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## MEMORANDUM

To: Incorporated Village of Roslyn

From: Paul Grygiel, AICP

Date: March 10, 2020

Re: **Potential Transit-Oriented Development Zoning  
Village of Roslyn, New York**

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### Introduction

The Long Island Railroad's Roslyn station is located a short distance to the south of the southeast corner of the Village of Roslyn. There is an existing small business district in the portion of the Village closest to the train station, along with other nonresidential uses followed by multifamily residential. This area is well separated from any single-family residential uses in the Village of Roslyn. Given its setting, existing conditions and proximity to Roslyn station, it may be an appropriate location for new transit-oriented development.

This memorandum provides an overview of transit-oriented development and its benefits and impacts, an evaluation of the development proposal for 281-301 Warner Avenue, and recommendations for the potential rezoning of this area.

### Transit-Oriented Development Benefits and Impacts

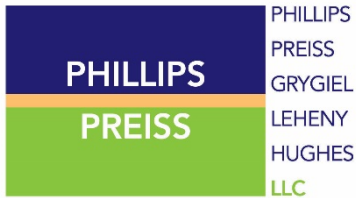
Transit-oriented development (TOD) "is generally defined as a walkable community that is close to frequent, reliable transit service with a mix of resources and land uses."<sup>1</sup> A more detailed description of TOD is provided in a 2014 Federal Transit Administration document [Planning for Transit-Supportive Development: A Practitioner's Guide, Executive Summary](#)<sup>2</sup>:

TOD is most commonly defined as a mixed-use community extending for ¼ to ½ mile from a public transit station. The elements of this community include housing, retail, offices, civic uses, and open space; pedestrian-friendly infrastructure and amenities; higher densities than surrounding areas; and compact design (i.e., narrower streets, smaller building setbacks). TOD represents a neighborhood or a collection of developments and public amenities.

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<sup>1</sup> [Transit-Oriented Development Technical Assistance: First Summary Report](#) (FTA Report No. 0101) U.S. Department of Transportation, Federal Transit Administration, 2017.

<sup>2</sup> FTA Report No. 0052, prepared by Dr. Colette Santasieri, Director, Strategic Initiatives New Jersey Institute of Technology, 2014.



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In locations in the New York metropolitan area and beyond, transit-oriented development has helped transform areas around train stations, bus terminals and other transit nodes. Examples of recently constructed TOD in the New York metropolitan area include projects in suburban communities such as Mineola and Westbury on Long Island, Scarsdale and Tarrytown in Westchester County and Cranford and South Orange, New Jersey.

However, by nearly all measures Nassau and Suffolk Counties are lagging behind other areas surrounding New York City in terms of the amount and availability of rental housing in general and new TOD in particular. There have been initiatives in recent years to encourage and support TOD on Long Island. One of these, Cultivating Opportunities for Sustainable Development: Nassau County Infill Redevelopment Feasibility Report<sup>3</sup>, provides six principles for TOD:

- Medium to higher density (contextual)
- Mix of uses
- Compact & pedestrian-oriented
- Active defined center
- Managed parking
- Public leadership

While there is limited developable land in the vicinity of Roslyn station, the property in the Village of Roslyn closest to the station (281-301 Warner Avenue, or “the proposed development site”) has the potential to be redeveloped in a manner consistent with TOD principles.

New development and residents in a station area can improve the vitality of the area by adding pedestrian activity and supporting local businesses. While traffic can be a concern, the ability of TOD residents to have options for getting to work or other destinations without driving due to transit service within walking distance lessens potential impacts, as does residential use having different peak times than office and retail development. Reusing existing developed sites also means new development is essentially replacing traffic that was there before. The 2013 Nassau County Infill Redevelopment Feasibility Report report cited above notes that TOD housing typically generates 50 percent less traffic than conventional housing.

In terms of demographic impacts, any new residential development would increase the number of residents in the Village, which would result in additional demand for public services and usage of facilities and services. However, the effects of additional residents would be tempered by a few factors. First, the proposed redevelopment site

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<sup>3</sup> Prepared by Parsons Brinckerhoff in partnership with HR&A Advisors and Cameron Engineering Associates for Nassau County Department of Public Works, the Regional Plan Association, and the New York - Connecticut Sustainable Communities Consortium, 2013.

is located in an area with existing infrastructure and services in place. A benefit of “infill” development of this type is that roads and utilities do not need to be extended to serve new development, as would be the case in more outlying locations. Second, any new development would need to provide for necessary upgrades to existing facilities, whether water or sewer, adjoining intersections or adjacent sidewalks, as well as adequate parking for their residents.

A common concern regarding new residential development is the increase in residents, and particularly school-age children, due to increased development density. However, TOD generally includes only multifamily residential development. The following table includes demographic multipliers for different development types in New York State.

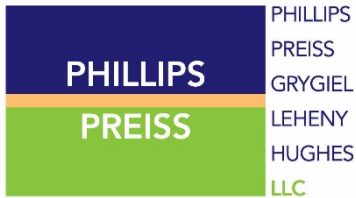
	Total Residents	School-Age Children
Single-Family Residential	2.981	0.622
Multifamily Residential		
All Types	2.238	0.334
5+ Units per Building	2.048	0.261

Source: Who Moves Into New York Housing? 2015 Residential Demographic Multipliers. Econsult Solutions, Inc., November 2017

As shown above, the numbers of residents and school-age children on average decrease in more dense developments. This change is more pronounced for TOD, as demographic multipliers for transit-oriented development tend to have a lower number of residents per unit compared to non-transit-oriented housing. For example, the Regional Plan Association’s Kearny Transit-Oriented Development Vision Plan provides demographic and impact data for a potential transit-oriented development in northern New Jersey, 10 miles west of Manhattan. It includes a multiplier of 1.55 residents per unit of transit-oriented multifamily housing.

The difference between transit-oriented multifamily and other types of residential development is more pronounced when it comes to estimating the number of schoolchildren generated by new development. Sources that focus only on transit-oriented development have documented lower numbers of schoolchildren in developments proximate to transit. One such source is What About Our Schools?, a 2008 study from Urbanomics and Edison Exchange that was prepared for a proposed transit-oriented development in central New Jersey. This document calculated a multiplier of 0.03 school-age children per dwelling unit based upon figures from transit-oriented developments throughout the country. This figure does not account for children not attending public schools (e.g. students attending private schools or being homeschooled).

Another source examines the number of children living in transit-oriented developments attending public schools. In the Residential Demographic Multipliers for New Jersey prepared by Rutgers University’s Center for Urban Policy Research, the



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multiplier for public school children generated by new housing proximate to transit is 0.02 children per unit. (The figure in Regional Plan Association’s Kearny Transit-Oriented Development Vision Plan is slightly lower, at 0.017 public schoolchildren per unit.)

Residents of new multifamily housing, particularly in a transit-oriented location, are self-selecting and tend to be young professionals, empty nesters or others who tend not to have school-age children. The amenities important to these groups – proximity to transit, jobs and/or services, maintenance-free lifestyle, etc. – are generally different than those of families with children.

**Existing Zoning**

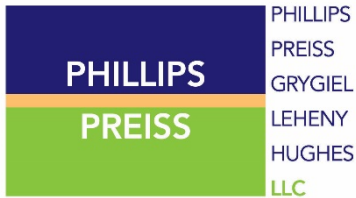
The proposed development site is located in the C-V Village Commercial District, along with the adjacent Verizon facility to the west. These two properties are the only lots in the C-V zone outside of downtown Roslyn. The regulations of the C-V zone are tailored to the downtown setting, as made clear by the zone’s purpose in § 470-13 of the Zoning Code:

The C-V Village Commercial District is intended to provide for small-scale retail trade and personal service establishments in a pedestrian-oriented downtown shopping environment, as well as restaurants, banks and professional, medical and service-oriented office uses. To retain the small-scale character of the district, no building with a footprint over 10,000 square feet or a gross floor area over 20,000 square feet shall be permitted.

The C-V zone use regulations are limited to various retail and service commercial uses as well as certain public uses. A broader range of uses are permitted only when authorized by the Board of Trustees as a special use after a public hearing conducted by the Board of Trustees. These include restaurants, hotels, educational establishments, banks and offices, among other uses. Residential uses or mixed-use buildings are not specifically permitted (or prohibited) in the C-V zone. However, the HS-O Historic/Scenic Overlay district, which covers the entire C-V zone, permits apartments above the first floor level in conjunction with ground floor retail or office uses as a special use in the C-V zone in accordance with certain standards listed in § 470-18B(2) of the Zoning Law.

The existing minimum parking requirements for multifamily dwellings in the Zoning Law are as follows:

- 0 bedroom units: 1 per dwelling unit
- 1 bedroom unit: 1 1/2 per dwelling unit
- 2 bedroom units: 2 per dwelling unit
- 3+ bedroom units: 2 1/2 per dwelling unit
- Age-restricted senior citizen housing: 1 per dwelling unit



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The minimum parking requirements for nonresidential uses vary by use type. For example, the standard for retail stores, banks and other commercial establishments is one space per 200 square feet of gross floor area plus 1 space per employee.

Two relevant recommendations of a 2013 report by the Regional Plan Association, Long Island's Rental Housing Crisis, under the heading "Town and village leaders can apply lessons learned from a growing number of places, both on and off the Island, that have successfully incorporated new rental homes into their communities," are as follows:

- Zoning and other regulations in downtowns and near transit should be reviewed to insure that height restrictions, parking requirements, units per acre and other regulations don't unnecessarily restrict the development of multi-family housing.
- Density bonuses also can provide a means of encouraging more affordable rental housing as part of any new development.

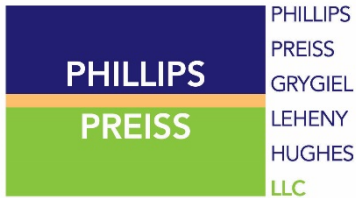
These considerations are addressed in the final section of this memorandum.

**Evaluation of Proposed Development**

The proposed development site is comprised of a single tax lot that is 39,325 square feet (0.90 acres) in area. It is developed with a one-story commercial building that currently has multiple vacant storefronts. This building fronts on Warner Avenue, with one side fronting on Railroad Avenue. A parking lot is located to the north of the building and is accessed by a two-way driveway on Railroad Avenue. The property slopes generally downward from west to east, as well as south to north. Photographs of existing conditions on the property and the adjacent Verizon property are appended to this memorandum.

A development proposal has been submitted to the Village Board of Trustees and has been revised on multiple occasions. The most recent proposal is for a mixed-use building containing 60 dwelling units and 11,421 square ground floor retail space. The building would be four to five stories, depending on the location on the property due to the site's topography and the building design. Along Warner Avenue, the building would be four stories along the street frontage, with a recessed penthouse on the fifth story. The height of the ground floor along Warner Avenue would increase from west to east due to the downward slope of the street. The Railroad Avenue frontage would be four stories at the street, with five stories toward the western boundary of the site beyond a parking lot.

All vehicular access would be provided by one two-way driveway on Railroad Avenue. A surface parking lot with 26 spaces, including two handicap spaces, would serve the retail space. Residential parking would be provided in a garage with 64 parking spaces, including eight tandem spaces and two handicap spaces. A retaining wall topped by



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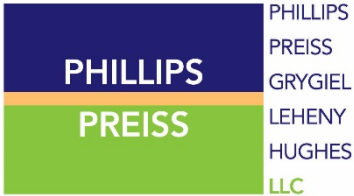
landscaping is proposed along the northern portion of the site's Railroad Avenue frontage.

The proposed development site is uniquely situated with the C-V zone to accommodate increased development intensity (i.e. density and height) due to the site's location and topography. The property is in a mixed-use area, but well separated from any residential development. Railroad Avenue and the Long Island Railroad right-of-way, which has high-voltage power lines within it, separate this property from the closest residential uses to the east. The Verizon building to the west separates the proposed development site from the Sunharbor Manor nursing facility (a sizable three-story building) and multifamily residential development beyond it. The slopes on the site also enable development to vary in height.

In terms of evaluating the development proposal, density alone does not give the full picture of the intensity of a development, as it may be skewed by factors such as the area of the property and the size of dwelling units. However, it can be considered in conjunction with other bulk standards (e.g. building and lot coverage, setbacks, parking ratios) and development context to evaluate whether a building is too intense.

However, the proposed 60 dwelling units on this site equates to a density of 66.6 units per acre. The densities of transit-oriented development projects can vary, but are typically 30 units per acre and up, with higher densities generally in locations closer to the transit station. The proposed density is at the higher end for even transit-oriented development projects in a suburban location. For comparison, in Roslyn the maximum permitted density for apartments is 12 units per acre in the R-MF and WD-O zones. In the latter zone, the density can be increased up to 24 units per acre with incentive bonuses. At the other end of the spectrum, a recent rezoning by the Town of Hempstead allows a maximum of 60 dwelling units per acres in transit-oriented zones adjacent to the Inwood and Lawrence Long Island Railroad stations. However the zoning includes a number of requirements, including a minimum of 20 percent of units in developments of five units or more being "workforce housing" (i.e. affordable to households earning no more than 60 percent of median income), detailed design review, and green building regulations.

Parking ratios are sometimes reduced in downtown settings and/or in locations close to transit. In my experience these typically can range from 0.75 to 1.5 parking spaces per residential unit, depending on the level of transit service and availability of nearby stores and services. The proposal includes 1.5 spaces per unit overall, and just over one space per unit in the resident parking garage. The parking standard for apartments in mixed-use buildings can allow for shared parking between uses. It is not indicated on the plans that there will be a shared parking arrangement. It is noted there is a sizable parking lot at the Long Island Railroad station on the south side of Warner Avenue that could address parking demand for commercial uses in this zone, as its time of peak usage (weekdays during the day) is different from that for commercial



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uses, particularly restaurants. It could be a valuable resource for businesses in any new development, as well as visitor parking for residents.

With regard to building and site design, the current proposal has the building fronting on the sidewalk along Warner Avenue and a wall and patio at the intersection of Warner Avenue and Railroad Avenue and along part of the Railroad Avenue frontage. The building is set back beyond a surface parking lot on the northern roughly two-thirds of the site. Having the building fronting on Railroad Avenue instead of a parking lot and walls could be more visually appealing, although it is recognized that it may be infeasible or impractical due to the site's topography.

### **Recommendations**

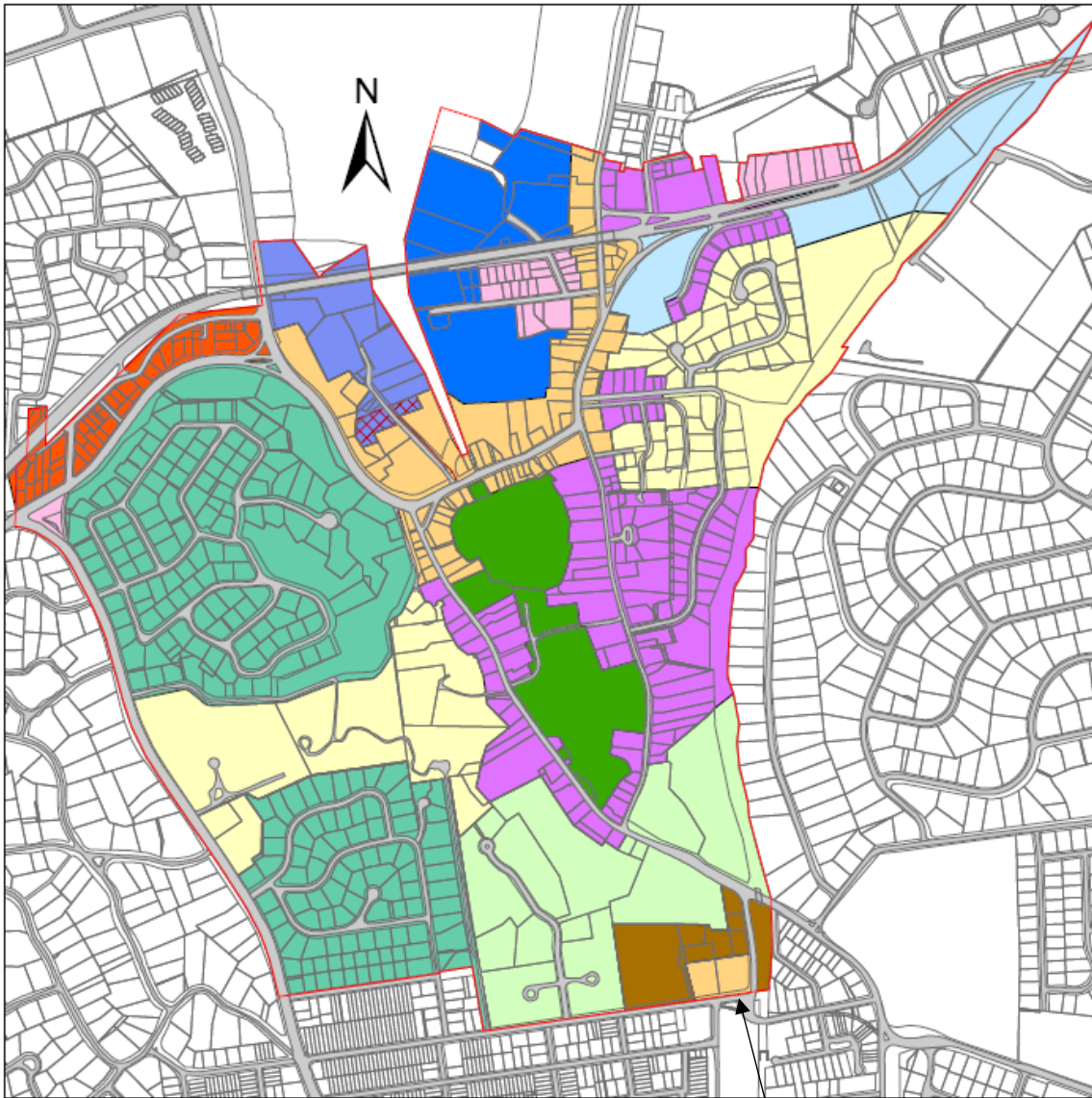
The existing zoning does not permit the proposed development. If there is interest in permitting the development proposal, one option would be to amend the regulations of the C-V zone and/or the HS-O district to permit residential use and greater density and building height.

However, given the unique characteristics of the portion of the C-V zone that includes the proposed development site and the adjacent Verizon facility to the west that differentiate it from the rest of the C-V zone, another option would be the creation of a new zone district (or overlay zone) with development incentive bonuses for these two properties. This approach has been used in Roslyn (the WD-O Waterfront Development Overlay District) and other villages to manage development. It would allow the Village Board of Trustees to provide incentive bonuses in exchange for an applicant providing one or more facilities or amenities of benefit to the residents of the Village. The incentive bonuses could include varying regulations such as the required density, coverage and floor area ratios, parking requirements, building heights, required setbacks and permissible uses in the district. An initial draft of this overlay zone district is attached.

Other considerations could include requirements pertaining to building materials and sustainable design features, which could include green building techniques, such as green roofs, solar panels, Energy Star appliances, etc. It is noted that these zone regulations would be applicable to both properties currently in this section of the C-V zone along Warner Avenue. While there is no current development proposal for the Verizon property, it has the same locational and land use characteristics as the proposed development site to warrant consideration of TOD on that site as well, should it be redeveloped in the future.

Feel free to contact me with any questions regarding this information.

Appendix 1: Zoning Map Showing Location of Proposed Development Site



Legend	
	Village Boundary
	Roads
	Lots
	600' Retail Limit
	C-H
	C-N
	C-V
	W-MU
	OSR
	R-1
	R-2
	R-3
	R-4
	R-C
	R-MF
	R-WD



Village of Roslyn  
Zoning Map  
March 2014

Proposed Development Site



Appendix 2: Existing Conditions on the Proposed Development Site





Appendix 3: View of Verizon Property from Warner Avenue



## Appendix 4: Initial Draft Potential Zoning Regulations

### § 470-\_\_ TMU Transit-Oriented Mixed-Use District.

- A. Purpose. The purpose of the TMU Transit-Oriented Mixed-Use District is to encourage development that takes advantage of its proximity to the Long Island Railroad's Roslyn station and provides for a mix of uses appropriate for its unique location within the Village of Roslyn.
- B. Permitted principal uses:
- (1) Residential apartments in accordance with the following standards:
    - (a) The maximum gross density shall be 30 units per acre, except as may be increased pursuant to Subsection D.
    - (b) Residential apartments shall not be permitted along any street frontage at street level.
    - (c) Residential apartments shall only be permitted on upper floors, or in portions of a building not directly fronting on a street.
  - (2) Convenience and specialty retail establishments.
  - (3) Service retail establishments such as barbershops, beauty parlors, nail salons, dry cleaning pickup establishments, laundries, copy establishments, tailors, household and electronic repair establishments, health clubs, gyms, and travel agencies.
  - (4) Retail stores which prepare, store or sell food or drinks.
  - (5) Restaurants and eating and drinking establishments, with or without outdoor dining, but excluding drive-in or drive-through restaurants.
  - (6) Banks, financial institutions, insurance agencies and real estate offices, but excluding drive-through banks.
  - (7) Professional and medical offices in accordance with the following standards:
    - (a) Access shall only be permitted to office uses from the interior of a property or a building lobby.
    - (b) Offices shall not be permitted along any street frontage at street level.
  - (8) Mixed-use development in accordance with the following standards:

- (a) One or more of the nonresidential uses listed in Subsections B(2) through (6) above shall be provided at street level of any building.
  - (b) The maximum gross density shall be 30 units per acre, except as may be increased pursuant to Subsection D.
- C. Accessory uses. The following accessory uses on the same lot as the principal use shall be permitted in accordance with Article III:
  - (1) Uses customarily incidental to the above-permitted uses.
  - (2) Private customer and employee parking and loading.
  - (3) Interior and exterior amenities, including rooftop decks.
- D. Development incentive bonuses.
  - (1) This Subsection D is intended to give the Board of Trustees all powers set forth in New York State Village Law § 7-703.
  - (2) Definitions. As used in this Subsection D, the following terms shall have the meanings indicated:
 

COMMUNITY BENEFITS OR AMENITIES – Open space, parks, the amenities set forth in Subsection D(6), or other specific physical, social or cultural amenities, or cash in lieu thereof, as authorized by the Board of Trustees, which provide a benefit to the residents of the community.

INCENTIVE BONUSES – Adjustments to the permissible density, coverage, floor area ratios, parking requirements, setbacks, topographical changes, area, height, open space, use or other provisions of this chapter for a specific purpose authorized by the Board of Trustees.

INCENTIVE ZONING – The system by which specific incentives or bonuses are granted to applicants pursuant to this Subsection D on condition that specific physical, social, or cultural benefits or amenities would inure to the benefit of the community.
  - (3) Purpose. The purpose of this system of incentive bonuses shall be to advance the Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive Plan and in coordination with other community planning mechanisms or land use techniques.

- (4) Applicable zoning districts. This system of development incentive bonuses shall be applicable to the TMU Transit-Oriented Mixed-Use District.
- (5) Environmental impact statement. In the event that the Board of Trustees determines that a generic environmental impact statement is warranted pursuant to Village Law § 7-703, Subdivision 3d, any applicant for incentive bonuses shall pay a proportionate share of the cost, if any, of preparing an environmental impact statement, if so required, and such charge shall be added to any site-specific charge made pursuant to the provisions of § 8-0109 of the Environmental Conservation Law.
- (6) The Board of Trustees, following a public hearing, may provide incentive bonuses in accordance with the schedule below in exchange for the applicant providing one or more of the following facilities or amenities: open space, parks and recreational facilities, streetscape amenities, landscaping, road improvements, road and/or traffic signalization and control improvements upon those public streets which may be impacted by the project or development, on-street parking, street trees, sidewalk extensions in parking lanes to slow vehicular traffic, and other elements which make roads more pedestrian friendly, water and sewer system improvements, streetscape elements such as lighting, furniture, and public art so as to enhance the appearance of the station area, or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the Village authorized by the Board of Trustees.
- (7) For applicants who provide or make provision for amenities and facilities in this Subsection D, the Board of Trustees may, at its discretion, award development incentive bonuses by increasing the density, coverage and floor area ratios up to the maximums indicated in the schedule below. The Board of Trustees may also, at its discretion, award development incentive bonuses by increasing building heights, varying required setbacks, allowing topographical changes, and varying permissible uses in the district.

**Schedule of Development Incentive Bonuses within the TMU Transit-Oriented Mixed-Use Zone**

Minimum Yard to Any Property Line: 0.5 feet  
 Maximum Building Coverage: 80%  
 Maximum Lot Coverage: 100%  
 Maximum Floor Area Ratio: 3.0  
 Maximum Gross Density: 60 units per acre

- (8) Criteria for approval; methods required for determining the adequacy of community amenities. To evaluate the adequacy of the proposed benefits to be accepted in exchange for the requested incentives, the following information shall be provided by the applicant with its application for development incentive bonus approval:

- (a) A description of the proposed amenities outlining the benefits that will accrue to the community;
  - (b) The economic value of the proposed amenities to the Village as compared with the economic value of the proposed incentives to the applicant;
  - (c) A preliminary demonstration that there are adequate sewer, water, transportation, waste disposal and fire-protection facilities serving or proximate to the proposed development to handle the additional demands the incentive and amenity may place on such facilities beyond the demand that would otherwise occur with as-of-right development; and
  - (d) An explanation as to the way in which the amenity will implement physical, social or cultural policies of the Comprehensive Plan and this chapter.
- (9) Procedure for obtaining incentive bonuses; application, review process, and imposition of terms and conditions. Applications for development bonuses shall be completed by each applicant and filed with the Village Department of Building and Code Enforcement along with the payment of any applicable fees. Authorization for development incentive bonuses shall be subject to approval by the Board of Trustees after a public hearing. Upon completion of the public hearing to consider the application for development incentive bonuses, the Board of Trustees shall grant or deny the application. The Board of Trustees shall determine whether the proposed amenities provide sufficient public benefit to provide the requested incentives. In the event that the Board of Trustees grants such application, it may impose such terms and conditions as are necessary to advance the Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive Plan.
- (10) Public hearing; public notice. The Board of Trustees may, in its absolute discretion, summarily determine whether or not to consider (entertain) the application. If its determination is in the affirmative, it shall hold a public hearing to review an application submitted pursuant to this Subsection D. Public notice shall be given by publication in the official Village newspaper of such hearing at least 10 days prior to the date thereof.
- (11) If the Board of Trustees determines that a suitable community benefit or amenity is not immediately feasible or otherwise not practical, the Board of Trustees may require, in lieu thereof, a payment to the Village of a sum to be determined by the Board of Trustees. If cash is accepted in lieu of other community benefit or amenity, provisions shall be made for such sum to be deposited in a trust fund to be used by the Board of Trustees for specific community benefits authorized by the Board of Trustees.
- (12) In any instance in which a unit count incentive bonus beyond that allowed as-of-right in the Village's Code shall be granted for a residential or mixed-use development which

incorporates five or more residential units, the applicant shall set aside at least 10% of such units for affordable workforce housing on site or shall otherwise comply with § 699-b of the New York State General Municipal Law. For purposes of this subsection, "affordable workforce housing" means housing for individuals and families at or below 100% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development. Affordable workforce housing units shall be of consistent design to those of the rest of the development. The applicant and its successors shall annually submit a certification to the Village that it is in compliance with § 699-b of the New York State General Municipal Law.

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Bulk requirements for the TMU District shall be as follows:

Minimum lot area shall be 30,000 square feet.

Minimum lot width shall be 200 feet.

Minimum front yard facing Railroad Avenue and Warner Avenue: 0 feet.

Minimum yard to any other property line: 5 feet.

Maximum building coverage: 60%.

Maximum lot coverage: 80%.

Maximum building height:

- A maximum of four stories shall be permitted along any façade on Warner Avenue, of which the story at street level shall be nonresidential space. A parking level shall be entirely underground along the Warner Avenue façade.
- A maximum of four stories shall be permitted along any façade on Railroad Avenue, of which the story at street level shall be nonresidential space. A parking level may be located beneath the four stories facing Railroad Avenue, but only within 90 feet of Railroad Avenue's intersection with Warner Avenue.
- A maximum of four stories above a parking level shall be permitted in any portion of the zone not fronting on or within 50 feet of Railroad Avenue or Warner Avenue.
- A residential penthouse level shall be permitted above the above the maximum heights permitted above, but shall be stepped back a minimum of eight feet from any street-facing façade, and shall not extend greater than 90 feet from Warner Avenue.

Maximum floor area ratio: 2.0.

Maximum density: 30 units per acre.