requested that Resolution No. 142-2014 be amended.

On motion of Trustee Daughney the following resolution was offered:

RESOLUTION NO. 127-2015

WHEREAS, this Board did enact Resolution No. 142-2014 adopting certain policies and procedures in connection with specific proposed commercial development projects, as well as residential multi-family housing developments of five or more units; and

WHEREAS, in reviewing same, this Board concludes that a technical amendment if appropriate to clarify that the Zoning Change Review Committee shall, upon completion of its work in connection with a particular application, forward each applications to the Board of Trustees for its possible consideration (whether or not the Committee believes such application merits consideration by the Board of Trustees);

NOW, THEREFORE, IT IS RESOLVED that Resolution No. 142-2014 is hereby amended by deleting the words "if so" from the final sentence of "STEP 4" and making a grammatical change of the word "their" to the word "its", such that the final sentence shall read:

"Following the conclusion of the Committee's work, the ZCRC will determine whether, in its view, the proposed zoning change merits consideration by the Board of Trustees, and ~~if so~~ shall submit the application (together with the Committee's comments) to the Board of Trustees for ~~their~~ its possible consideration."

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

Village of Garden City
Board of Trustees Meeting - November 6, 2014

BUILDING

Procedure for Receiving and Considering Applications for Re-Zoning in Connection with Commercial Development Projects (As well as Residential Projects of five (5) or more Units). Authorization was requested to adopt the Proposed Policy/Procedure Resolution.

On motion of Trustee DeMaro the following resolution was offered:

RESOLUTION NO. 142-2014

WHEREAS, the Garden City Board of Trustees (the “Board”) has the exclusive and non-delegable duty and responsibility to enact zoning legislation for the Village of Garden City; and

WHEREAS, the Board desires to establish policies and procedures designed to promote clarity, transparency, fairness and consistency in the submission and consideration of zoning change proposals made in connection with specific proposed commercial development projects, as well as residential multi-family housing developments of five or more units, which policies and procedures shall be adapted as appropriate for use in connection with zoning change proposals made in connection with other types of projects; now, therefore, it is hereby

RESOLVED, that the Board hereby adopts the following policies and procedures, which procedures may be supplemented from time to time by the promulgation of Building Department rules by the Village Administrator in consultation with Village Counsel, to the extent permitted by law, such policies and procedures (and any supplemental rules) to take effect upon publication of same on the Village website (unless a later date shall be specified in such publication).

ZONING CHANGE PROCEDURES

Zoning. Zoning is a set of legislatively enacted use and design parameters that create minimum standards for a set of zoning districts. The Board of Trustees of the Village of Garden City has enacted more than 20 zoning districts. Information regarding current zoning districts and applicable zoning parameters for properties in the Village is set forth in Chapter 200 and related sections of the Village Code, copies of which are available on the Village website and at Village Hall. Additionally, the Village Fair Housing Resolution of June 5, 2014, the Long Island Workforce Housing Act, as well as the terms of the judgment in *MHANY Management, Inc., et al. v. Village of Garden City, et al.*, 05-CV-2301, E.D.N.Y. (April 22, 2014) may be applicable to zoning applications for certain proposed multi-family residential projects.

Requests for Variance from Zoning Requirements. Variances from applicable zoning requirements may be requested pursuant to the Village Code by application to the Village Zoning Board of Appeals (the “ZBA”). Applications and other information may be obtained from the Building Department and/or the Village website under the Building Department tab.

Proposals for Rezoning. The Village Board of Trustees has created the below Procedures for changes that are proposed (1) by the property owner to be affected by the proposed change and (2) made in connection with a specific development proposal for commercial development projects, as well as residential multi-family housing developments of five or more units. Property owners seeking zoning changes in connection with other types of projects (e.g., single-family residential) or zoning changes not involving a particular development proposal are advised to contact the Building Department which will adapt these procedures, as appropriate, under the circumstances. Failure to fully comply with these procedures, including among other things the submission of a fully completed application in the form prescribed by the Village together with all supporting documentation in the required quantities, may delay consideration of any zoning change by the Village.

In any review of a duly completed application which the Board of Trustees determines to consider, the Board of Trustees will consider, among other factors, the degree to which the proposed zoning change would materially alter the existing Comprehensive Plan; the compatibility of the suggested zone change with nearby zones, existing structures and uses; the adequacy of the Village infrastructure and services in the area that would be needed to accommodate the uses that would be permitted by the proposed change; the completeness of the information supplied by the Applicant in connection with the proposal; the benefits and/or detriments of the associated project to the Village and the surrounding community; and public input (provided that the Village shall not consider nor shall it be influenced or act upon public input that, if acted upon, would cause the Village to violate any legal obligation to which it is subject).

The Building Department is available to assist property owners in understanding and following the Application process. However, no member of the Building Department or any other member of Village staff is authorized to provide any advice or assurances with regard to the likelihood of approval of any proposal, and any such advice or assurances should not be relied upon.

Rezoning Process. The rezoning process is a three-phase procedure: (1) staff review and comment upon the zoning change proposal made on an application available at the Building Department and on the Village website, together with all related materials described on the application and/or as may have been additionally requested by the Village; (2) review and comment by the Zoning Change Review Committee (comprised of one member of the Planning Commission, one member of the Architectural Design Review Board, one member of the Zoning Board of Appeals and two members of the Board of Trustees as shall be appointed by the Mayor from time-to-time), which review shall include a public work session and (3) upon motion duly made by a Trustee, consideration by the full Village Board of Trustees.

The process generally can be expected to take a minimum of twelve weeks from the time that a completed application is received, but may take considerably longer based on the nature of the requested change. The zoning change review process is outlined below.

STEP 1: Pre-application Meeting. The Applicant should schedule a meeting with the Village Building Department. This meeting provides an opportunity for the Applicant to generally acquaint Village staff with the zoning change proposal and the project associated with it, and to obtain a level of familiarity with Village requirements and procedures. Regardless of any discussions or meetings with any Village personnel or official(s), no zoning change shall be deemed to have been requested until the Building Department determines that a completed application has been submitted in accordance with these procedures.

STEP 2: Submittal of Application. In order to commence the review process, the Applicant shall submit such number of copies of an initial application and related documents as the Building Department shall determine, including any supplemental materials specified in the application package and/or preliminarily requested by staff. The applicant must also pay a non-refundable application fee of \$2,500, and an initial deposit of \$5,000 to pay costs of third party consultants and advisors that the Village anticipates, in its sole discretion, that it will need to retain to review the application. If the actual or anticipated costs of third parties exceed the amount initially deposited, the Village will notify the applicant of the need to make additional payment(s). If such deposit is not promptly made, the Village may suspend the processing of the application, provided that the applicant will continue to be responsible for all costs incurred to that point. If the total third party costs incurred by the Village are less than amounts collected from the applicant for such purpose, any excess will be refunded when the Village concludes its consideration of the Application. For more detailed information regarding the initial submittal requirements, please refer to the application package.

STEP 3: Staff Review. Upon receipt of an initial application, the proposal will be reviewed by the Building Department, which shall thereafter submit its comments to the Applicant, which may include requests for additional materials to supplement the application. Upon receipt of the staff comments, the Applicant shall make changes or revisions, and/or submit any additional responses/materials requested, or specific declinations to do so (accompanied by explanations for the declinations). When the application is complete, the Building Department will forward it to the Zoning Change Review Committee.

STEP 4: Zoning Change Review Committee Meeting. The ZCRC will review the application and shall consult with the applicant, staff and/or third parties as it deems necessary. As part of its review, the ZCRC shall conduct a public work session (which shall include an opportunity for the public to make comments). Following the conclusion of the Committee's work, the ZCRC will determine whether, in its view, the proposed zoning change merits consideration by the Board of Trustees, and if so shall submit the application (together with the Committee's comments) to the Board of Trustees for their possible consideration.

STEP 5: Village Board of Trustees Action. Upon receipt of the application and comments from the ZCRC, the Village's Board of Trustees may or may not consider the application (together with the ZCRC comments), and thereafter may modify the zoning laws as and if it deems appropriate, consistent with the Village Code and other laws.

Please Note: The recommendations and technical assistance provided by Village staff, third party consultants and/or ZCRC during the course of the review process are advisory in nature. The authority to change the Village Zoning Code lies solely with the Village's Board of Trustees, and it shall do so in its sole discretion to the maximum extent permitted by law.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

INCORPORATED VILLAGE OF GARDEN CITY
NASSAU COUNTY, NEW YORK
LOCAL LAW NO. 4-2016
A LOCAL LAW IN CONNECTION WITH THE ESTABLISHMENT
AND REGULATION OF AN AFFORDABLE
HOUSING DENSITY BONUS

BE IT ENACTED, by the Board of Trustees of the Village of Garden City, as follows:

Section 1. Purpose.

- A. Pursuant to Judgment issued by the United States District Court for the Eastern District of New York, and to the extent affirmed by the United States Court of Appeals for the Second Circuit, the Village is required to take certain actions in furtherance of development of affordable housing (as defined in that Judgment) within the Village. The Village desires to take additional action in furtherance of the foregoing. Consistent with the Village's adopted policy to foster fair housing, and the terms and provisions of that Judgment, the Village adopts this local law to provide for a system of density bonuses for affordable housing.
- B. This law is intended, and is deemed by the Board of Trustees, to be an addition to the Village's comprehensive plan, and the Affordable Housing Density Bonus authorized and required pursuant to this law is determined to be in conformity with that comprehensive plan.

Section 2. Chapter 200 of the Code of the Village of Garden City is hereby amended, be adding thereto the following Article, to be Article VI.1, to read as follows:

Article VI.1. Affordable Housing Density Bonus.

§200-30.1. Purpose. The purpose of the Affordable Housing Density Bonus is to comply with and codify applicable requirements of federal and State law, and the Judgment of the United States District Court, Eastern District of New York, dated April 22, 2014 under the caption "MHANY Management Inc. and New York Communities for Change, Inc. v. Incorporated Village of Garden City and Garden City Board of Trustees", 05-CV-2301, to the extent affirmed by the United States Court of Appeals for the Second Circuit.

§200-30.2. Definitions. As used in this Article, the following terms shall have the indicated meanings unless the context clearly demonstrates otherwise:

- A. "Affordable Housing" shall mean housing for which a family whose income is 80% or less of the Nassau-Suffolk Metropolitan Statistical Area Median Income (including families defined by the Department of Housing and Urban Development either as "low income," "very low income," or "extremely low income"), whose combined annual rental cost and tenant-paid utilities constitute no more than 30% of its income or for homeowners the annual total of the sum of secured loan principal and interest, private mortgage insurance, property taxes, home insurance, common charges and homeowner-paid utilities does not exceed 30% of said household income.

- B. "Affordable Housing Density Bonus" or "Density Bonus", as used in this Article, shall mean and include an additional density increase equal to at least ten percent of the number of residential units permitted at maximum allowable residential density, or of allowable residential floor area ratio if part of a mixed use development, otherwise permitted for such development pursuant to this Chapter, as determined on the date of submission of a complete application for approval of the first of either a subdivision or site plan. In the event such calculation of additional units shall result in a fractional number of units, the required number of additional units shall be rounded up to the nearest whole number. The additional units or additional residential floor area ratio required by this Article shall be dedicated and occupied for Affordable Housing as provided in this Article. Affordable Housing Density Bonuses may be awarded for developments in any zoning district in the Village in which residential uses, or mixed uses which include residential uses, are permitted.
- C. "Qualified Residential Development" ("QRD") shall mean a development of property in the Village for which a completed zoning amendment, subdivision or site plan application is pending or is submitted on or after the effective date of this Article, and which is proposed to include or allow five (5) or more residential units, including a mixed use development which incorporates five (5) or more residential units.

§200-30.3. Applications for approvals of QRD developments.

- A. Each application for approval of a zoning change, subdivision and/or site plan for a QRD shall include a yield map showing the maximum number of residential units, or residential floor area ratio for mixed use development, which would otherwise be permitted (a) pursuant to zoning regulations applicable to the subject property at the time of the complete application, and (b) any amended or other zoning regulations requested to be made applicable to the subject property. Each such yield map shall include any Density Bonus applicable pursuant to this Article.
- B. Each application for approval of a zoning change, subdivision and/or site plan for a QRD shall identify the Affordable Housing Density Bonus required by this Article. The number of units, or the residential floor area required in a mixed use development, of Affordable Housing shall be specified and included in the conditions of approval given to the QRD applicant by the first applicable Board, and shall be provided by the owner, developer or operator of the QRD pursuant to this Article.
- C. Each approval of an application for a zoning change, subdivision and/or site plan for a QRD given by any Village Board or agency shall include, at a minimum, the conditions of approval required by this Article, and may include such other or further provisions, not inconsistent with this Article, as may be deemed reasonable, necessary or appropriate by such Board or agency.
- D. In granting approval for a zoning change, subdivision and/or site plan in relation to a QRD, the Board of Trustees or other Village Board having authority to grant such approval shall have authority to grant waivers of the otherwise applicable dimensional, bulk or parking

requirements where the same are determined to be necessary in order to achieve the Affordable Housing Density Bonus. Except as otherwise authorized by other law, no such waiver shall be granted except where the applicant demonstrates that it would be unreasonably difficult or burdensome to provide the Affordable Housing without such relief, provided, however, that in no event shall any such waiver authorize a total overall site density, or floor area ratio, greater than that otherwise permitted for the site (i.e., the number of units or amount of floor area ratio otherwise permitted in compliance with the applicable zoning regulations prior to consideration of the Density Bonus) plus the additional units or floor area ratio required by this Article).

§200-30.4. Conditions of Approval of Density Bonus Development.

- A. Except as otherwise provided in this Article, each QRD shall conform to all other applicable provisions of this Chapter. The provisions of this Article shall not otherwise restrict owners' rights relative to development or use of property consistent with the regulations of the zoning district in which the property is located. Except for the Affordable Housing units or residential floor area ratio required pursuant to this Article, the provisions of this Article shall not be deemed or construed to permit any use or development of a site other than as otherwise permitted by the regulations for the zoning district in which the property is located.
- B. Each approval of a QRD application shall include a requirement that prior to the issuance of any building or other permits for the construction or improvement of the site, the property owner and the Village shall enter into a written agreement in a form approved by the Village Attorney prior to execution, and record the same in the office of the Nassau County Clerk at the owner's expense, which agreement shall contain at least the following provisions and conditions, in addition to such other provisions or conditions as required by the QRD approval.

(1) Such provisions and conditions shall include, at a minimum, the requirements that (a) at least ten (10) percent of the residential units, or floor area of a mixed use development, shall be dedicated to the provision of Affordable Housing, or (b) the owner and/or applicant shall provide at least the same number of units or quantity of floor area of Affordable Housing required by the QRD approval and not provided on the site to be provided and constructed at another site in the Village at or about the same time or prior to the development of the market rate units. The provisions and conditions shall further require that to the extent feasible the required Affordable Housing units be made available equally among "low income," "very low income," or "extremely low income" families as defined by the Department of Housing and Urban Development annually for Nassau County. The Affordable Housing units shall be integrated and indistinguishable from the market rate units; the minimum floor area of the Affordable Housing units shall not be less than 80% of the market rate units, and any single family Affordable Housing units on individual lots shall not be on lots less than 75% of any market rate lot in the QRD.

(2) Such provisions and conditions shall include the requirement that the owner, developer or operator of the property shall institute and conduct an application process for sale or rental

of all Affordable Housing to be provided pursuant to the QRD proposal which shall assure a fair, open, and random selection process for the purchases or rental of all such Affordable Housing, and a requirement that the owner, developer or operator of such property annually provide to the Village a written report as to the current nature and status of such process, and of all Affordable Housing sold or rented during the period of time covered by such annual report. The Affordable Housing Units shall be marketed in a manner that is consistent with HUD's Fair Housing Marketing Guidelines

(3) The provisions and conditions in subparagraphs 1 and 2 of this paragraph (B) shall remain binding and in effect for a period of 50 years and during such time shall not be cancelled, terminated or amended except with the express approval of the Village Board or agency which approved the QRD application and then only upon a showing of hardship.

- C. Notwithstanding the provisions of this Article, or any other law, no applicant for QRD development or owner of land which is the subject of a QRD development, may satisfy the Affordable Housing requirements of this Article by opting to construct less than the maximum permitted density or providing less than the maximum permitted residential floor area ratio otherwise authorized by this Chapter for development of the property which is the subject of the QRD. The number of required Affordable Housing units, or the amount of Affordable Housing floor area, shall be calculated based on the maximum permitted development on the site, regardless if the project proposed for the site is for a density or residential floor area less than the maximum permitted.
- D. Except as specifically provided in this Article, and notwithstanding the provisions of any other law, no applicant for QRD development, or owner of land which is the subject of a QRD development, may satisfy the Affordable Housing requirements of this Article by making any payment of money or other thing of value to any person or entity.
- E. The written agreement required for any QRD development also shall include deed restrictions to assure that the development shall continue to include, on the site or at another site within the Village, at least the number of Affordable Housing Units required by this Article, and which require that occupancy, sale or resale of any Affordable Unit shall be restricted only to persons or families with incomes meeting the criteria set forth in this Article.
 - (1) Such deed restrictions also shall include the requirement that the owner or operator of residential property which is the subject of a QRD shall take such actions as may be required to assure compliance with the requirements of this Article with respect to Affordable Housing Units and the occupancy thereof, and shall provide to the Village upon request any and all information relevant to such compliance and/or reasonable necessary to permit the Village to monitor the same.
 - (2) Such deed restrictions also shall include requirements that leases for Affordable Housing units have a term of not more than two (2) years, and shall assure on an annual basis that in the event residents of Affordable Housing units required by this Article cease to meet the

income or other eligibility criteria specified in this Article, such residents shall be required by the owner, developer or operator of the property to vacate their respective Affordable Housing at the QRD premises no later than one year after a determination of a loss of eligibility unless the owner, developer or operator of any property on which such Affordable Housing is located provides an equal number of equivalent Affordable Housing Units or residential floor area elsewhere on the QRD site or at another location in the Village.

(3) With respect to any Affordable Housing unit the title to which is owned in fee ownership, condominium ownership or cooperative ownership, no such unit may be resold at a sales price which exceeds the original purchase price paid by the selling owner, plus an additional amount based on increases in the Consumer Price Index for Urban Wage Earners, plus the non-depreciated value of any capital improvements made by the selling owner.

- F. The listing of conditions of approval contained in this section shall not be deemed exclusive and nothing herein shall prevent or restrict the inclusion of other reasonable conditions in any approval of a QRD, provided that such other conditions shall not be inconsistent with, contrary to or in conflict with the provisions of this Article. Compliance with this requirement shall be monitored by the Superintendent of Building Department, or other Village official designated by the Board of Trustees.

§200-30.5. Long Island Workforce Housing Act.

- A. The provisions of this Article shall be construed and applied together and consistent with the provisions of the Long Island Workforce Housing Act (LIWHA) to the extent the LIWHA may be applicable to any QRD, but this Article shall not be construed to require the provision of units required by this Article in addition to units required by the LIWHA. To the extent the LIWHA requires the provision of housing units, and one or more units of Affordable Housing provided pursuant to this Article also satisfy the requirements of the LIWHA, such units shall be included in the calculation of the number of Affordable Housing units required to be provided in the Village pursuant to this Article.
- B. Notwithstanding the provisions of the LIWHA, and except as otherwise specifically permitted in this Article, no applicant, owner or developer of a QRD shall be permitted to avoid the requirement to provide units of Affordable Housing by providing such housing, or by payment of a fee or other thing of value to any person or entity, to provide such housing, on any site outside the Village.

§200-30.6. State Environmental Quality Review Act). The agency or agencies determined to be the Lead Agency shall review each QRD project pursuant to the State Environmental Quality Review Act and its implementing regulations (collectively referred to herein as "SEQRA"), and shall classify such action, comply with the provisions and requirements of SEQRA for the process of environmental impact review, and make such findings or other determinations with respect to environmental impact as provided in SEQRA. Notwithstanding the foregoing, pursuant to 6 NYCRR Part 617.5(b), the Board of Trustees hereby determines that the portion of any such QRD application as may include the Affordable Housing Density Bonus and any related waivers or

variances of dimensional or parking requirements as provided in this Article are deemed and classified to be a Type II Action, and such portion of any QRD application shall be subject to review pursuant to SEQRA only as provided therein with respect to Type II Actions."

Section 3. Any local law or provision of the Code of the Village of Garden City in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section 4. If any clause, sentence, paragraph, section, Article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, Article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.



1. Filing Status – Check all that apply in this section.

Initial Submission (New Buildings)
 Initial Submission (Addition or Alterations)
 P.A.A (Post Approval Amendment)
 Demolition

2. Cost of Construction – (Industry Standards)

Estimated Cost \$ OFFICE USE ONLY: Fee \$ Deposit \$ Total \$

3. Property Information

Address: _____ Garden City N.Y 11530

Map: _____ Block: _____ Lot(s): _____ Zoned: Residential Commercial

Existing Single Family Multiple Family Commercial/Business Other* *Describe in #4

Proposed Single Family Multiple Family Commercial/Business Other* No Change

Note: For Multiple Family with 4 or more tenants, must be filed as COMMERCIAL

Total Lot Square Footage (ft²) _____ ft² All zoning information and calculations are also to be shown and submitted on construction drawings

Square Footage at Ground Level _____ ft² Height-feet / Stories: _____

Existing Lot Coverage: _____ Rear Lot Coverage: _____ Front Yard Setback: _____ Rear Yard Setback: _____

Side Yard Setback: _____ Aggregate Side: _____

Proposed Lot Coverage: _____ Rear Lot Coverage: _____ Front Yard Setback: _____ Rear Yard Setback: _____

Side Yard Setback: _____ Aggregate Side: _____

4. Job Description - Scope of Work

Description of Work: _____

Indicate any and all Demolition (Full Demolition Requires a Separate Form): _____

5. Plans Submitted

AR Architectural ST Structural FO Foundation ZN Zoning Calculations NP No Plans

EC Energy Code PL Plumbing EL Electrical ME Mechanical SW Site Work

Other: _____ Will Structural Stability be affected by this alteration? Yes No

6. Owner/ Tenant Information Check box if Owner Address is the same listed above:

Last Name: _____ First Name: _____ M.I: _____

Address: _____ City: _____ State: _____ Zip: _____

Home Phone: () _____ Cell: () _____ Email: _____

7. Applicant Information NYS License #: _____ Same as above:

Last Name: _____ First Name: _____ M.I: _____

Company Name: _____ Email: _____

Company Address: _____ City: _____ State: _____ Zip: _____

Office Phone: _____ Fax: _____ Cell: _____



8. Designer of Record Information

Professional Engineer
 Registered Architect
 Other: _____
 NYS License #: _____

Last Name: _____
 First Name: _____
 M.I.: _____

Company Name: _____
 Email: _____

Company Address: _____
 City: _____
 State: _____
 Zip: _____

Office Phone: () _____
 Fax: () _____
 Cell: () _____

9. Contractor / Construction Manager

Last Name: _____
 First Name: _____
 M.I.: _____

Company Name: _____
 Email: _____

Company Address: _____
 City: _____
 State: _____
 Zip: _____

Office Phone: () _____
 Fax: () _____
 Cell: () _____

Additional Notes:

10. Designer Professional

The undersigned affirms that he/she is authorized to make this application, is responsible for the work described, and that all statements and documents contained herein are true and accurate to the best of his/her knowledge and belief.

Name: _____



Signature: _____
 Date: _____

11. Contractor / Construction Manager

The undersigned affirms that he/she is authorized to make this application, is responsible for the work described, and that all statements and documents contained herein are true and accurate to the best of his/her knowledge and belief.

Signature: _____
 Date: _____

Print Name: _____

Forms Submitted – All information to be provided

Workers Compensation
 Disability Insurance Compensation

12. Property Owner

Same as above:

The undersigned affirms that he/she is the owner of the property described herein, hereby gives the consent to this application and fully understands the requirements contained therein in order to receive a Certificate of Occupancy.

Signature: _____
 Date: _____

Print Name: _____

Phone: () _____
 Cell: () _____

Email: _____

13. Applicant Statement & Signature

Same as above:

The undersigned affirms that he/she is authorized to make this application, is responsible for the work described, and that all statements and documents contained herein are true and accurate to the best of his/her knowledge and belief.

Signature: _____
 Date: _____

Print Name: _____

Phone: () _____
 Cell: () _____

Email: _____

Forms Submitted – All information to be provided

Workers Compensation
 Disability Insurance Compensation

Incomplete applications will not be accepted.

This form must be typewritten and submitted in triplicate (1 original and 2 copies).

IN ORDER TO PROCESS YOUR APPLICATION THIS WORKSHEET MUST BE FULLY COMPLETED.

1. TYPE OF FILING – CHECK ALL THAT APPLY IN THIS SECTION.

<input type="checkbox"/> New Construction	<input type="checkbox"/> ALTERATION TYPE 1	<input type="checkbox"/> ALTERATION TYPE 2	<input type="checkbox"/> ALTERATION TYPE 3	<input type="checkbox"/> ADDITIONS
<input type="checkbox"/> Change of Occupancy	<input type="checkbox"/> Historic Building	<input type="checkbox"/> Relocated Structures	<input type="checkbox"/> REPAIRS	<input type="checkbox"/> Other:

2. PROPERTY INFORMATION – ALL INFORMATION TO BE PROVIDED

Address:		Garden City	N.Y	11530
Map:	Block:	Lot(s):	Zoned:	

3. DESCRIPTION OF WORK - SCOPE OF WORK THAT WILL BE PERFORM AND IT'S SPECIFIC TO ITS LOCATION OR ROOM.

Description of work:

4. APPLICANT INFORMATION

Applicant Name:		Company Name:		
Company Address:		City:	State:	Zip:
Last Name:		First Name		M.I
Office Phone: ()	Cell: ()	Email:		

LEGEND: ** CODE DATA **

NA NOT APPLICABLE	NR NOT REQUIRED	NS NOT SHOWN ON DRAWINGS
NC NON-CONFORMING	R REQUIRED	C CONFORMS

5. CODE TABLE – APPLICANT MUST CALCULATE IN SPACE PROVIDED ON LINES (3.4, 3.3, 5.1 & 5.2)

No.	TOPIC	CODE SECTION	REQUIRED / ALLOWED BY CODE	PROPOSED / MAINTAINED
1.0	OCCUPANCY CLASSIFICATION PROPOSED/EXISTING	302		
1.1	MIXED OCCUPANCIES – NON- SEPARATED OR SEPARATED USES	508.3 508.3.3		
2.0	TYPE OF CONSTRUCTION (INCLUDE SUBTYPE)	602		
2.1	FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (HOURS)	TABLE 601		
2.2	FIRE RESISTANCE RATING REQUIREMENTS FOR EXTERNAL WALLS	TABLE 602		
3.0	ALLOWABLE HEIGHT AND BUILDING AREAS	CHAPTER 5		
3.1	HEIGHT (FT.)	TABLE 503		
3.2	NUMBERS OF STORIES	TABLE 504, .3, .4		
3.3	FLOOR AREA (SQ. FT. PER FLOOR)	TABLE 506		
3.5	FLOOR AREA MODIFICATIONS * BUILDING AREA	506		
3.6	OTHER			
4.0	FIRE PROTECTION SYSTEMS	CHAPTER 9		
4.1	AUTOMATIC SPRINKLER SYSTEM	903 [B] [F]		
4.2	PORTABLE FIRE EXTINGUISHERS (MUST SHOW LOCATION ON DRAWINGS)	906 [B] [F]		
4.3	FIRE ALARM AND DETECTION SYSTEM	907 [B] [F]		
4.4	OTHER; BUILDING FINISHES (FLOOR SPREAD) CHAPTER 8			
5.0	MEANS OF EGRESS	CHAPTER 10		
5.1	OCCUPANT LOAD*	TABLE 1004.1.2		
5.2	EGRESS WIDTH*	1005.1		
5.3	EXIT SIGN(S)	1013		
5.4	EGRESS ILLUMINATION (EMERGENCY LIGHTS)	1008		
5.5	STAIRWAYS AND HANDRAILS/GUARDS	1011/1014/1015		
5.6	EXIT ACCESS (SPACE WITH ONE MEANS OF EGRESS)	1016 THROUGH 1021		
5.7	EXIT ACCESS TRAVEL DISTANCE	1017 TABLE 1017.2		
5.8	CORRIDOR WIDTH	1020.2		
5.9	CORRIDOR FIRE RESISTANCE RATING	TABLE 1020.1		
5.10	DEAD ENDS	1020.4		
5.11	CORRIDOR CONTINUITY	1020.6		
5.12	EXISTING/MINIMUM NUMBER OF EXITS	1006 TABLE 1006.2.1		
5.13	BUILDING WITH ONE EXIT	1006 TABLE 1006.21		
5.14	ENCLOSURES	1023.11.2 1023		
5.15	OTHER			
6.0	ASSEMBLY	SECTION 1029		
6.1	MAIN EXIT	1029.2		
6.2	OTHER EXITS	1029.3		
6.3	INTERIOR BALCONY AND GALLERY MEANS OF EGRESS	1029.5		

6.4	TRAVEL DISTANCE	1029.7		
6.5	COMMON PATH OF TRAVEL	1029.8		
6.6	REQUIRED AISLE	1029.9		
6.7	OTHER			
7.0	ACCESSIBILITY (IBC/IRC/ANSI A-117.1 – 2015) [NOTE: ALL NEW BATHROOMS MUST BE ACCESSIBLE]	CHAPTER 11		
7.1	OTHER			
8.0	ENERGY CONSERVATION CONSTRUCTION CODE – PROVIDE REQUIRED TABLES AND CLIMATE ZONE - <i>OR</i>	ENERGY CONSERVATION CONSTRUCTION CODE [E]		
	COM CHECK LIST CALCULATIONS** (ATTACHMENT 8 1/2" x 11" SHEETS SEPARATELY- SIGNED AND SEALED REQUIRED) ** DOWNLOAD SOFTWARE AT WWW.ENERGYCODES.GOV	COMPLETE LIST		
9.0	REQUIRED LIVE LOADS	TABLE 1607.1		
9.1	SNOW LOADS	FIGURE 1608.2	30 HISTORIC TRADITIONAL IN VILLAGE	
10.0	PLUMBING (REQUIRED NUMBER OF FIXTURES)	CHAPTER 29 TABLE 2902.1		
11.0	HEAT PRODUCING EQUIPMENT [NOTE: A STRUCTURAL DIAGRAM/FRAMING PLAN MUST BE PROVIDED TO BE ACCEPTABLE]	MECHANICAL CODE [M]		
11.1	NUMBER OF PROPOSED UNITS AND LOCATION			
11.2	NUMBER OF EXITING UNITS			
11.3	NUMBER OF REPLACEMENT UNITS			
11.4	ELECTRICAL OR GAS POWERED (GAS REQUIRES A PLUMBING APPLICATION)			
12.0	SITE WORK [REFER TO T.O.B. DEPT. OF P&D INDIVIDUAL BUILDING SITE PLAN RULES AND REGULATIONS DATED 8/1/05]			
12.1	LINEAR FEET OF CURBING			
12.2	SQUARE YARDS OF ASPHALT PAVING			
12.3	CUBIC YARDS OF BASE			
12.4	NUMBER OF DRYWELLS/CATCH BASINS			
13.0	ALL OTHER APPLICABLE CODE(S) THAT APPLY TO THE SCOPE OF WORK BEING PERFORMED. I.E. : ANY OTHER BUILDING CODES			
	NASSAU COUNTY FIRE MARSHALL			
	NASSAU COUNTY HEALTH DEPT.			
	CURB CUTS (CONTACT APPROPRIATE AGENCY – STATE, COUNTY OR TOWN)			
	X			
	X			

7. SIGNATURE OF APPLICANT **48 HR. NOTICE IS REQUIRED F12.40R ALL INSPECTION REQUESTS**

THE ABOVE IS A SUMMARY OF THE BASIC CODE, WHICH APPLIES TO MANY COMMERCIAL BUILDING APPLICATIONS. IT IS NOT MEANT TO BE A COMPLETE OR COMPREHENSIVE LIST OF APPLICABLE BUILDING CODE REQUIREMENTS, WHICH MAY APPLY TO ANY PARTICULAR OR GIVEN SITUATION.

NAME: _____
(PRINT)



SEAL &
SIGNATURE

ORIGINAL INKED SEALED AND SIGNATURE BY A NYS LICENSED DESIGN PROFESSIONAL IS REQUIRED

REVIEWS / APPROVALS INTERNAL USE ONLY

Examined Date Received: _____

STATUS:
 ACCEPTED DISAPPROVED

Comment(s): _____

Plan Examiner(s): _____ Date: _____



INSTRUCTION PAGE

****This section is not to be submitted with your application – For Information Purposes Only ****

- Application for Building Permit (Any type of construction, Fences, Pool, Driveway)
- Nassau County Assessors Form
- Two (2) sets of construction drawings, specifications and full zoning analysis
- Property survey indicating current conditions (w/existing topography for new buildings)
- N.Y.S. Energy Code calculations (signed and sealed by R.A. or P.E.) or on plans.
- Workers Compensation and Disability Insurance Certificates (**not Accord form**)
- Permit Applications from licensed plumber, electrician and/or mechanical contractor
- Sewer and water charges (*new buildings only*)

FEE DESCRIPTION	TOTAL FEES
RESIDENTIAL	\$400.00 FOR THE FIRST \$1000 OF ESTIMATED COST PLUS \$20 FOR EACH ADDITIONAL \$1000
RESIDENTIAL DEPOSIT	\$300.00 FOR THE FIRST \$1000 OF ESTIMATED COST PLUS \$20 FOR EACH ADDITIONAL \$1000
COMMERCIAL	\$500.00 FOR THE FIRST \$1000 OF ESTIMATED COST PLUS \$20 FOR EACH ADDITIONAL \$1000
COMMERCIAL DEPOSIT	\$500.00 FOR THE FIRST \$1000 OF ESTIMATED COST PLUS \$20 FOR EACH ADDITIONAL \$1000
COMMERCIAL FAST TRACK	\$1000.00 + \$150 FOR THE FIRST \$1000 OF ESTIMATED COST PLUS \$20 FOR EACH ADDITIONAL \$1000
AMENDMENTS- ADMINISTRATIVE	
ADMINISTRATIVE CHANGES (CONTRACTOR, OWNERS) MINOR CHANGES WHICH DO NOT REQUIRE AMENDING APPROVED PLANS	\$25 PER SUBMISSION REQUEST
AMENDMENTS- POST APPROVAL	
PLAN REVIEW (ADDING, SUBTRACTING SCOPE OF WORK) REQUIRES PLAN REVIEW AND APPROVALS TO AMEND AN EXISTING PERMIT ISSUED	\$125 FOR THE FIRST \$1000 OF ESTIMATED COST PLUS \$20 FOR EACH ADDITIONAL \$1000 PER SUBMISSION REQUEST
MAINTAIN & LEGALIZATION (PREBUILT / INSTALLED ITEMS)	3X PERMIT FEE + PERMIT FEE (IF APPLICABLE)

ALL FEES INCLUDE CERTIFICATE FEE

Residential: \$400 for the first \$1000 of estimated cost plus \$20 for each additional \$1000 in cash or check payable to the Incorporated Village of Garden City (Triple fee + Permit fee for pre-built structures).

Commercial: \$500 for the first \$1000 of estimated cost plus \$20 for each additional \$1000 in cash or check payable to the Incorporated Village of Garden City (Triple fee + Permit fee for pre-built structures).

Deposit of \$300 (residential) \$500 (commercial) for the first \$1000 of estimated cost plus \$20 for each additional \$1000 in cash or check from property owner (for residential) payable to the Incorporated Village of Garden City.

REQUIRED INSPECTIONS Not limited to the following:

Foundation: Excavation, footings and walls for new buildings, submit foundation survey prior to framing (*unless otherwise required*).

Framing: At completion of wind bracing, plumbing, mechanical and electrical roughing.

Insulation: Prior to application of interior finishes plumbing, mechanical and electrical: main service installation, roughing and final.

Final: Upon completion of all work (*See note below*).

- Inspection requests must be made at least one day in advance with permit number
- Approved plans must be on job site with contractor present for all inspections.
- Permit must be posted in front window or door until final building certificate has been issued.

REQUIREMENTS FOR CERTIFICATE OF OCCUPANCY AND/OR CERTIFICATE OF COMPLIANCE:

- Final approval of all inspections
- Electrical Certificate
- Affidavit of final cost (*new buildings only*)
- Two (2) copies of final survey (*must show all dimensions to all structures, heights, etc...*)
- Certification letter for landscaping, if applicable

Disclosures:

- Final Building Inspection will only be performed once all other associated permits have been completed and all final documentations have been received and reviewed.
- Maintain and legalization applications must be filed separately from new construction.
- All structures are to be filed under separate applications.
- Incomplete applications will not be accepted.
- Must comply with building, energy, accessibility code, etc.



INSTRUCTION PAGE

SECTION	INSTRUCTIONS
1. Filing Status	Check (X) the appropriate box for purpose of filing. Only one box may be checked (X). Provide any other requested information.
2. Cost of Construction	Provide the Estimated Cost of all work that will be completed. Fees can be found in Fee Schedule listed on our Website.
3. Property Information	Provide the house number and street name (if available) or Block and Lot. All information is to be provided since permits are based on location. Be specific as possible on actual location.
4. Job Description	Provide a brief description of the work to be covered under this application.
5. Plans Submitted	Check (X) the appropriate boxes for all plans that were submitted. All are required for a Building Permit to be granted.
6. Owner / Tenant Application	All information is required, unless address was stated under "Property Information," in which case check the box in the right hand corner.
7. Applicant Information	All information must be provided by the Applicant for the project, unless already stated in "Owner/Tenant Information." In which case, check box in right hand corner. Must include NYS License #.
8. Designer of Record Information	Check (X) the appropriate box and include the required NYS License #.
9. Contractor / Construction Manager	All information is required. If there are any additional notes, there is space provided.
10. Designer Professional Statement and Signature	Must sign, date, and seal if applicable.
11. Construction Manager Statement and Signature	Print, sign, and date.
12. Property Owner Statement and Signature	If Property Owner information was previously stated in "Owner Tenant Application," then check the box in the right hand corner, print, sign, and date.
13. Applicant Information Statement and Signatures	All information is required, unless phone numbers were provided under "Applicant Information" In which case, check box in right hand corner, sign, print, and date.

BUILDING PERMIT REQUIREMENTS

Submission date:

APPLICATION #: 2017-xxxx

Hearing date:

Three (3) complete, collated packages consisting of the following checked () items:

All architectural review applications must comply with the village code (chapter 57-5)

1. Detailed drawings of proposed plans. The drawing list must consist of the following;
1. Existing conditions survey and building plans.
 - A. Floor plans
 - B. Roof plan
 - C. Building elevations
 2. Proposed site plan including the existing conditions data as a composite drawing.
 3. Proposed building floor plans.
 4. Proposed roof plan.
 5. Proposed building sections including existing building assemblies to be altered.
 6. Proposed building elevations with one (1) color rendered building elevation or one (1) photo shop building elevation.
 - A. All proposed finish materials are to be identified.
 - B. All drawings are to include dimensions, elevation heights and datums.
2. Sectional drawings to explain the character of the design. *(See drawing list)*
3. Complete and accurate exterior elevations of all façade s, drawn at a scale adequate to show clearly the appearance of all proposed buildings and structures. *(See drawing list)*



- 4. The title of the drawing, including the name and address of the applicant, the owner and the person responsible for preparation of such drawings. *(See drawing list)*
- 5. A north arrow, scale and date on all plans.
- 6. Boundaries of the property plotted to scale. *(See drawing list)*
- 7. Existing buildings and structures to remain or to be removed.
- 8. The location, design, type of construction, proposed use and exterior dimensions of all buildings. *(See drawing list)*
- 9. The location, design and type of construction of all pedestrian access.
- 10. An exterior lighting plan adequate to determine its character, the location and design of building and outdoor lighting facilities and means of illumination, and to enable review of possible hazards and disturbances to the public and adjacent properties. Provide all lamp types, lumen outputs and fixture catalog cuts.
- 11. The location and design of all existing and proposed site improvements, including drains, culverts, walls, fences, hedges and screen plantings and all existing trees on the subject property which have a diameter of eight (8) inches or greater, measured eighteen (18) inches above the ground.
- 12. A description of the method of public water supply and sewage disposal and the location of such facilities.
- 13. The location of fire and other emergency zones, including the location of fire hydrants. *(See drawing list)*
- 14. The location and design of all utilities, including electrical, gas and solar energy, telephone and cable television. *(See drawing list)*
- 15. The location and proposed development of all buffer areas, including existing vegetative cover.
- 16. Identification of the location and amount of building area proposed for each intended use, including storage and common areas, and the location of outdoor storage, if any.
- 17. A general landscaping plan and planting schedule.
- 18. An estimated project construction schedule.
- 19. Identification of state, county, town or other agency approval or permits required for the execution of the project along with copies of all applications for such approval or permits.
- 20. Part 1 of an environmental assessment form (eaf) in accordance with the state environmental quality review act and regulations (seqra).
- 21. Any other item deemed to be necessary by the superintendent of buildings or the board of architectural design review board, including but not limited to traffic studies.
- 22. Building permit application filled out completely if already filed.
- 23. Existing survey, showing current conditions of the property. A current updated survey may be required
- 24. Other:

Your design professional is requested to be present at the architectural review board hearing. You are required to provide all the items checked above. All items are to be indicated in your submission by reference and supportive documents. All physical items are to be brought to the hearing on the day your application is scheduled to be heard.

Please note:

Any items not currently checked may be required upon review and approval of the architectural design review board.

Please be reminded that no work is to commence until all building application(s) submission and a permit(s) have been issued by the buildings department.

The original and **seven (7), total of 8 copies** of the letter(s) and all other attachments outlined above must be folded and collated into eight (8) complete sets. Samples of all materials must be brought to the meeting.

All documents must be folded, collated and stapled into eight individual sets or they will not be accepted.

All ADRB applications are not reviewed for zoning



NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY
1 WEST STREET, SUITE 326
MINEOLA, NY 11501
TELEPHONE (516) 571-1945 FAX (516) 571-1076
www.nassauida.org

March 16, 2018

BY U.S. MAIL

Mayor Robert Rothschild
Village of Garden City
351 Stewart Avenue
Garden City, NY 11530

Re: Nassau County Industrial Development Agency (the "Agency")

Dear Mayor Robert Rothschild:

As you probably already know, the Agency is the primary local governmental agency tasked with supporting economic development and encouraging private sector investment in the local economy. The Agency supports a variety of private businesses including manufacturing, warehousing, industrial, commercial and, in certain circumstances, retail projects. You may not know, however, that industrial development agencies are also authorized to support multi-family residential rental projects, including projects that are entirely affordable or that have an affordability component.

The Agency can provide a number of types of financial assistance to an eligible project including, among others, exemptions from mortgage recording taxes, sales and use taxes and real property taxes. Furthermore, if a project meets certain affordability criteria specified in the Internal Revenue Code, the Agency can also issue tax-exempt revenue bonds to finance the costs of acquiring, constructing, installing and equipping the project.

If you believe that a multi-family residential rental project (including a project that is entirely affordable or has an affordability component) in your area needs financial assistance from the Agency to induce the developer/owner to undertake the project, please do not hesitate to reach out to us. We will gladly meet with you and/or the developer/owner to discuss the Agency's involvement.

Very truly yours,

NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: 
Joseph J. Kearney
Executive Director

Michelle Santantonio
Executive Director
Long Island Housing Services, Inc.
640 Johnson Avenue, Suite 8
Bohemia, NY 11716

Mr. Fred Freiberg
Executive Director
Fair Housing Justice Center, Inc.
5 Hanover Square, 17th floor
New York, NY 10004

References

Inc. Village of Garden City

351 Stewart Avenue, Garden City NY 11530
www.GardenCityNY.net

Telephone: 516-465-4000

Inc. Village of Garden City – Department of Buildings

351 Stewart Avenue - 2nd Floor, Garden City NY 11530

Telephone: 516-465-4040

All forms are available online:

- Building Permit Application Form with Instructions
- Electrical Permit Application Form with Instructions
- Mechanical Permit Application Form with Instructions
- Plumbing Permit Application Form with Instructions
- ZBA Application Form with Instructions
- Demolition Permit Application Form with Instructions
- Application for ADRB
- Part 1265 - Residential
- Code Data Worksheet - Commercial
- Special Inspection Form
- Freedom of Information Law (FOIL) Request
- Planning Commission and Board of Trustees Filing Requirements
- Procedure for Receiving and Considering Applications for Rezoning in Connection with Commercial Development Projects (as well as Residential Projects of Five (5) or More Units)
- Solar Fast Tracking

*** Forms are always updated, check the website for changes and additional forms. **

Inc. Village of Garden City online codes

<https://www.ecode360.com/GA0634>

Nassau County Urban County Consortium

40 Main Street, Hempstead, NY 11550

Telephone: 516 572-1915

<https://www.nassaucountyny.gov/1528/Consortium>

U.S. Housing and Urban Development

U.S. Department of Housing and Urban Development

451 7th Street S.W., Washington, DC 20410

Telephone: (202) 708-1112

www.hud.gov

**** End ****