

# Waterfront Analysis

for the

INCORPORATED VILLAGE

OF

MANORHAVEN

January 2018

**TABLE OF CONTENTS**

**1 INTRODUCTION ..... 1-3**

1.1 MANORHAVEN WATERFRONT ADVISORY COMMITTEE..... 1-4

    1.1.1 Community Meetings ..... 1-4

    1.1.2 Waterfront Advisory Committee Input ..... 1-5

    1.1.3 Implementation of GIS Mapping..... 1-6

**2 ZONING RECOMMENDATIONS..... 2-8**

2.1 WATERFRONT ..... 2-8

    2.1.1 Enhance Public Access ..... 2-8

    2.1.2 Regulate Bulk/Form along the Waterfront ..... 2-10

    2.1.3 Incorporate Low Impact Development Principles for Waterfront Districts ..... 2-12

    2.1.4 Provide Incentives for Desirable Land Uses and Public Amenities on the Waterfront ..... 2-13

    2.1.5 Develop Architectural Design Standards ..... 2-13

    2.1.6 Utilize the Village Architectural Review Board for all Waterfront Projects ..... 2-14

    2.1.7 Amend Regulations for Existing Districts..... 2-15

**3 CONCLUSIONS AND NEXT STEPS..... 3-16**

**TABLES OF FIGURES**

FIGURE 1-1: UPDATED VILLAGE ZONING MAP/GIS DATABASE ..... 1-7

FIGURE 1-2: ONGOING CCTV SEWER SYSTEM EVALUATION/GIS DATABASE ..... 1-8

FIGURE 1-3: ONGOING ROAD EVALUATION SURVEY/CAD-GIS DATABASE ..... 1-8

**APPENDICES**

APPENDIX A

## 1 Introduction

In June 2016, the Village of Manorhaven enacted a temporary building moratorium (hereinafter the 'Moratorium') that affects properties located along its waterfront, including the following districts: C-1 Commercial, E-1 Enterprise, R-3 Residential, R-4 Residential, MP-1 Marine Preservation and MR Marine Recreation. Ultimately, this study will help to guide the Village as it transitions away from the Moratorium by providing a more sustainable concept of public access and waterfront uses within the community. This analysis will ultimately result in a series of amendments to the Village Code (specifically to Chapter 155 – Zoning). In addition, through the development of an updated, Geographic Information Systems (GIS)-based database and zoning map, the Waterfront Analysis provides supportive framework for the Village to implement and manage its updated Code.

Cameron Engineering and Associates, LLP was retained by the Village to assess existing conditions including proposed private developments, attend Waterfront Advisory Committee meetings to understand issues, goals, needs and opportunities, provide examples of code modifications that focus on public access/preservation of open space, and obtain additional input from a public, open-house event. The



**Manorhaven Waterfront off of Orchard Beach Boulevard**

public would also have an opportunity to provide input as any zoning-related action proposed by the Village would be referred to the Nassau County Planning Commission for review. Finally, additional public hearings and opportunities for public input would be provided as the Village moves through the State Environmental Quality Review Act (SEQRA) process, which is a required environmental analysis that would be required for any amendments to the Village Code, comprehensive master plan or future local waterfront revitalization program.

## 1.1 Manorhaven Waterfront Advisory Committee

In June 2016, Mayor James Avena formed the Manorhaven Waterfront Advisory Committee. In establishing the Committee, the Village set forth an official policy regarding waterfront development and the transition away from the Moratorium:

*"The Village of Manorhaven welcomes input from all Village residents as it considers how best to regulate development of waterfront properties. Our goal is to balance the interests of the community with the rights of property owners. To help accomplish this goal, I have appointed an advisory committee to review the Village's comprehensive master plan, local waterfront revitalization plan, and zoning code, and to make recommendations for consideration by the Board of Trustees. Only the Board of Trustees has the authority to adopt Village laws regulating waterfront development. Before the Board of Trustees takes any action, it will publish a notice in the Port Washington News and will conduct a public hearing. At the hearing, all interested Village residents will have an opportunity to express their views directly to the Board of Trustees."*

The Committee includes residents, local business owners, and municipal representatives with direct ties to and knowledge of the Manorhaven waterfront. Ultimately, the Committee was tasked with studying the issues and potential impacts associated with the Moratorium and presenting both their expertise and research findings at a series of community meetings.

### 1.1.1 Community Meetings

The Waterfront Advisory Committee has met regularly throughout 2016 and 2017 – including both internal working sessions and special community meetings. These community meetings were held to allow members to share the findings and concerns of the Waterfront Advisory Committee with the Village Board of Trustees and to gather additional public feedback.

Given the diverse representation of stakeholders on the Committee, these community meetings provided valuable perspective into the nuances of waterfront development and potential impacts on the community. At the center of debate, the most fundamental issue is finding the correct balance between preservation of Manorhaven's natural beauty/character and the rights of local property owners.

At the July 13, 2017 community meeting, Mayor Avena reaffirmed that the goal of the Committee's work – and the outcome of this process – is not to discuss specific

development proposals – but rather to create a vision for the future of the waterfront. The Committee must articulate this vision to the Board of Trustees and ensure that any changes to the Village Code, comprehensive master plan and/or future local waterfront revitalization program work to advance this vision forward.

### *1.1.2 Waterfront Advisory Committee Input*

With this goal of creating a future vision for the waterfront, both the public and Committee members emphasized the importance of recognizing the Village's maritime roots. The concepts of Village character and cohesion along the waterfront were discussed along with the need for improved architectural guidelines for new projects. While several community members presented different perspectives about the Village, nearly all meeting participants referenced the importance of the Village's maritime history and the natural beauty of the waterfront and Manhasset Bay.

As meetings progressed and more specific ideas came forward, community meeting participants expressed a strong desire to preserve water views, create more open space for public use, provide better pedestrian access and amenities, discourage visual barriers (i.e., "walls" of apartments/condominiums), and more landscaping. Establishing a continuous walkway or promenade along the waterfront was well supported. Nearby Bay Walk Park provides a local example of the type of publicly-accessible waterfront that could be created in Manorhaven. Better connections between upland areas and the waterfront were also mentioned consistently.

Concerns were expressed particularly over residential development on the waterfront. Most participants felt that the existing condominium/apartment/cluster housing developments on the waterfront detracted from both the Village's character and the community's use/enjoyment of the waterfront. As such, the issue of converting former marine-dependent uses (i.e., marinas) to housing has become a contentious issue along the waterfront. While many expressed a strong desire to retain marinas and other maritime uses, participants also recognized that current market and environmental conditions (e.g., Manhasset Bay becoming increasingly shallow) are threatening the viability of many of these businesses.

One of the contributing factors to residential development pressures on the waterfront is the presence of commercial/industrial uses and irregularly-assembled parcels located just upland (primarily within the E-1 district on Manhasset Isle). Even with code changes, the development of housing in these portions of Manhasset Isle would be nearly impossible (due to the aforementioned site constraints and presence of incompatible industrial uses). This creates a very high demand for

residential property – and an even larger premium on larger lots which could be developed into housing in the future. In Manorhaven’s case, most of these larger lots are located along or adjacent to the waterfront.

Others expressed concerns about too many uses being permitted within waterfront districts. The E-1 District, in particular, currently allows for large-scale uses such as hotels and self-storage facilities – both of which were identified by Committee members as undesirable uses for the waterfront area.

### *1.1.3 Implementation of GIS Mapping*

As part of this analysis, an updated, digital Zoning Map and Village-wide parcel database were created using Geographic Information Systems (GIS) to assist the Village with zoning and land use issues. Digital conversion of the Village’s record keeping systems into digital format allows easier and more reliable access and archiving. The Village’s GIS can be used in support of Village planning activities as a reference tool to evaluate projects by providing information on local context such as zoning, adjacent land uses, affected parcels, topography and proximity to sensitive land uses (i.e., cultural/historic, environmental and institutional). As an example of potential GIS applicability, the Village’s recently-adopted Local Law 23-2017 (adopted September 28, 2017) concerning illegal occupancies, could be tracked and updated through this GIS zoning and land use database.

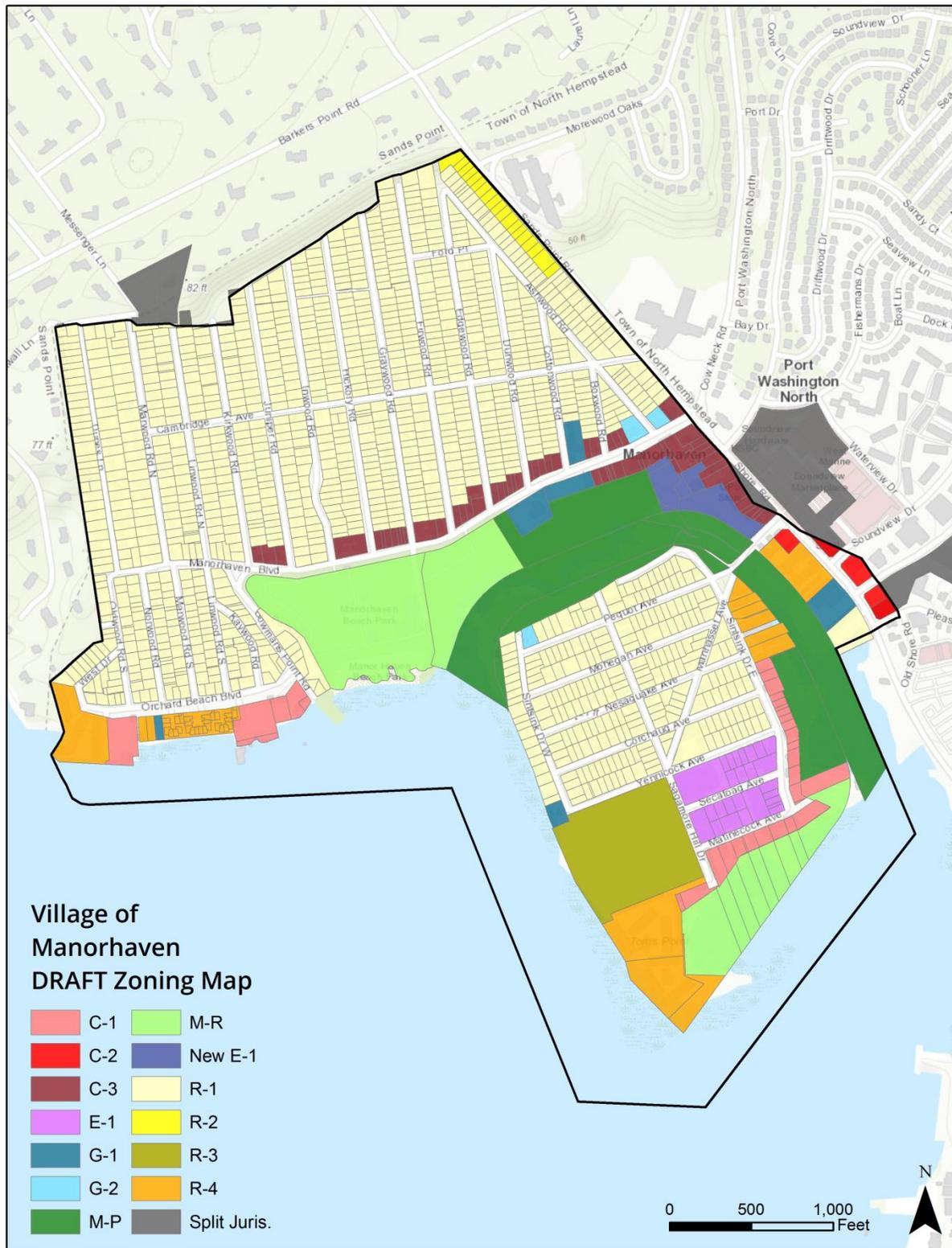


Figure 1-1: Updated Village Zoning Map/GIS Database

This GIS inventory could also be expanded to include other municipal systems – such as water and sewer systems, street lights, natural resources and transportation infrastructure (i.e., road condition database). Such a database could function as an important tool in managing future capital and maintenance needs. It would also interface well with several of the Village’s ongoing capital projects (i.e., sewer system analysis and road conditions analysis) – allowing for real-time field updates and integration with Computer-Aided Design (CAD) files. This type of database is extremely valuable as it provides the framework for more advanced design analyses, such as the use stormwater or sewer system modeling software. A functional GIS database would also allow the Village to quickly assess the impact of Town, County, State and Federal regulations/activities on the local community.



**Figure 1-2: Ongoing CCTV Sewer System Evaluation/GIS Database**



**Figure 1-3: Ongoing Road Evaluation Survey/CAD-GIS Database**

## 2 Zoning Recommendations

### 2.1 Waterfront

#### 2.1.1 Enhance Public Access

As discussed in the community engagement section, public access and use of Manorhaven’s waterfront is of principal concern to the community. Access to the waterfront is a major reason why many choose to live in and visit the Village of Manorhaven. The Village is fortunate to have many public facilities in close proximity to the waterfront/Manhasset Bay – most notably the Manorhaven Beach Park and Pool, which is centrally-located on the Village’s waterfront. Although the Town of North Hempstead maintains this nearly 35-acre facility, it is easily accessible to

Village residents and area visitors. However, outside of this park and a select few access points, access to the Manorhaven waterfront is significantly hampered by private developments and discontinuous public pathways. Bay Walk Park, which is located just outside of the Village boundaries, provides a good example of the type of public access and circulation that the community envisions for the Manorhaven waterfront.

The existing zoning framework, particularly for the zoning districts included in the Moratorium, results in land uses that provide neither adequate public access/views nor the ability for private owners to redevelop their properties in a way that is consistent with the public's vision for the Manorhaven Waterfront. The following recommendations aim to address this issue:

### **ACTION ITEMS**

- Require that public easement or public access amenities are included in all new waterfront developments. Ultimately, these public access requirements would be enacted through a Waterfront Overlay District. The Waterfront Overlay District would only apply to developments that have agreed to provide and dedicate an easement for publicly accessible open space. The Waterfront Overlay District could be applied in the C-1, R-3, R-4 and MR zoning districts<sup>1</sup>.
  - For development parcels (or assemblages of parcels) greater than one acre in size, continuous linear waterfront public open space located parallel and adjacent to the shore should be provided. A small, no-build area adjacent to these open spaces would ensure privacy and a transition between private and public uses.
  - In addition to waterfront open space areas, upland connections would be required to allow access from the roadways and/or other public areas to the waterfront.
  - For smaller parcels where a continuous waterfront area is not feasible, property owners may contribute to a waterfront fund for maintenance of public spaces based on a percentage of construction cost.
  - Publicly accessible open spaces and upland connections would be dedicated to the Village (or another public entity). However, any area

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<sup>1</sup> Note that the E-1 district, can be similarly developed under the BOLD.

dedicated for purposes of public access would still be included in any calculation to determine overall development potential.

- An additional mechanism, which is utilized in the Zoning Resolution of New York City (*Article VI: Special Regulations Applicable to Certain Areas, Chapter 2 - Special Regulations Applying in the Waterfront Area*), is the provision in the code for the creation of a Waterfront Access Plan (WAP). While the Village intends to update its Code to improve regulation of waterfront development, adding a provision for Waterfront Access Plans would allow additional control over waterfront development as market or environmental conditions change (i.e., wetland migration, sea-level rise, presence of hazardous materials). For the Village of Manorhaven, such a provision could act as an additional or supplemental regulatory tool and ensure that waterfront development continues to adapt as local conditions change and evolve. In this way, a WAP could act as a more detailed, site-specific approach to managing future waterfront development – particularly for sites with unique challenges. Given the concerns about some of the larger development sites within the Village, this level of oversight could ensure that public access is a major feature of any large development.

### *2.1.2 Regulate Bulk/Form along the Waterfront*

In addition to enhancing public access and use of the waterfront, zoning must effectively regulate the bulk, form, and design elements of any proposed development. Community members have indicated that several of the existing residential developments along the waterfront have created significant visual impacts for the Village. The Village and many of its residents have a strong connection to the waterfront and the preservation of this connection – whether physically or aesthetically – is critical moving forward. As a relatively compact and densely populated Village (approximately three times greater than overall population density of Nassau County), any obstruction of waterfront viewsheds results in significant impacts to the rest of the community. While increasing allowable height of developments may be controversial, if permitted in combination with additional siting regulations, it could help to preserve views more effectively than sprawling, low-rise developments. In general, this type of design would result in smaller overall building footprints, which would also have positive environmental benefits (i.e., reduced land disturbance, improved stormwater management, preservation of natural areas). The allowance of increased height is also a key step in designing residences to be more flood-resistant and resilient in the face of coastal storms/sea-level rise. Although this specific concern was not discussed in great

detail at community meetings, as a relatively low-lying coastal community, Manorhaven should strongly consider any regulatory tool that reduces impacts from coastal hazards and improves community resilience.

The following action items represent key considerations/initial steps towards effective bulk/form regulation – designed with the goal of preserving Manorhaven’s maritime connection.

### **ACTION ITEMS**

- To preserve views and incorporate public access, overall residential density within the Waterfront Overlay District would be one unit per 3,000 SF (approximately 15 units per acre) of lot area.
- This level of residential density is less dense than the current density established by the R-4 district (one unit per 1,500 SF of lot area/approximately 29 units per acre, but limited to a maximum of 20 units). This overlay could be applied in the C-1, R-3, R-4 and MR districts (where residential development is either restricted by dimensional requirements or not currently permitted).
  - Density greater than 15 units per acre can be problematic for smaller development sites without adequate open space – resulting in developments with high percentages of lot coverage, compromised views and limited public access.
  - The current method of regulating residential density also fails to tie the level of density/development to the lot size – creating a one-size-fits-all approach to a unique and somewhat irregular waterfront.
- As described in Section 2.1.1 above, any development utilizing the Waterfront Overlay District would dedicate a portion of the lot area to provide usable public open space as part of any new waterfront development. While these areas would be dedicated to the Village (or another public entity), they would still be included in any calculation to determine overall development potential of a site.
  - This open space would be created by transferring existing setback requirements (e.g., C-1 district requires five-foot front yard setbacks and 10-foot rear yard setbacks) to the public open space area, thus creating a 10-foot public open space area along the waterfront (with a five foot buffer between public/private areas).
  - Upland connections would be required at a minimum width of five feet.

- Increase allowable height for properties utilizing the Waterfront Overlay District to 34 feet/three stories. In general, development is limited to two stories/26 feet in height (28 feet within the R-4 zoning district) within the zoning districts included in the Moratorium (C-1, E-1, R-3 and M-R districts). This slight increase in height will help to reduce building footprints, preserve viewsheds, increase open space and improve stormwater management. At the same time, it will allow property owners slightly more flexibility in terms of the overall design and layout of their development.
- Establish minimum standards for all public access areas regulating dimension, paving, seating, landscaping, lighting, signage and other amenities to ensure the quality of public open space.
- Establish minimum standards for visual corridors to provide unobstructed waterfront views. Visual corridors do not need to be publicly accessible areas, yet they are vital to the public's use and enjoyment of the waterfront. The Waterfront Overlay District would require open vistas at a minimum width of 25 feet – particularly from any roadway or public area. Building frontages would be limited to a maximum of 50 feet.

### *2.1.3 Incorporate Low Impact Development Principles for Waterfront Districts*

Any redevelopment of the Waterfront should incorporate the least environmentally disruptive methodologies possible. The Village should ensure that any new development incorporates additional landscaped areas made up of both green zones and plazas with pervious materials. Stormwater runoff should be directed into natural swales, rain gardens, and planted drainage recharge areas wherever possible. These low impact development (LID) principles can be very effective in transforming areas that are traditionally hardscape/impervious surfaces (i.e., parking areas). Such an approach would improve the visual quality of the area while significantly improving stormwater management and water quality.

Updated landscaping requirements, focusing on the use of native plants should also be considered. Native plants require less water, fertilizer, and pesticide use than exotic and ornamental plants. The Village should utilize native grasses, shrubs, and trees that are adapted to seaside areas for the new Waterfront projects.

#### **ACTION ITEMS**

- Require waterfront development to reduce pavement, increase infiltration, and utilize techniques that direct stormwater into natural vegetated areas.
- Utilize native plants to reduce water use and eliminate fertilizer and pesticide use on the waterfront.

#### *2.1.4 Provide Incentives for Desirable Land Uses and Public Amenities on the Waterfront*

To be successful, the future Manorhaven waterfront should include improvements to the streetscape, new public pathways/access points, recreational and cultural facilities, and community parking facilities. To implement these improvements, the Village should consider developing a waterfront-specific, incentive-based mechanism for creating, preserving, and enhancing public spaces. Regardless of the community's different opinions regarding future development on the waterfront, the community clearly demonstrated consensus for increased public access and space. The creation of new, public open space will require private property owners to dedicate a portion of their property towards this open space. Thus, an incentive mechanism, focused on public access and amenities, should be established and codified.

The Village should investigate the availability of grants, alternative financing sources, development bonuses, and other mechanisms to make some of the improvements necessary for the redevelopment of the waterfront.

#### **ACTION ITEM**

- Establish an additional density incentive bonus for property owners/developers who provide greater than 20% of total lot area in the form of publicly accessible open space. Utilizing this bonus would allow a property owner to increase overall density from 15 to 20 units per acre. This density incentive is equal to the level of development currently permitted within the R-4 zone of 20 units total per lot on a small lot.

#### *2.1.5 Develop Architectural Design Standards*

Redevelopment in the Village can introduce different architectural design elements for each new development proposed. Although different styles can work well together, it is important to retain an overall look that reflects the community's vision for the waterfront.

The Architectural Review Board should develop a set of design standards that recognizes Manorhaven's maritime history and culture. Architectural standards could include requirements for the streetscape in front of new developments, building facades, mass, fenestrations, articulations, and roofs. Special consideration should be given to preserve waterfront views and ensure that natural resources are not adversely impacted by future development.

**ACTION ITEMS**

- Prepare an Architectural Design Standards Manual.
- Require new development and substantial redevelopment to conform to the Architectural Design Standards Manual minimum requirements.

**2.1.6 Utilize the Village Architectural Review Board for all Waterfront Projects**

For potential waterfront projects, the Village's Architectural Review Board (ARB) could offer better protection of waterfront properties – especially in terms of preserving the Village's maritime character and ensuring architectural consistency. Given the community's emphasis on aesthetics and views along the waterfront, the ARB could play a major role in implementing the community's vision for the waterfront.

An active and effective ARB supplements the proposed amendments to waterfront zoning districts. While zoning is principally concerned with land use regulations and designed to protect public health, safety and general welfare – the ARB act as an additional tool to specifically address many of the aesthetic/visual quality issues raised by community members.

**ACTION ITEMS**

- In addition to all waterfront properties, determine in which zoning districts review by a Village Architectural Review Board should be required. At a minimum, include the C-1 Commercial, E-1 Enterprise, R-3 Residential, R-4 Residential, MP-1 Marine Preservation and MR Marine Recreation districts. Although the MP-1 will not be permitted to have any type of housing, architectural standards should be maintained – even for public-oriented recreation/conservation facilities.
- Require review by the ARB for construction, substantial remodeling, and demolition work for any property located along the waterfront (or within the affected districts, as specified above).

### 2.1.7 Amend Regulations for Existing Districts

In addition to the Code changes that would be enacted through the establishment of the Waterfront Overlay District, the following recommendations are provided to further advance the public's vision for the Manorhaven waterfront. Several of these recommendations came directly from the public during meetings of the Waterfront Committee, while others were developed after careful analysis of existing zoning/development conditions in the Village:

#### **ACTION ITEMS**

- E-1: Remove hotels and self-storage facilities from the list of permitted uses (§155-23 A (7) (20)). Additional recommendations are provided below for the Business Overlay District (BOLD), which principally affects the E-1 district.
- BOLD: The BOLD is applicable within the C-1, C-2, C-3 and E-1 districts (C-2 and C-3 districts are located outside of the waterfront Moratorium area). The existing BOLD district permits mixed-use development within the E-1 district, however, the existing BOLD open space requirements do little to help preserve views in the vicinity of the waterfront. If/when redevelopment occurs within the E-1 district, viewsheds could be preserved by modifying §155-20.1 F (1) to state that the open space requirement in the E-1 district is 25% and may not be reduced. For residential uses, setbacks should be provided in the form of landscaped front yards.
- R-3: Although there is only one large development site zoned R-3 in the Village, preservation of waterfront views and the provision of public access should be added to the regulations of the R-3 district. A minimum of 25-foot open vistas should be provided throughout the site, including views from existing (and future) roadways. Publicly-accessible open space should be provided throughout the site, including a minimum waterfront area with a depth of 10 feet and upland connections with a minimum width of 5 feet. If feasible, these upland connections could be shared between neighboring properties. Similar to the process used in applying the Waterfront Overlay District, these public accessible areas would require public easement dedication to the Village (or another public entity). However, these areas would still be used to calculate overall development potential of the site.
- R-4: Amend the base density requirements set forth in §155-16 B (1), which establishes the "minimum lot area for an apartment house shall be 1,500 square feet per family and shall not contain more than 20 apartments." This should be amended to remove the 20 apartment maximum restriction (which could result in the overdevelopment of small sites while significantly

limiting the development potential of larger sites). 1,500 SF per family equates to an approximate population density of 29 units per acre. Within the R-4 district, the base density should be reduced to 3,000 square feet per family (approximately 15 units per acre), with density increases permitted for developments that provide more than 20% of lot area in the form of publicly accessible open space. Overall density increases would be capped at 20 units per acre.

### 3 Conclusions and Next Steps

This Waterfront Analysis provides the framework necessary to consider zoning amendments to the Village Code. Any changes to the Code must work to balance public and private interests – however, the recommendations provided within this Analysis are crafted around the principle goals of increasing public access and preserving views along the Manorhaven waterfront. The existing zoning regulations have resulted in a pattern of development that is unsuitable for a compact waterfront community. The proposed Waterfront Overlay District would allow for development that enhances the public's access and use of the waterfront while also allowing property owners additional options for their properties. The underlying zoning, including the legislative purposes of each district, would be maintained within the Code.

The C-1 district, in particular, includes a legislative purpose (§155-18 A. (1-4)) that focuses on the importance of the Village's maritime heritage and public access and enjoyment of the waterfront. It states:

*A. Legislative purpose. The purpose of this section is to:*

- (1) Ensure that the character and integrity of Manorhaven's maritime heritage, particularly the concentration of water-dependent uses in the area which is unique to the Village of Manorhaven and the entire Long Island Sound region, will be maintained and enhanced.*
- (2) Maintain, encourage and promote the development of uses that have traditionally been associated with the Village of Manorhaven waterfront and to accommodate water-enhanced commercial uses that are compatible with and supportive of water-dependent uses.*
- (3) Expand, enhance and preserve the public's ability to access a limited deep-water resource for commercial and recreational uses and enjoyment, and maximize employment opportunities from water-dependent commerce.*

*(4) Provide for waterfront amenities for public enjoyment of the shore.*

This legislative purpose helped to guide the recommendations of this Analysis – with the Waterfront Overlay District designed to further advance these goals.

The process for amending the Village Code will include drafting new code sections/amendments, hosting a public meeting (in addition to regular meetings of the Village Board of Trustees), initiating the State Environmental Quality Review Act (SEQRA) process, referring the proposed action to the Nassau County Planning Commission (NCPC) and finally adopting the proposed Code changes (by decision of the Village Board of Trustees). Throughout this process, public participation and feedback will help to further refine the proposed Code changes. In addition to a special public meeting dedicated to the waterfront Moratorium and regular Village Board of Trustees meetings, the public will be able to comment and participate throughout the SEQRA and NCPC processes.

Overall, the proposed Code changes would not introduce drastic changes to overall height, density or land uses along the waterfront. However, these small changes to the Code, along with amendments focusing on public access and viewsheds, will allow the future Manorhaven waterfront to fulfill the community's vision for their most valuable asset.

**Appendix A**

**Resolution # 45-2016 to Adopt Local Law #7 - 2016**

**June 22, 2016**

**A Local Law To Establish A Temporary Building Moratorium In  
Certain Zoning Districts Within The Village**

**DRAFT**