

ARTICLE #####  
**East Farmingdale (EF) Overlay Zoning District**

**§ \_\_\_\_\_. Legislative Intent and Purpose**

The Town Board hereby establishes the East Farmingdale Overlay Zoning District with the intent and purpose of:

Promoting economic development by encouraging land uses that support job creation and private investment, while facilitating the redevelopment of vacant, underutilized, and blighted properties. It aims to eliminate land uses that are incompatible with surrounding residential or commercial areas and to improve environmental conditions through the remediation of contaminated sites and removal of deteriorated structures. The ordinance supports the development of affordable and workforce housing to meet the needs of a wide range of residents and households and seeks to increase the availability and diversity of safe, code-compliant housing. It further establishes enforceable design standards to ensure that new development contributes positively to the community's visual character and encourages the inclusion of public amenities such as open space, pedestrian infrastructure, and community facilities that enhance the quality of life for residents.

**§ \_\_\_\_\_. Applicability;**

- (1) Parcels located within the East Farmingdale (EF) Overlay Zoning District shall retain their underlying base zoning classifications. The EF Overlay Zoning District imposes additional and supplementary land use standards and uses applicable to parcels within the district boundaries. The utilization of any parcel within the East Farmingdale (EF) Overlay District for residential purposes shall in no way be interpreted or deemed to limit, restrict, or otherwise impair the continued use, expansion, or development of any adjacent parcel for industrial uses as permitted under the applicable underlying zoning regulations, whether such uses are allowed as-of-right or by special permit.
- (2) Any parcel developed under the EF Overlay Zoning District shall require site plan review approval as per Chapter 186 of the Code of the Town of Babylon.
- (3) Continuation of Existing Uses. The continuation of any use existing and permitted at the time of the adoption of these regulations is permitted, subject to §213-22, 23.

**§ \_\_\_\_\_. District boundaries.**

The provisions of the EF Overlay Zoning District shall apply to those properties designated as such on the Building Zone Map of the Town of Babylon, Suffolk County, New York, as amended. The EF Overlay Zoning District is generally comprised of those properties fronting along the northern boundary of Republic Airport, along the east side of Broadhollow Road (NYS Route 110) from northern boundary of Republic Airport to Price Parkway/Picone Boulevard, along the southern boundary of those properties abutting the southern right-of-way of Sherwood Avenue, and along New Highway to Conklin Street.

**§\_\_\_\_\_. Adjacent Uses.**

A. Proximity to Industrial Uses. Any building, structure or land developed under these regulations which abuts a parcel used for industrial purposes as described in Article XIV G Industrial District must have a vegetated buffer of a minimum of 30 feet for front and side yards and 50 feet for rear yards, which abut said industrial use, in addition to the front and rear yard depths described in this chapter. The buffer shall be planted with a dense mix of deciduous and coniferous trees and shrubs, with at least half the stock to be a minimum of six feet when planted. Landscaped buffer areas are to be bermed, where feasible. For the purposes of this subsection, railroad tracks, train stations, and associated railroad appurtenances shall not be considered industrial uses.

B. Proximity to Hot-Mix Asphalt Facilities. Any building or structure intended for residential use that is adjacent to a parcel containing an asphalt manufacturing plant, as specified in Article XL Hot-Mix Asphalt Facilities, must be situated at least seven hundred and fifty (750) feet from the facility. This distance is measured between the nearest points of the residential building or structure and the centroid of the parcel upon which the asphalt manufacturing plant is located. The required separation distance may be reduced by 100 feet for each 10 feet of vegetative buffer. The buffer must consist of a dense arrangement of both deciduous and coniferous trees and shrubs, with at least half of the plants being a minimum of six feet tall at planting. Where possible, landscaped buffer areas should include berms.

**§\_\_\_\_\_. Permitted uses.**

Buildings within the Runway Protection Zone of Republic Airport are subject to the standards and requirements of Federal Regulation 49 CFR Part 77.

No building permit or other license or permit shall be issued for any construction subject to this section until a determination of no hazard to air navigation, or the equivalent of such determination, has been issued by the FAA covering the proposed construction. Any permits issued for such construction shall be conditioned upon the construction, including temporary construction equipment such as cranes and derricks remaining within the height limits of the plans submitted to the FAA, and upon compliance with any lighting or marking requirements specified by the FAA.

No building or premises shall be used and no building shall hereafter be erected or altered, unless otherwise provided for in this article, except for one or more of the following uses:

A. Principal uses.

(1) The following uses shall be permitted:

- (a) Multiple residences.
- (b) Shops and stores for the sale of retail or consumer merchandise and services.
- (c) Personal service shops such as barbershops, beauty parlors.
- (d) Banks, financial institutions.
- (e) Offices, including medical offices.
- (f) Theaters, including movie theaters and performing arts theaters.
- (g) Health clubs.

- (h) Entertainment uses.
- (i) Restaurants having 16 or fewer seats.
- (j) Educational uses.
- (k) If a use is not listed but is substantially similar in nature and impact to a permitted use, the Planning Board may interpret the use as permitted. Such unlisted use is subject to any use-specific conditions applicable to the similar permitted use.

(2) In addition to the requirements of Chapter 156 - Noise, within any mixed use or residentially used building a noise study may be required by the Department of Environmental Control for any uses that may negatively impact residential or assisted living units. As may be applicable, noise mitigation measures may be required for project approval.

**B. Accessory uses.**

- (1) Accessory uses are allowed only in connection with lawfully established principal uses. The following accessory uses, and no other, shall be permitted:
  - (a) Off-street parking and loading, including parking structures.
  - (b) Open space or plaza areas accessible to the public.
  - (c) Signs, subject to the provisions of § 213-541.
  - (d) Temporary outdoor displays, subject to the provisions of § 213-543.
  - (e) Other customary accessory uses and buildings, provided that such uses are incidental to the principal use, but such uses shall not include any activity conducted as a business.

**§ \_\_\_\_\_. Uses permitted by special permit.**

- (1) The following uses are permitted only when authorized by the Planning Board pursuant to Article XXVI of this chapter, following a public hearing:
  - (a) Restaurants/dining establishments with greater than 16 seats.
  - (b) Craft or micro-brewery, as licensed by the New York State Liquor Authority.
  - (c) Assisted living facilities.

**§ \_\_\_\_\_. Lot and Bulk Requirements**

- A. **Building Height.** No building or structure hereafter erected or altered shall exceed five stories with a maximum height of 55 feet. Notwithstanding the maximum building height, the following exceptions are permitted:
  - (a) Parapets, not exceeding four feet in vertical distance from the base to the highest point.
  - (b) Stairwell or elevator bulkheads, water tanks, chimneys, heating and air-conditioning apparatus, or other mechanical equipment projections occupying less than 10% of the area of the roof and not exceeding 12 feet in vertical distance from base to the highest point.

(c) Safety railings or walls required by the New York State Building Code to enclose outdoor living space or decks, not exceeding the minimum height required by the New York State Building Code.

- B. No building shall be erected or altered on a lot having an area of less than 10 acres. To meet this requirement, adjoining parcels that are within the district may be assembled or merged.
- C. Lot width. No building shall be erected on a lot having a width of less than 200 feet at the front street line.
- D. Building area. The total building area shall not exceed 70% of the lot area.

E. Residential density. The maximum residential density shall be 40 units per acre in a residential-only development and 32 units per acre in a mixed-use development. Up to one unit that is maintained as a permanent model not available for lease may be excluded from this limit.

F. Dwelling unit size. The minimum dwelling unit size shall be 500 square feet.

G. Front yards.

(1) There shall be a front yard having a depth of not less than 15 feet.

(2) Balconies, patios and porticos may encroach no more than 5 feet into the required yard.

(3) Where a private street or road is provided on the site in an EF District, the front yard setback shall be measured from the established curbline of the unobstructed right-of-way.

(4) Corner lots shall designate front, rear, and side yards.

H. Side yards.

(1) There shall be two side yards. The aggregate width of the two side yards shall not be less than 30 feet, and neither side yard shall be less than 10 feet. When abutting a parcel utilized for industrial uses, the minimum side yard setback shall not be less than 30 feet.

I. Rear yards.

(1) There shall be a rear yard having a depth of not less than 25 feet. When abutting a parcel utilized for industrial uses, the rear yard shall not be less than 50 feet.

## **§\_\_\_\_\_. Landscaping.**

There shall be suitable landscaping, vegetated buffers, trees, and screen plantings as determined by the Planning Board. There shall be a planting strip of not less than ten feet provided along the side and rear yard perimeter lot lines, except where such requirements are greater as further described within this Article. All landscape buffers are to be a mix of evergreen plantings and a minimum of 6' in height at time of planting. Landscaped buffer areas are to be bermed, where feasible.

**§ \_\_\_\_\_. Affordable housing.**

Projects with five or more residential units shall be required to designate 20% of the units as workforce/affordable housing. These units are to be distributed equally throughout the site. A minimum of half of these affordable/workforce units shall be targeted to qualified households making 80% or less of the Suffolk County HUD income limits, which are updated annually. The remaining half may be offered to households making up to 110% of the Area Median Income, as defined by HUD. A recognized affordable housing provider shall be engaged by the owner/applicant to oversee the affordable housing component. Proof of such engagement shall be provided to the Town’s Planning Department. Affordable units can be offered at multiple tiers to create more inclusive and diverse options.

**§ \_\_\_\_\_. Off-street parking.**

A. Off-street parking standards. Off-street parking requirements shall be in conformity with those requirements set forth in Article XXIII of this Chapter, except the following:

- (1) Multiple residences: off-street parking spaces shall be provided for each dwelling unit at a minimum rate of: one space for each studio or one-bedroom unit; 1.5 spaces for each two-bedroom unit; 1.75 spaces for each three-bedroom unit with 0.5 spaces for each additional bedroom.
- (2) Retail stores, shops, and personal service establishments: not less than one space for each 300 square feet of gross floor area.
- (3) Offices, banks, or financial institutions, not including medical offices: not less than one space for each 250 square feet of gross floor area.
- (4) For every twenty (20) standard automobile parking spaces required, at least one (1) designated electric vehicle (EV) parking space with a Level 2 charging station shall be provided. EV parking spaces shall be clearly marked and reserved exclusively for electric vehicle use. All EV charging infrastructure shall comply with applicable building, electrical, and accessibility codes.
- (5) Bicycle parking shall be required for a minimum of ten (10) bicycles for all mixed-use and residential developments. Bicycle racks must be securely installed in a visible, accessible location that does not impede pedestrian flow or building access.

B. Shared Parking.

This provision applies to any building or structure in the overlay district where two or more property owners or tenants agree to share parking facilities.

(1). Eligibility Criteria

- a) Proximity: Shared parking facilities must be located within 500 feet walking distance of all participating uses, measured from the primary entrance of each use to the nearest parking space.
- b) Accessibility: Shared parking must be accessible to all participating uses at all relevant times, with clearly defined pedestrian connections and signage.

- c) Use Compatibility: Shared parking is permitted only where parking demand patterns of the participating uses do not substantially overlap. For example, residential uses with peak demand in the evening may share with retail or office uses with daytime demand.

(2). Shared Parking Study Requirement

A shared parking analysis must be submitted to the Planning Board as part of the site plan review application. The study must include:

- a) Identification of each use's parking demand based on ITE;
- b) An hourly demand analysis showing combined peak usage;
- c) A demonstration that the shared supply will accommodate total demand across all time periods;
- d) Justification for any proposed reduction in total required parking; and
- e) A description of operational arrangements, including access control and security.

(3). Shared Parking Agreement

A legally binding Shared Parking Agreement is required and shall:

- a) Be executed by all participating property owners and/or tenants;
- b) Clearly define the terms of the shared arrangement, including number and location of shared spaces, hours of access, maintenance responsibilities, signage, and snow removal;
- c) Grant reciprocal access easements, if applicable, to ensure uninterrupted use;
- d) Be reviewed and approved by the Town Attorney;
- e) Be recorded with the County Clerk prior to issuance of a certificate of occupancy for any participating use.

(4). Parking Reduction Allowance

Based on the shared parking study and subject to Planning Board approval, the total number of required parking spaces may be reduced by up to 30%. Additional reductions may be considered upon demonstration of proximity to public transit, use of transportation demand management (TDM) strategies, or provision of on-site bicycle or micromobility infrastructure.

**§ \_\_\_\_\_. Site Plan Review.**

In any case where site plan approval is required for property within the EF Zoning District, the Planning Board of the Town of Babylon shall review the architectural design of structures and buildings, pursuant to the design considerations listed in \_\_\_ of this article. In reviewing for architectural design, the Planning Board shall utilize submittals made pursuant to Chapter 186. Each application shall include at least one colored rendering. The Planning Board, as part of its review, may require an applicant to provide additional architectural design, elevations, or other information it shall determine.

**§ \_\_\_\_\_. Design Considerations.**

The quality of the built environment and its relationship to the natural landscape is a key indicator of quality of life. The objective of the design considerations for the EF Zoning District is to provide high quality and complementary design of buildings, landscaping, parking, and other site and building design characteristics. Special emphasis is placed upon methods that reduce the large-scale visual impact of buildings and encourage tasteful innovative design for individual buildings.

**§ \_\_\_\_\_. Building exteriors.**

In an EF District, all walls of buildings shall be finished with face brick, stone, cementitious siding or panels, metal paneling, wood, glass, precast concrete finished with an attractive surface or their equivalent, as approved by the Planning Board. No unpainted or unfinished metal or galvanized metal sidings shall be permitted for any exterior walls or roofs.

**§ \_\_\_\_\_. Signs.**

In order to promote the goals of the East Farmingdale Zoning Overlay District and ensure design quality, the following specific sign regulations are required. These specific requirements shall be in addition to the general requirements set forth in Article XXXIII, Signs, of this chapter. If this subsection is silent on an issue of signage, Article XXXIII or any other duly enacted local law regulating signs shall govern. In the event of conflict between this section and Article XXXIII of this chapter, this section, along with any subsequent design guidelines adopted by the Planning Board of the Town of Babylon shall govern.

**A. Permitted signs**

(1) Building identification signs. A sign which identifies a business, industry, service or attraction conducted upon the lot on which the sign is displayed shall conform to the following requirements:

- (a) There shall be no more than one wall sign or entrance sign per wall. No wall sign shall exceed three square feet per linear foot of wall width; however, in all cases, the sign must not be longer than 75 feet or taller than 8 feet.
- (b) The sign shall not be wider than the building upon which it is placed.
- (c) The sign or any part thereof, including lighting devices and reflectors, shall not project more than one foot from such wall, but in no case shall extend into any right-of-way.
- (d) The sign shall not extend higher than the roof of any building.

**§ \_\_\_\_\_. Building separation.**

There shall be a minimum distance of twenty feet between all buildings erected upon the same lot or plot under the provisions of this article. This minimum separation distance shall not apply to structured parking that is adjacent to a building(s), where the design of the building is intended to screen or minimize views of the structured parking, or the arrangement of buildings adjacent to structured parking otherwise results in a benefit to the visual character of the site.

**§ \_\_\_\_\_. Stormwater Management.**

No building shall hereafter be erected unless a drainage plan providing for the collection, storage and disposal of stormwater runoff according to the performance and design criteria established in Chapter 189 of the Code of the Town of Babylon has been approved by the Planning Board. Green infrastructure and runoff reduction strategies shall be included in any site development.

**§ \_\_\_\_\_. Trash/Dumpster Enclosures**

Trash/dumpster areas shall be screened by an enclosure (such as wood fences, chain-link fences, vinyl fences, or masonry enclosures), as well as sufficient landscaping. Such screening shall be aesthetically pleasing, as well as durable to the satisfaction of the Planning Board as determined during site plan review. A solid waste management plan shall be prepared for each development, to be approved by the Department of Environmental Control of the Town of Babylon.

**§ \_\_\_\_\_. Exterior lighting.** Outdoor lighting fixture shall satisfy the following requirements:

All parking areas, entries, corridors, passages, utility areas and front landscaping must be provided with adequate lighting for safety purposes. All on-site lighting shall be dark sky compliant. Lights shall be so adjusted as not to shine into adjacent properties. Lights must be controlled by a time clock or positive photocell switching so as to ensure adequate lighting during all dark hours.

**§ \_\_\_\_\_. Community Benefit Contribution Requirement.**

**A. Applicability**

Any Development Parcel located within the East Farmingdale Overlay Zoning District and approved for Multi-Residential or Mixed-Use development shall be subject to a Community Benefit Contribution, as defined herein.

**B. Contribution Formula**

- (1) For each Development Parcel subject to this Section, the Community Benefit Contribution shall be calculated at the time of site plan review based on the total number of residential dwelling units within the parcel.
- (2) For any Development Parcel that commences vertical construction after the effective date of this [ARTICLE #####], and for any Development Parcel that commences construction before the date which is five (5) years from the effective date of this [ARTICLE #####], the Community Benefit Contribution shall equal: \$3,000.00 per residential units.
- (3) Beginning on the date which is five (5) years from the effective date of this [ARTICLE #####], and for each successive five (5) year period thereafter, the per-unit contribution amount shall increase by \$250.00 per residential unit.

**C. Payment Schedule**

The Developer shall remit the Community Benefit Contribution to Town of Babylon Local Development

Corporation II (LDCII) as follows:

- (1) Fifty percent (50%) shall be due at the time of building permit issuance for the construction of the multifamily residence building.
- (2) Fifty percent (50%) shall be due upon the issuance of a Certificate of Occupancy for the building.

D. Use of Fees

All funds derived from the community benefit contribution shall be allocated exclusively to projects and programs located within the East Farmingdale community that are intended to mitigate the impacts of development. Such projects and programs shall be identified through public input from residents and as set forth in the findings of the State Environmental Quality Review Act (SEQRA) analysis.

**§ \_\_\_\_\_. Severability; conflicts with other provisions**

- A. If any section, provision or part thereof in this article shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the article as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- B. If any portion of this article is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Town of Babylon, the provision which establishes the higher standard shall prevail.