



**Nassau County Planning Commission**

# 2010 Performance Report

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**Nassau County Planning Commission**

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***Adopted on March 3, 2011***

# Table of Contents

<u>Section</u>	<u>Page</u>
Introduction .....	3
Minor Subdivisions .....	3
Major Subdivisions .....	4
Open Space & Parks Advisory Committee (OSPAC) .....	6
Municipal Zoning Referrals (NYS GML § 239 l,m,n) .....	8
Nassau County Master Plan .....	11
Presentations .....	11
Appendix A .....	A-1
Appendix B .....	B-1

## **Introduction**

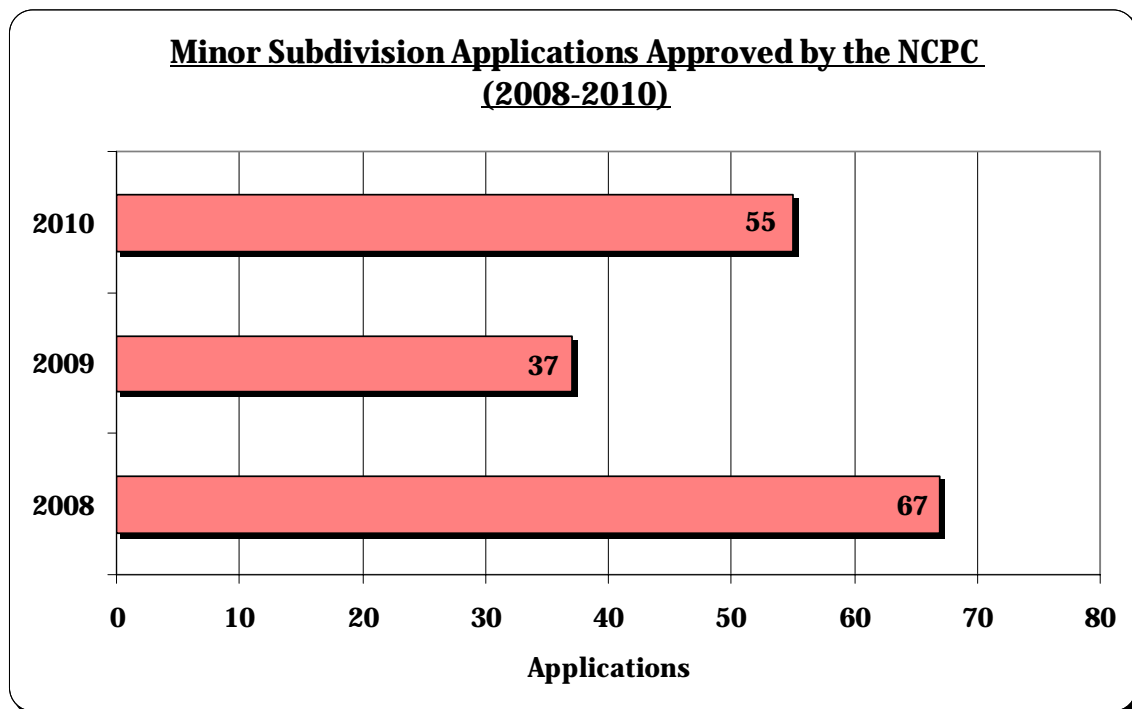
In 2010, the Nassau County Planning Commission (NCPC) held twenty-four bi-weekly public meetings and one working session to discuss the draft Nassau County Master Plan. A typical public meeting of the NCPC follows the below-referenced agenda:

- Minor and Major subdivision review and decision
- Open Space and Parks Advisory Committee (OSPAC) public hearings and recommendation to the Nassau County Legislature
- State Environmental Quality Review Act (SEQRA) recommendation
- Municipal zoning referral recommendation

## **Minor Subdivisions**

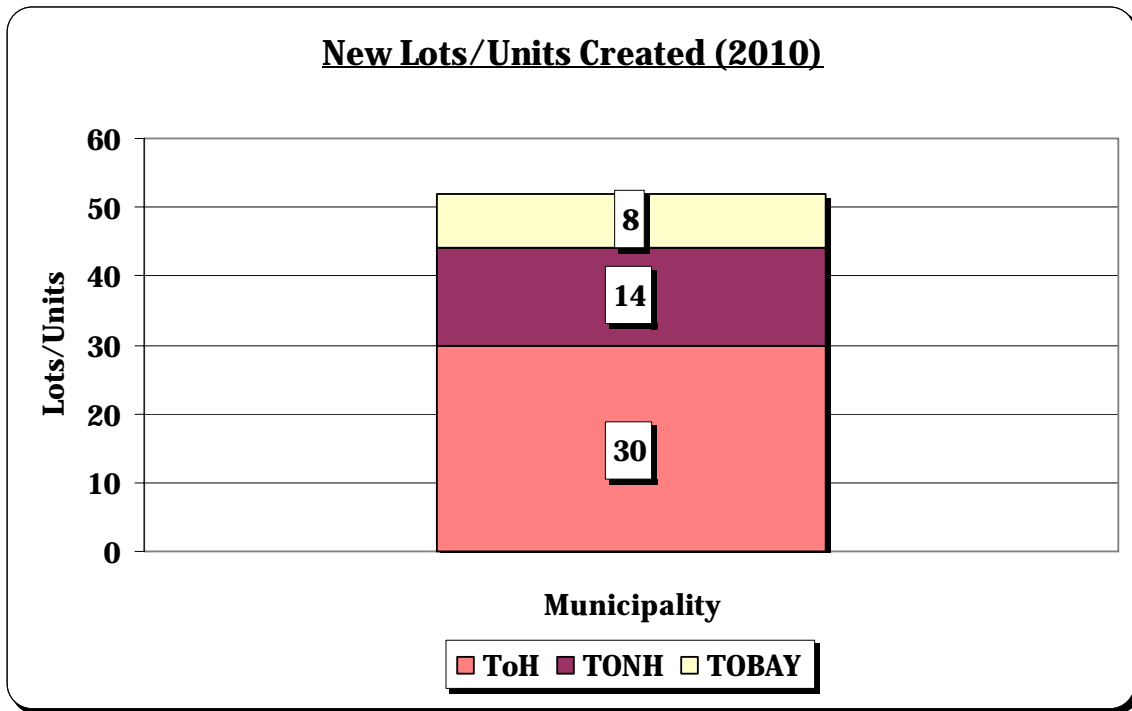
Over the past three years (2008-2010), the NCPC has reviewed and approved 159 minor subdivision applications. Most likely due to the economy, the number of minor subdivision applications has been down since 2008; however, as shown in Figure 1 below, minor subdivision applications approved by the NCPC in 2010 were up slightly from 2009.

Figure 1



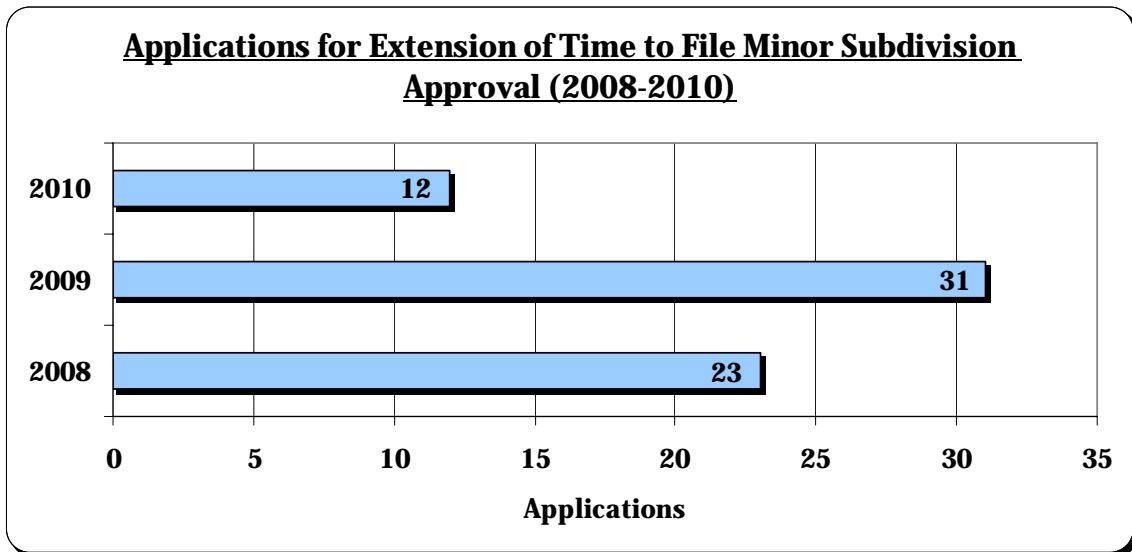
In 2010, the NCPC approved fifty-five minor subdivision applications which added an additional fifty-two lots/units to the Nassau County Land and Tax Map. Figure 2 provides a breakdown of new lots/units by township. The Town of Hempstead accounted for the largest share of new lots/units with thirty, more than double the amount of new lots/blocks in the Town of North Hempstead and the Town of Oyster Bay.

Figure 2



Following a spike in the number of requests for an *Extension of Time to File Subdivision Approval* in 2008, the NCPC reviewed twelve requests in 2010. It is noteworthy to point out that this is down by more than 60% from 2009, and nearly 50% from 2008 (see Figure 3).

Figure 3

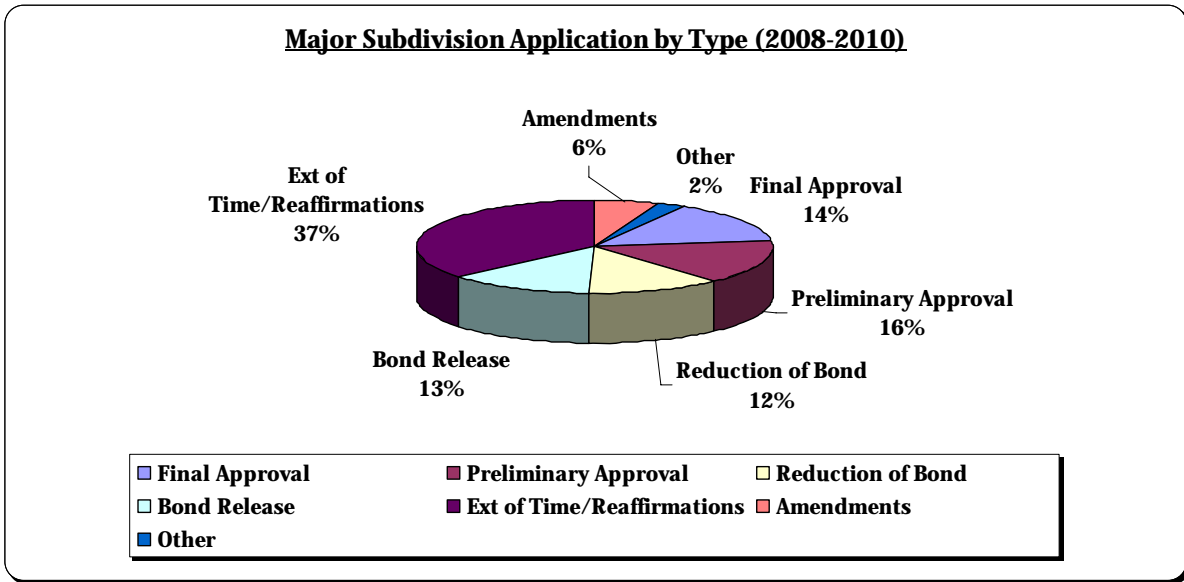


### Major Subdivisions

Over the past three years, the NCPC heard eighty-three major subdivision applications in various stages of the review, approval, and post-approval process. Figure 4 below provides a snapshot of the major subdivision-related applications heard over the past 3 years. At 37%, *Extension of Time/Reaffirmations*, better defined as a request for additional time to file previously-approved major subdivision applications, account for the greatest share of applications heard by the NCPC

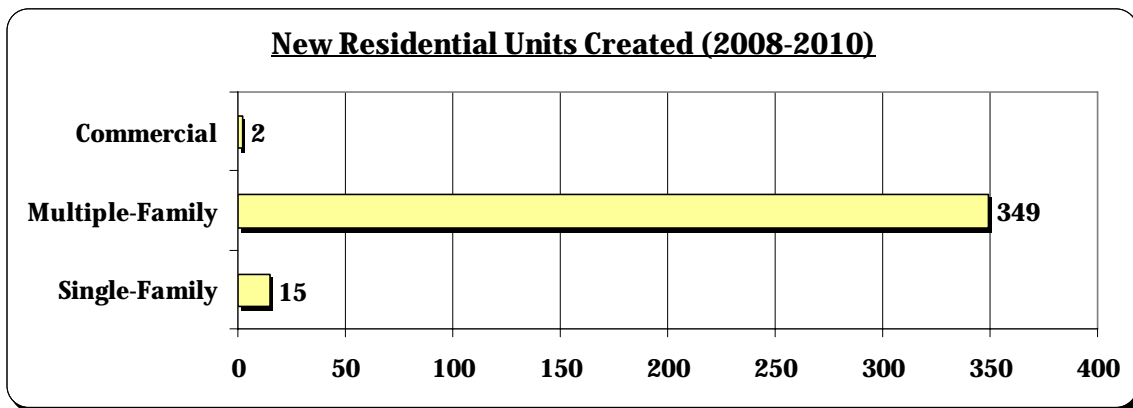
over the past 3 years. The second and third greatest shares include *Preliminary* and *Final Subdivision Approval* applications at 16% and 14% respectively.

Figure 4



Between 2008 and 2010, the NCPC granted final approval to twelve major subdivision applications. These subdivisions, once built-out, will yield 366 new lots/units, with all but two lots/units being residential in use. As shown in Figure 5, nearly 95% of newly created lots/units will accommodate multiple-family residential development.

Figure 5

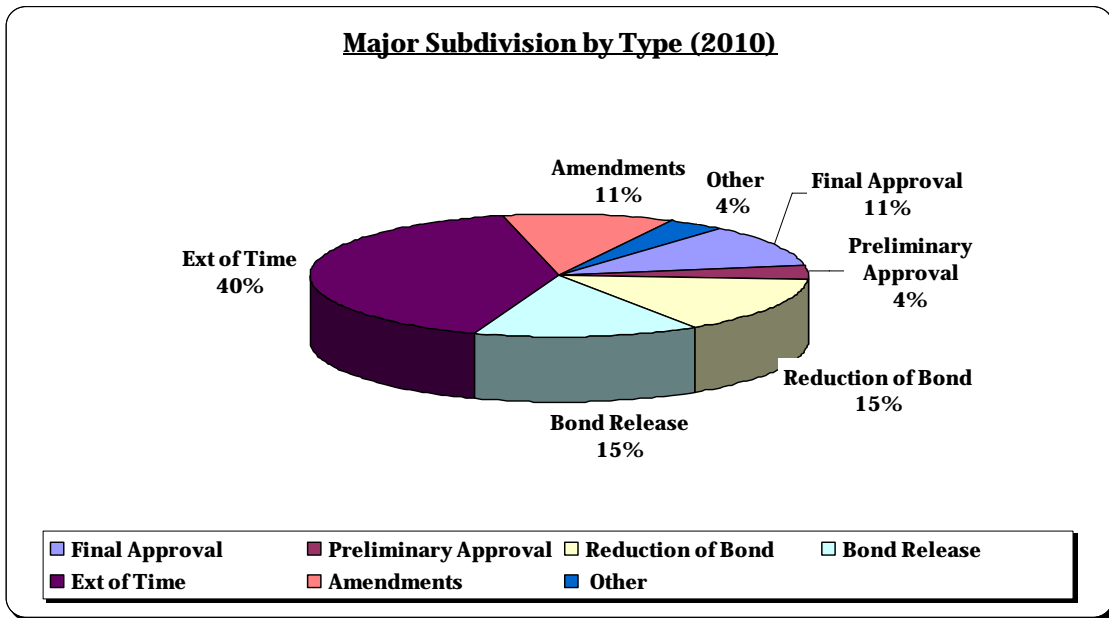


In 2010, the NCPC heard twenty-seven major subdivision applications. Consistent with the three-year trend, requests for an *Extension of Time to File Subdivision Approval*<sup>1</sup> accounted for 40% of major subdivision applications (11 applications). As shown in Figure 6 below, *Extension of Time* requests represent the greatest share of major subdivision applications, followed by *Surety Bond Reduction* and *Surety Bond Release* applications (four applications each). The NCPC granted *Final Subdivision Approval* to three major subdivision applications (Map of Carle Place

<sup>1</sup> On March 22, 2010, the Nassau County Legislature amended the Nassau County Charter § 1610 (C) and (E) to extend the time to file subdivision approval resolutions with the County Clerk from ninety days to one year. The amendment also grants the NCPC discretion to extend the deadline an additional one year. (Local Law No. 5-2010)

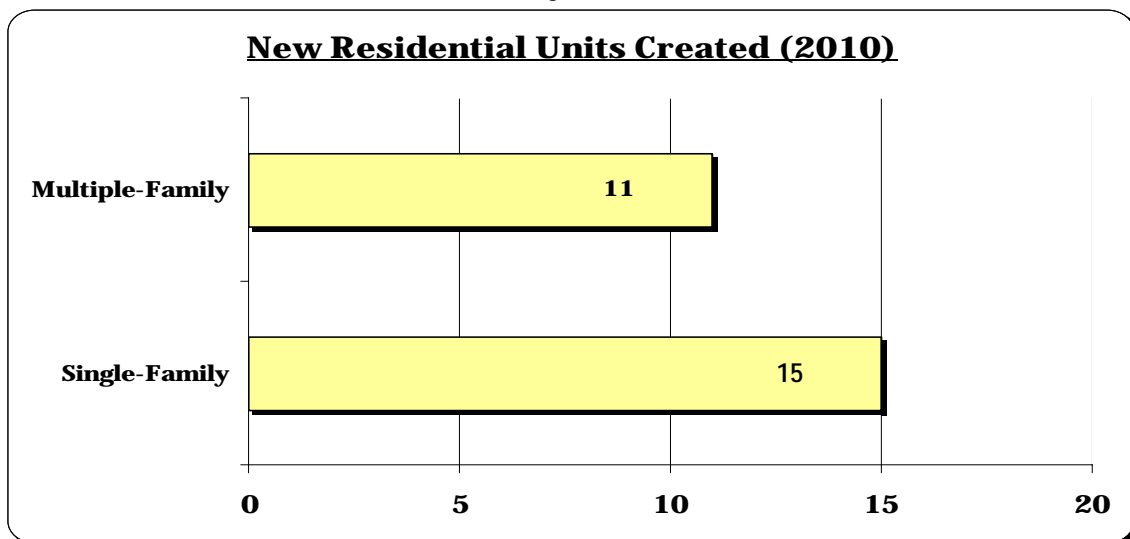
Gardens, Map of Manhasset Glen II, Map of Heroes of 9/11 Homes). *Preliminary Subdivision Approval*, which is usually a good indicator of new lots/units in the development pipeline, only accounted for 4% of major subdivision applications in 2010. A single *Preliminary Subdivision Approval* was granted to the Map of Vanderbilt Mews (25 multi-family units proposed), located in the Village of Garden City.

Figure 6



In total, *Final Subdivision Approvals* granted by the NCPC in 2010 will yield fifteen new single-family lots and eleven new multiple-family residential units (see Figure 7).

Figure 7

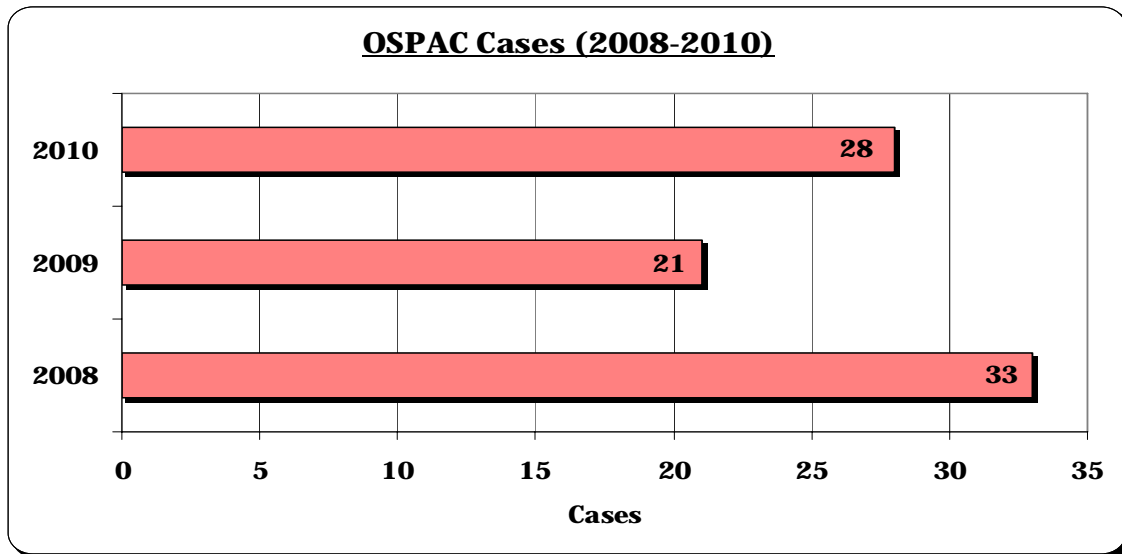


**Open Space & Parks Advisory Committee (OSPAC)**

Between 2008 and 2010, OSPAC and the NCPC reviewed a total of eighty-two cases, all of which required a two-step process beginning with the opening of a comment period and public hearing (NCPC venue), and concluding with a formal recommendation to the Nassau County

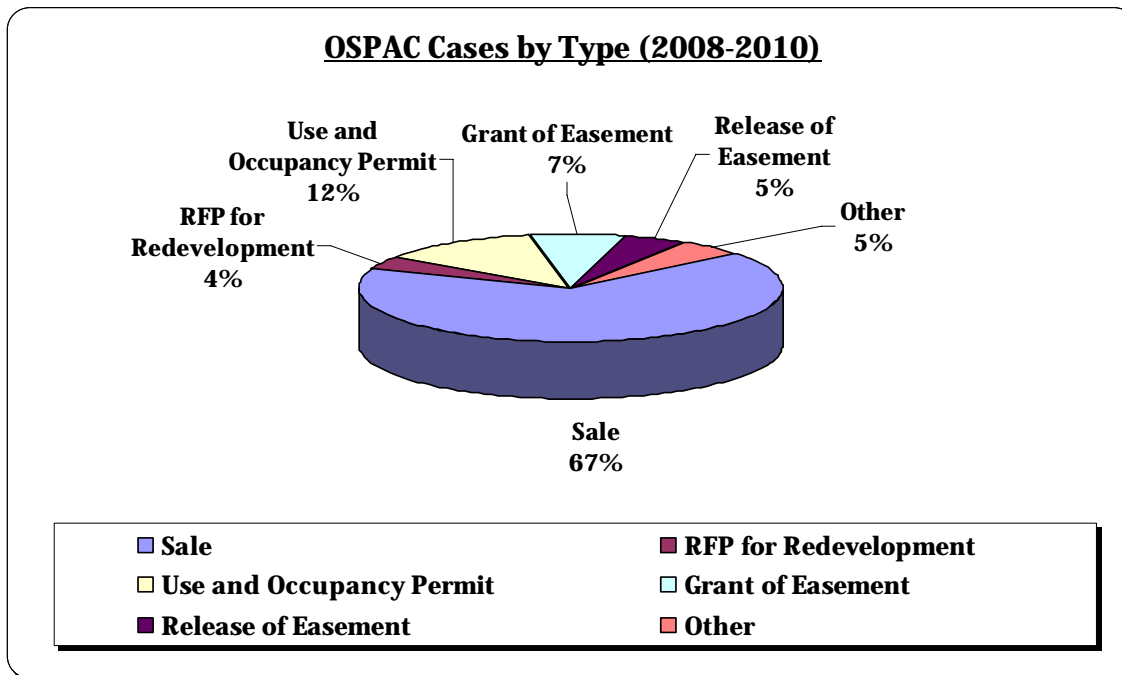
Legislature. Over the past three years the OSPAC caseload has been fairly constant with a minor drop off in 2009, only to rebound in 2010 (see Figure 8).

Figure 8



County actions subject to OSPAC and NCPC review include: property sales and leases, easement initiation and extinguishment, request for proposals (development), use and occupancy permits, and land transfers. Over the past 3 years, the majority (67%) of OSPAC cases have involved the sale of County property (see Figure 9).

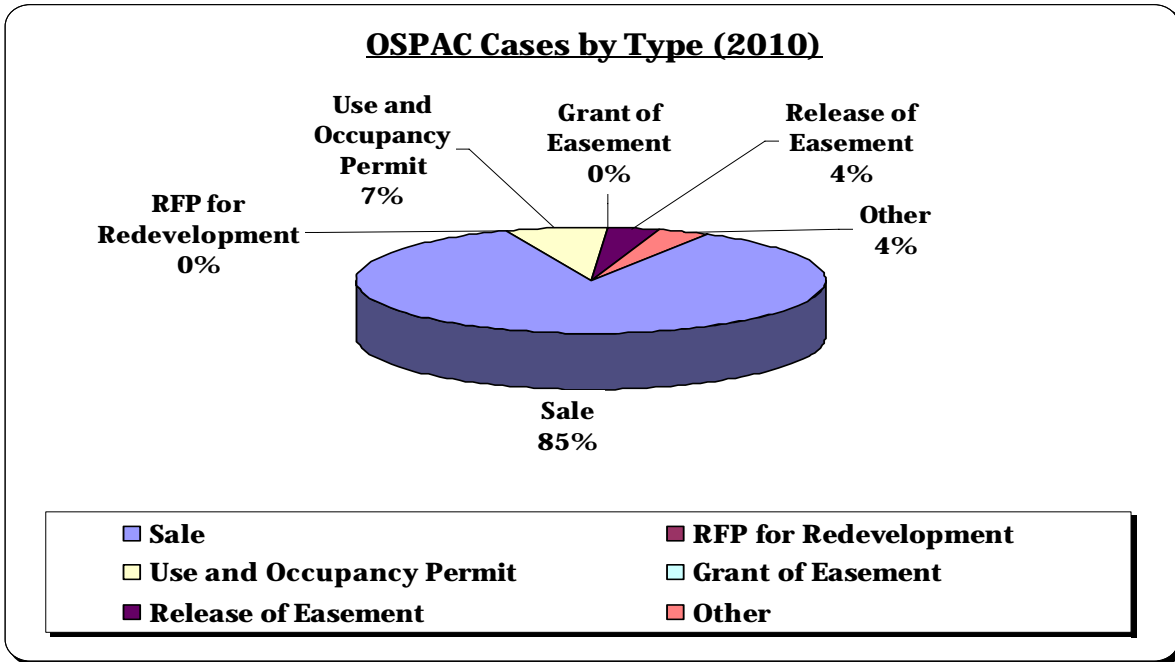
Figure 9



In 2010, the NCPC heard a total of twenty-eight OSPAC cases (public hearing and recommendation). Consistent with the distribution of case-type over the past three years, the overwhelming majority (85%) of OSPAC cases involved the sale of County property (twenty-four

of twenty-eight cases). The next most frequent type of OSPAC case was the consideration of a Use and Occupancy (U&O) permit for County facilities (see Figure 10 below). The NCPC has reviewed ten U&O permits over the past three years, including two permits in 2010.

Figure 10



**Municipal Zoning Referrals (NYS General Municipal Law §239-l,m,n)**

Over the past three years, the number of municipal zoning referrals presented to the NCPC has declined slightly from 166 in 2008, to 144 in 2010 (see Figure 11). For the purpose of this report, zoning referrals acted on by the NCPC have been sorted by land use (commercial, industrial / warehouse, residential, institutional), and type (local law, moratoria). Between 2008 and 2010, the largest share of zoning referrals dealt with commercial land use (44%); followed by residential and institutional at 25% and 10% respectively (see Figure 12).

Figure 11

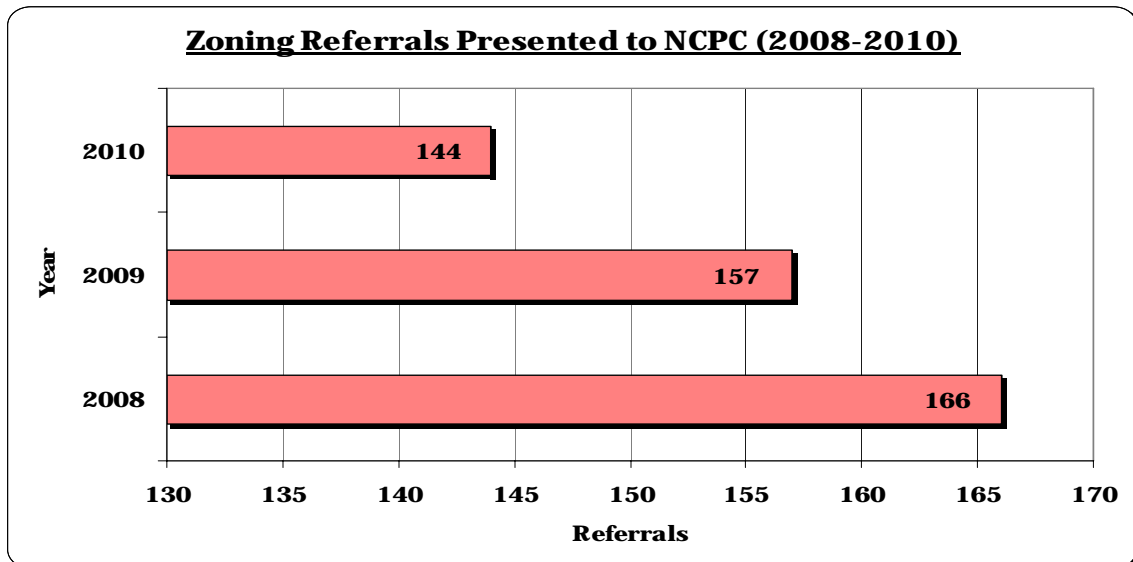
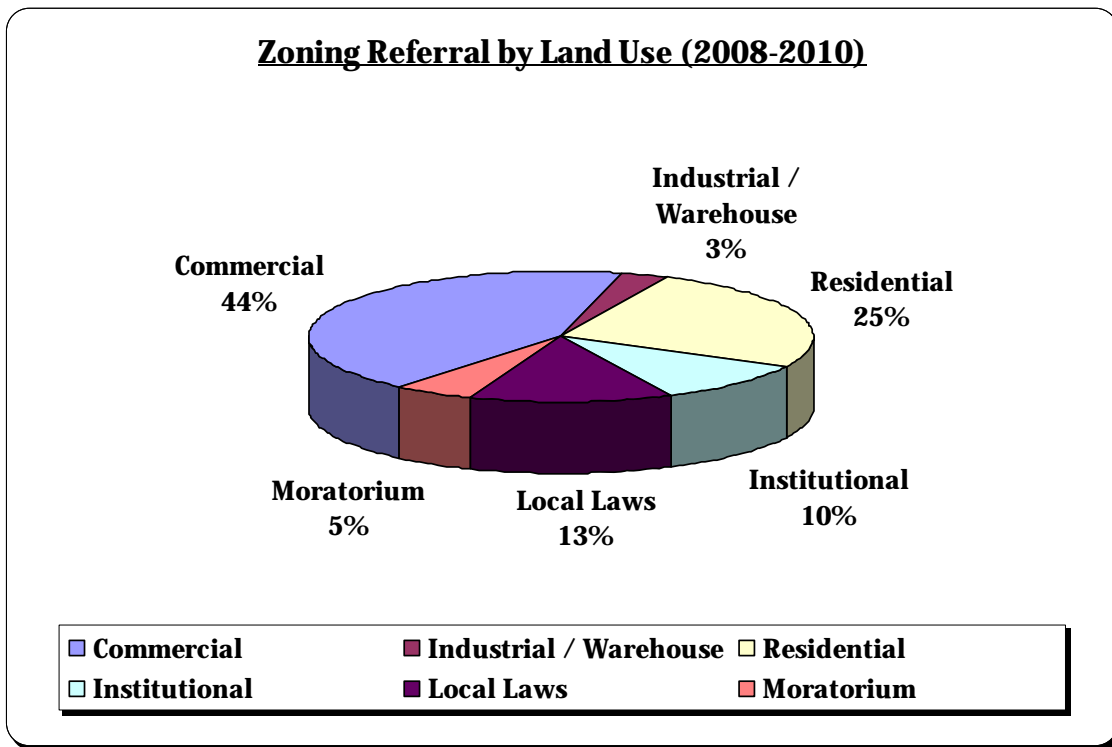




Figure 12



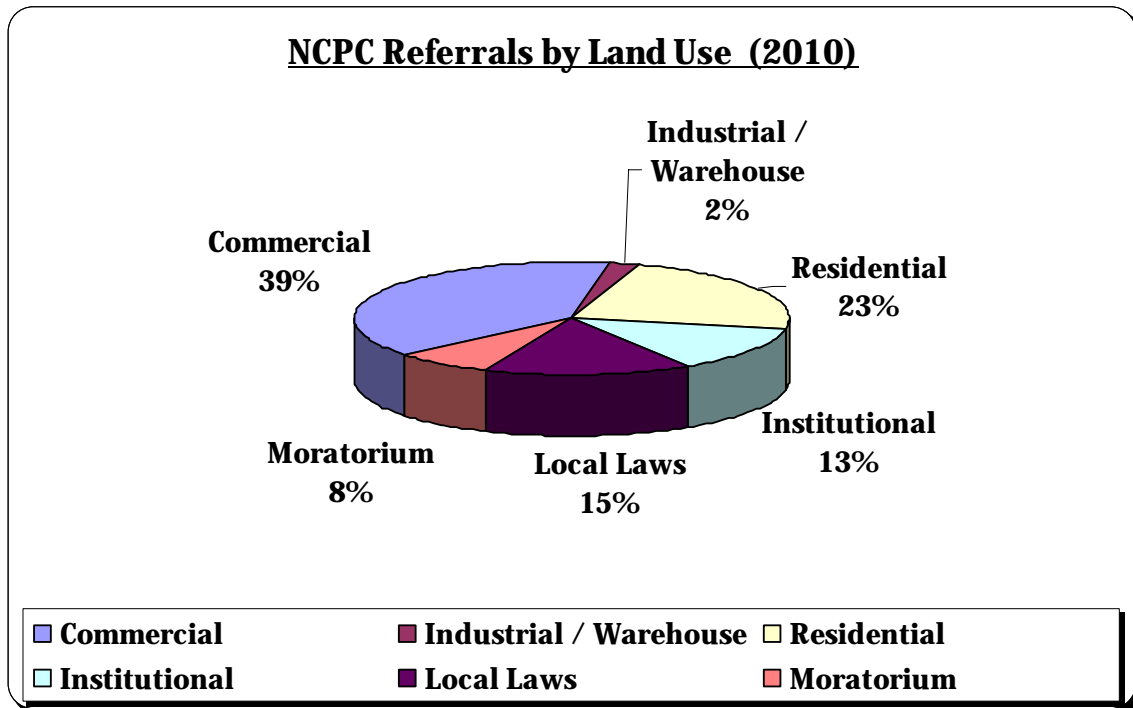
In 2010, the NCPC issued a total of 143 zoning recommendations to local municipalities. Chart 1 below provides a breakdown of recommendation (*local determination, modification, denial*) by land use and type of referral.

Chart 1  
Municipal Zoning Referrals – 2010

Land Use / Category	Referrals	NCPC Recommendation		
		Local Determination	Modification	Denial
<b>Commercial</b>	56	49	4	3
<b>Industrial/Warehouse</b>	3	3	0	0
<b>Residential</b>				
<b>Single-Family</b>	22	18 (58 lots)	0	4 (8 lots)
<b>Multi-Family</b>	11	11 (676 units)	0	0
<b>Institutional</b>				
<b>Religious</b>	12	11	0	0
<b>Other</b>	7	7	0	0
<b>Local Laws</b>	22	19	1	2
<b>Moratorium</b>	10	10	0	0
<b>TOTAL</b>	<b>143</b>	<b>128</b>	<b>9</b>	<b>5</b>

In total, and consistent with the trends of the past three years, zoning referrals pertaining to commercial land use accounted for the largest share (39%) of zoning referrals in 2010 (see Figure 13). Residential zoning referrals represented the second largest share, accounting for 23% of the total caseload. Of the thirty-three residential zoning referrals heard by the NCPC in 2010, four single-family referrals were recommended for denial. The NCPC issued a recommendation of Local Determination to all eleven multiple-family zoning referrals (See *Appendix A for supplemental three-year analysis*). If approved by the respective municipality as proposed, the eleven multiple-family applications will result in a total of 676 new multiple-family residential units<sup>2</sup>.

Figure 13



In 2010, the NCPC reviewed ten moratoria referrals, up from seven referrals in both 2008 and 2009. The commission reviewed four building moratoria referred by the Villages of Port Washington North, East Rockaway (2), and Centre Island; four telecommunications facilities moratoria referred by the Villages of Cove Neck, Roslyn Harbor, Hewlett Neck, and Port Washington North; and two alternative energy structures moratoria referred by the Villages of Plandome Manor and Cove Neck. The NCPC issued a *Local Determination* on all ten moratoria referrals in 2010 (See *Appendix B for a table of municipal moratoria and resulting local laws*.)

The NCPC reviewed two zoning referrals relative to the provision of affordable housing. On June 24, the NCPC issued a *Local Determination* on a multiple variance application to construct ninety-three residential units in the Village of Great Neck Plaza. The application included a "7.5% of baseline FAR" set-aside resulting in eight affordable units. On July 22, the NCPC issued a *Local Determination* on a proposed amendment to the City of Glen Cove zoning ordinance. The amendment would create a downtown overlay district that requires a 10% affordable housing set-aside for all residential development proposals (ownership and rental) of five or

<sup>2</sup> The number of proposed units has been adjusted to account for duplicate and/or superseding zoning referrals heard by the NCPC.

more units. Applications that propose less than 75% of permitted density as specified by the underlying zoning district would be exempt from the set aside requirement.

Of the twenty-two Local Law referrals heard by the NCPC in 2010, two were issued a recommendation of *Denial*. On March 18, 2010, the NCPC considered a proposed Local Law by the Village of Flower Hill to regulate the installation of wind turbines for alternative energy generation. The NCPC determined that the proposed local law did not constitute a clear set of installation requirements and/or guidelines, nor did it include permit application submission requirements. The denial resolution noted that the exceptional discretionary review by the Village Board, as part of its Special Use permit review, would create an unreasonable barrier to the installation of wind turbines and other sources of alternative energy.

On December 16, 2010, the NCPC considered a proposed Local Law by the Village of Plandome Manor to regulate the installation of solar energy collection systems and wind turbines on private property. The NCPC determined that an inconsistency existed in text of the proposed Local Law with regard to the permitted use and installation of ground-mounted solar collection systems. The NCPC also took issue with the unreasonable and excessively burdensome requirement that all solar collection panels be screened from street level and abutting properties. It was noted that this requirement, in essence, would constitute a complete prohibition of solar collection systems.

### **Nassau County Master Plan**

On April 15, 2010, Planning Department staff presented the findings of two technical reports (*Hypothetical Downtown Growth Analysis*, and *Downtown Growth Fiscal Impact Analysis*) relating to the 2010 Nassau County Master Plan. The Planning Department worked through the summer to update and revise the draft Plan which culminated with the NCPC's vote on October 28, 2010 to release the document for public review and comment. Planning Department staff discussed the draft Plan at a scheduled working session on November 4, 2010. Subsequent to opening the comment period, the NCPC held a public hearing to accept comments on November 18, 2010. As of December 31, 2010, the public comment period remained open and was scheduled to close on January 20, 2010, at the conclusion of a scheduled second public hearing.

### **Presentations**

» **May 13, 2010**

Long Island Index / Regional Plan Association (RPA)  
2010 Report "Long Island – Places to Grow"

» **May 27, 2010**

New York Metropolitan Transportation Council (NYMTC)  
2035 Regional Transportation Plan

**Appendix A**

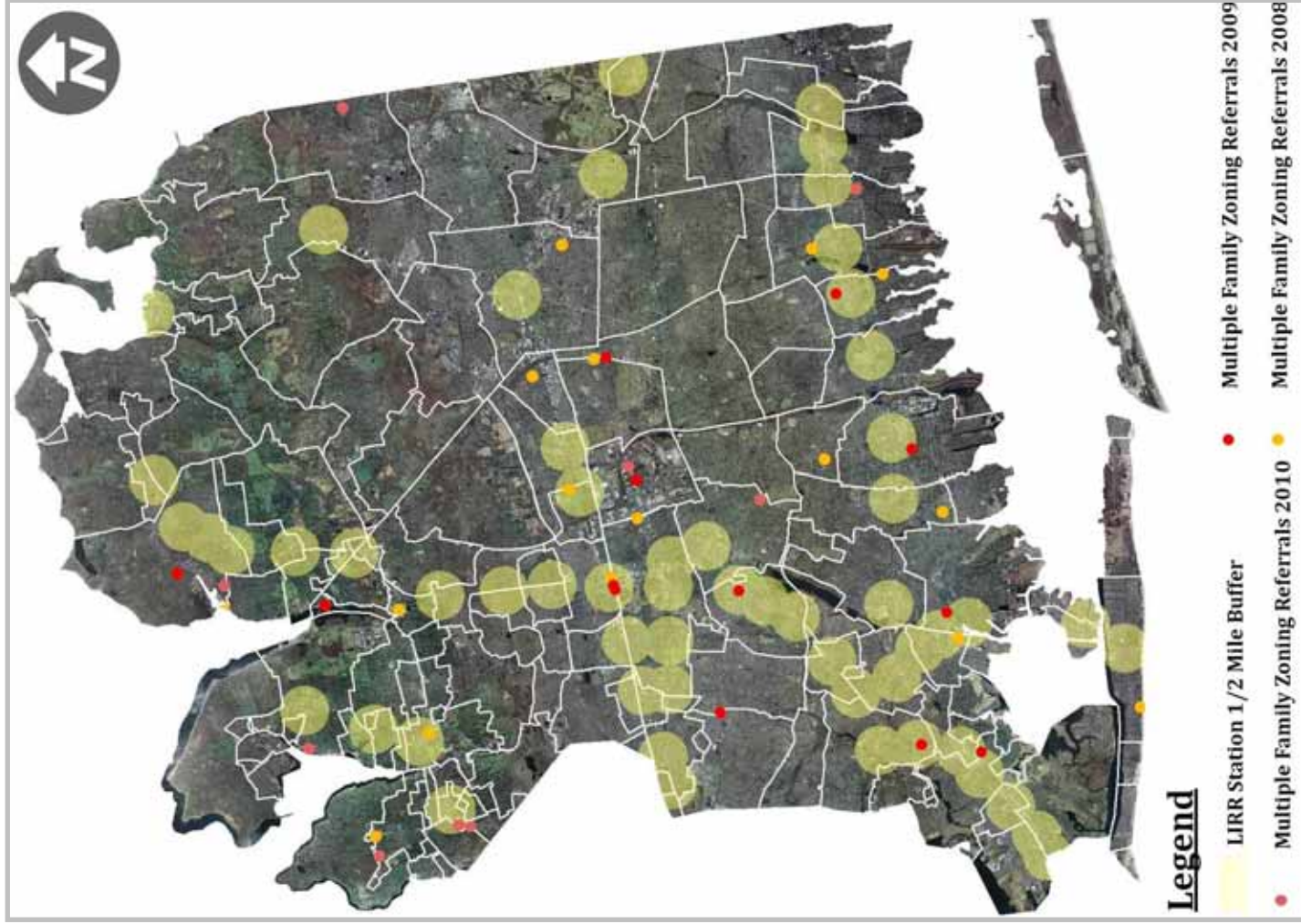
**Multiple-Family Residential NCPC Zoning Referrals, 2008 - 2010**

Year	NCPC File #	Units	Place	Muni Type	Rental	Predominant Surrounding Land Use	Within 1/2 Mile Radius of LIRR
2008	522208	80	Roslyn	I	N	Commercial	No
2008	812108	25	East Garden City	U	N	Commercial	No
2008	93108	11	Hicksville	U	N	Commercial	No
2008	1231207	9	Bellmore	U	N	Marine-Related	No
2008	618108	8	Glen Cove	I	N	Marine-Related	No
2008	1111008	68	Great Neck	U	N	Multiple-Family Residential	No
2008	48408	16	Long Beach	I	N	Multiple-Family Residential	No
2008	1215208	30	Westbury	U	N	Single-Family Residential	No
2008	1231107	21	Westbury	I	N	Single-Family Residential	No
2008	219108	36	New Cassel	U	N	Single-Family Residential	No
2008	423108	46	Baldwin	U	N	Single-Family Residential	No
2008	514108	15	Wantagh	U	N	Single-Family Residential	No
2008	421108	31	Roosevelt	U	N	Single-Family Residential	No
2008	33208	285	Mineola	I	N	Commercial	Yes
2008	422108	11	Carle Place	U	N	Commercial	Yes
2008	1215108	9	Woodmere	U	N	Single-Family Residential	Yes
2008	331208	61	Manhasset	U	N	Single-Family Residential	Yes
2008	63108	28	East Rockaway	I	N	Single-Family Residential	Yes
2009	65309	10	Elmont	U	N	Commercial	No
2009	528109	60	Glenwood Landing	U	N	Marine-Related	No
2009	312109	204	Uniondale	U	N	Commercial	Yes
2009	313209	150	West Hempstead	U	N	Commercial	Yes
2009	629209	28	Mineola	I	N	Commercial	Yes
2009	731509	150	Mineola	I	N	Commercial	Yes
2009	33109	37	Freeport	I	N	Multiple-Family Residential	Yes
2009	210109	12	Bellmore	U	N	Single-Family Residential	Yes
2009	529109	42	Valley Stream	I	N	Single-Family Residential	Yes
2009	991009	72	Glen Cove	C	N	Single-Family Residential	Yes
2009	69109	18	Oceanside	U	Y	Single-Family Residential	Yes
2010	1026110	29	Port Washington	U	N	Marine-Related	No
2010	913110	9	Glen Cove	I	N	Single-Family Residential	No
2010	811110	10	Great Neck	I	N	Single-Family Residential	No
2010	68310	76	Woodbury	U	N	Single-Family Residential	No
2010	412110	12	Hempstead	I	Y	Single-Family Residential	No
2010	62110	6	Seaford	U	N	Single-Family Residential	No
2010	618110	93	Great Neck Plaza	I	N	Commercial	Yes
2010	1112110	6	Great Neck Plaza	I	N	Multiple-Family Residential	Yes

<b>Summary of Multiple-Family Municipal Zoning Referrals, 2008 - 2010*</b>		
<b>Predominant Surrounding Land Use</b>	<b>Units</b>	<b>% Total</b>
Commercial	1047	58%
Marine-Related	106	6%
Multiple-Family Residential	127	7%
Single-Family Residential	534	29%
<b>Total</b>	<b>1,814</b>	
<b>Proximity to LIRR Stations</b>	<b>Units</b>	<b>% Total</b>
Within 1/2 Mile of LIRR Station	1206	66%
<u>Predominant Surrounding Land Use</u>		
Commercial	921	76%
Multiple-Family Residential	43	4%
Single-Family Residential	242	20%
Not Within 1/2 Mile of LIRR Station	608	34%
<b>Total</b>	<b>1,814</b>	

\*Adjusted to eliminate duplicate and/or superseding zoning referrals

**NPC Multiple-Family Residential Zoning Referrals, 2008 - 2010**



**Appendix B**  
**2010 NCPC Moratoria Referrals**

<b>Moratoria Type</b>	<b>Municipality</b>	<b>Duration (months)</b>	<b>Resulting Local Law Proposed</b>	<b>NCPC Local Law Referral Recommendation</b>	<b>Municipal Decision</b>
Building	Village of Port Washington North	12	No	N/A	N/A
Building	Village of East Rockaway	12	Yes (Rezone Industrial - LL 11-2010)	LD	Approved
Building	Village of Centre Island	9	Unexpired	N/A	N/A
Telecommunications	Village of Cove Neck	12	Unexpired	N/A	N/A
Telecommunications	Village of Roslyn Harbor	12	Unexpired	N/A	N/A
Telecommunications	Village of Hewlett Neck	12	Unexpired	N/A	N/A
Telecommunications	Village of Port Washington North	3	Unexpired	N/A	N/A
Alternative Energy	Village of Plandome Manor	6	Yes (LL 6-2010)	Denial	Approved
Alternative Energy	Village of Cove Neck	6	Unexpired	N/A	N/A