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VIA FAX (516-571-3839),
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AND REGULAR MAIL

Attn: Draft Master Plan Comments
Nassau County Planning Department
100 County Seat Drive
Mineola, NY 11501

Re: **DRAFT 2010 Nassau County Master Plan**

Dear Deputy Commissioner Sood:

Cashin Spinelli and Ferretti (CSF) provides environmental and planning consulting assistance to the Town of Oyster Bay, and we have been asked by the Town to review and submit comments regarding the above referenced document. On behalf of the Town of Oyster Bay, CSF respectfully submits the following comments in regard to the Draft 2010 Nassau County Master Plan (the “Draft Master Plan”) concerning issues which have the potential to impact the future of the Town. We appreciate the additional time the Planning Commission has afforded for the public review process, and we ask that these comments be given due consideration in finalizing the Master Plan.

First, we would like to applaud the Draft Master Plan’s emphasis on downtown revitalization. The Town of Oyster Bay is equally eager and dedicated to improve brownfields and underutilized commercial space. As the Draft Master Plan highlights 2030 Goals in Chapter 3, enhancing the aesthetic character of commercial corridors, as well as significant remediation actions and exploring development opportunities – including high tech/high skilled enterprises (especially in the green energy industry), health care, higher education, arts and entertainment/recreation, and tourism – align perfectly with the goals of the plans and initiatives undertaken by the Town of Oyster Bay. The Town recently infused 3 million dollars into downtown improvements in the hamlet of Hicksville, which is consistent with the Draft Master Plan’s identification of Hicksville as a potential area of opportunity.

The Town of Oyster Bay also supports the County’s initiatives to procure innovative grant funding for remediation activity, such as through the New York State’s Brownfields Opportunity Area (BOA) program. As stated in Chapter 3, page 38, “This program provides financial and technical assistance to municipalities and community-based organizations to carry out environmental site assessments, identify strategic redevelopment areas, and compose revitalization plans.” In fact, Hicksville is undergoing investigation under the BOA program, including a Step 2 study in southwest Hicksville and a Step 1 study in the northwest portion of the hamlet. These initiatives evidence the Town’s support for the importance of cleanup activities and exploring the funding opportunities available through various

agencies to revitalize these underutilized and unattractive parcels into something the community and Nassau County can be proud of and benefit from for generations to come.

The Town of Oyster Bay is also committed to open space preservation and we are pleased to note that the 2030 goals in Chapter 3 include increasing the total land area designated as open space, parks, natural area or preserve by 1,000 acres (or one-fifth of remaining unprotected open space and environmentally valuable lands) as a significant resource treasured by the County and Town. Oyster Bay residents continue to show how important environmental protection and preservation of open space are to them, through their overwhelming support in three rounds of referendums for the Save Environmental Assets (SEA) Fund program, as well as direct communications to the Town. This concept as presented in the Draft Master Plan is encouraging and consistent with the environmental stewardship and environmental planning actions being undertaken by the Town.

General Comments:

Notwithstanding a number of significant, positive concepts, as highlighted above, the Draft Master Plan is disappointing with respect to the manner in which other primary areas of focus are presented, particularly as pertaining to “new urbanism”, “smart growth”, and transit-oriented development. These issues are presented mostly in a cursory and conclusory fashion, directed at proffering unquestioning support for a significant densification of the County’s downtown areas at an urban scale, with little or no critical assessment as to whether any given downtown area actually is suitable for such intense development, and with no meaningful analysis of the potential impacts that would ensue. Moreover, the Draft Master Plan’s directive for the urbanization of the County’s downtown areas seems to place little credence in the vital importance of public input to achieve consensus by which each community is invited and encouraged to participate in shaping its own future. These issues are discussed in further detail below.

1. “New Urbanism”/“Smart Growth”

- a. “New urbanism” and “smart growth” concepts are imposed freely throughout the Draft Master Plan. However, the scientific/planning analysis that demonstrates these principles will work for Nassau County in general, or in the specific downtown areas identified for intensified growth, is lacking. For example, Chapter 1, Section 2, *Demand for Housing*, states on page 27:

“Nassau County’s housing demand has changed with the times and will continue to evolve. Whereas in the past, the County was a magnet for families looking for single-family homes to raise children, economic and demographic shifts have altered that depiction. Demand will now focus on the availability of smaller units geared to attract toward younger, unmarried singles and couples, along with a strong need for senior housing.

“Household and population forecasts, prepared for the New York Metropolitan Transportation Council (NYMTC) project an additional 21,000 households for Nassau County over the 20-year period 2010-2030. To meet this demand, smart growth principles must be heeded to encourage housing development along transit corridors and adjacent to existing commercial and institutional services, where appropriate.”

The purported “demand” for this additional housing is not explained. There seems to be an implicit, underlying assumption that the County and its constituent municipalities have an obligation to accommodate this “demand” by any means necessary, particularly including the development of urban-scale projects in downtown areas. The Draft Master Plan presents this assumption without adequate substantiation, seeming to reflect pre-conceived beliefs and goals, rather than having been derived from proper objective analysis. As a result, the Draft Master Plan

lacks sufficient information regarding the balance of benefits versus the impacts associated with the proposed development densification and, therefore, fails to provide a useful tool for land use decisions.

Even if it is accepted that there is a demonstrable “demand” for additional housing within Nassau County at the type of magnitude claimed in the Draft Master Plan, it is not clear who these units are intended to serve. In the Town of Oyster Bay, special focus has been directed at providing additional multi-family housing for current residents (particularly when they reach retirement) and their children (in the form of the Town’s innovative Next-Generation zoning district). Our experience is that this concept, whereby local communities satisfy a local need, has broad public support. This local support tends to diminish significantly when multi-family housing is designated for addressing what is defined as a regional need, since the advantage to the local community decreases, thereby negatively shifting the impact-to-benefit balance.

- b. The very term “new urbanism” seems to defy the vision that the vast majority of the current residents in Nassau County, and certainly in the Town of Oyster Bay, have for their communities. This vision conforms to the model that was established when the County and Town first were developed, consisting predominantly of single-family homes with non-residential facilities sufficient to support that residential base: a suburban lifestyle, in other words. The web site *NewUrbanism.Org* defines the term “new urbanism” as “Giving people many choices for living an urban lifestyle in sustainable, convenient and enjoyable places, while providing the solutions to peak oil and climate change”. In fact, we do not see evidence that significant numbers of the Town of Oyster Bay residents are interested in engaging in an “urban lifestyle”, and that is the very reason they have selected Oyster Bay as a location to live, work and raise their families, many of them having moved away from the sprawling, congested urban complex of New York City for the specific objective of seeking a better life.
- c. The Draft Master Plan pushes strongly for a significant increase in development density in the County’s downtown areas, based on the premise that “growth” is necessary to maintain economic vitality and quality of life. The Draft Master Plan utterly fails to demonstrate that the proposed mechanisms for growth (particularly urbanization in the guise of “smart growth”) would actually achieve those stated objectives.
- d. Implementation of the Draft Master Plan’s proposal for urbanization of downtown areas in the Town of Oyster Bay would require significant changes to the Town Zoning Code. In the absence of the necessary supporting documentation, this proposal belies the entire purpose of municipal zoning ordinances. Prior to the institution of zoning, the objectives of a property owner, typically influenced strongly by market forces and other economic aspects, were the predominant factor shaping land use patterns, often with the result that new development created significant conflicts with neighbors. Zoning was conceived to strike a proper balance between owners’ rights and allowing market forces to dictate the development of a given parcel of land on the one hand, while on the other hand providing surrounding parcels with adequate protection from impacts arising from such development. The Draft Master Plan completely foregoes analysis to provide information needed to arrive at that balance, relying instead entirely on unsubstantiated assumptions and assertions regarding purported market forces, expressed as a “demand” for certain types of development (including dense, multi-family housing) to dictate important public policy. The missing element of an impact evaluation must be undertaken before a meaningful analysis can be performed to determine whether this proposal can be accommodated in a manner that adequately protects existing communities from unmitigated impacts.

- e. The logic behind the claim that the Draft Master Plan's urbanization initiative constitutes "sustainable" growth appears to be flawed at an elementary level. At some point, land use densification is not "sustainable" because the infrastructure cannot handle the increased loads and the shift in land use patterns would alter community character to a sufficient degree as to significantly deteriorate the suburban quality of life. The Draft Master Plan does not demonstrate that the current proposal would avoid those impacts and remain below the threshold of "unsustainable" growth.

2. Transit Oriented Development (TOD)

- a. It is commonly accepted in the planning field that "New Urbanism" is strongly influenced by urban design standards prominent before the rise of cars and encompasses principles such as traditional neighborhood design and TOD, and the broader concept of "smart growth". TOD is one of the planning mechanisms strongly encouraged in Chapter 3 of the Draft Master Plan. However, preserving the historical and aesthetic foundations for which people settled here is of paramount concern to the Town of Oyster Bay. For decades, the American dream as put into practice in Nassau County entails individual ownership of a house with a yard. Compact, dense-use development is not consistent with the existing way of life that most residents of Nassau County currently enjoy and do not want altered. The Draft Master Plan goes on to state, "If the current trend of auto-dependent, dispersed development based on uncoordinated land use decision-making throughout the county continues, Nassau's identified problems will continue to worsen, eroding the quality of life that its residents treasure." This statement appears to assume that people who value their cars and the suburban lifestyle which cars support have a poor quality of life. Local municipalities that utilize responsible planning techniques and update zoning laws maintain the quality of life while preserving historic community character that attracted people to the communities they bought into in the first place.
- b. Page 10 in Chapter 4, *Infrastructure: Retrofitting Nassau County*, states, "One important way to mitigate parking shortages at LIRR stations is to encourage transit-oriented development around train stations. Providing opportunities for people to live in Nassau's downtowns where they can walk from home to nearby LIRR stations will reduce the number of people that will drive to and park at train stations." Again, a conclusion is proffered without supporting information. It seems unlikely that the construction of dense housing in downtown areas would have any effect on those rail commuters who live in the outlying area and currently drive to the station, and any additional vehicular traffic and parking demand created by residents of new housing in the downtown areas would only contribute to more traffic and congestion.

3. The Planning Process

- a. It seems that the Draft Master Plan has an end goal in mind (i.e., implementation of "new urbanism" and "smart growth" principles to achieve significantly increased density in downtown areas) and then pieces together sparse data and conclusory statements in an effort to support the preordained vision. For example, Chapter 1, *People and Housing*, page 33 states, "The housing mismatch becomes even more evident when comparing the County's housing unit distribution by size to its household size distribution. While just over 10 percent of Nassau's housing stock includes studio apartments and one bedroom apartments or homes, nearly half of County residents reside in households of one or two persons (see Figures 1-21 and 1-22). This may suggest that residents who are in smaller households and wish to downsize to a more manageable home or apartment do not have the option of doing so." The specific assertion made here – implying that small families are averse to ownership of single-family homes and, therefore, are creating a "demand" for alternative forms of housing – is not substantiated. Single and two-

person families are not immune to the suburban dream of a house with a yard. Even if this premise were accepted, however, this does not automatically translate to a “demand” that must or even should be satisfied with new development wherever and whenever an opportunity presents itself. Not every community should be compelled to address every type of housing “demand”.

As a general matter, asserting conclusions without sufficient scientific/planning studies and analysis to serve as evidence of the deductions in the Draft Master Plan is not conducive to creating a realistic planning tool for shaping the County’s future. Pushing compact growth and “new urbanism” principles without substantiating that these claims will work for Nassau County (and, particularly, the Town of Oyster Bay) is problematic. “Smart growth” should not be used as a euphemism to fast-track intensified development and avoid addressing difficult questions regarding the potential impacts that this action would have with respect to community character and other important quality-of-life and environmental issues.

- b. Page 5 in Chapter 3, *Land Use: Sustainable Development*, states, “To put Nassau on track towards a sustainable future, land use and transportation decisions must be coordinated and streamlined countywide. This will require local communities to buy into the vision and make land use decisions that support it.” Local jurisdictions have zoning authority for the purpose of addressing their constituents’ and communities’ best interests at a more personal level than can be achieved by larger governmental subdivisions. The Nassau County Planning Commission must work within this long-established framework of home rule for any and all zoning and land use matters. Zoning-related decision-making under the Nassau County Master Plan must be based on consensus derived from input solicited from local towns, cities and villages and the affected residents, not on directives from the County calling for the local municipalities to “buy into” anything. This type of “top-down” edict, whereby governmental agencies dictate land use decisions that local communities are expected to accept unquestioningly, reflects archaic planning practice which has not been in vogue for decades, and with good reason. The hamlet of Hicksville, which the Draft Master Plan targets for its urbanization initiative, is instructive in this regard. Many of the challenges now faced by that community derive from impacts related to the imposition of State transportation projects in the 1960s with little or no community input. Instituting a similar approach for the proposed densification of downtown Hicksville would be antithetical to modern planning principles and simply would not be acceptable to the Town of Oyster Bay, whose approach to land use decisions entails providing the maximum opportunity for public participation.
- c. The Draft Master Plan appears to be pushing for a one-size-fits-all approach to land use planning throughout the County, skipping over the difficult, often arduous process of public participation/outreach and consensus-building. In particular, although urbanization may be embraced as offering a net benefit in some downtown areas within the suburban landscape, that does not necessarily mean this approach is suitable or would even be viewed in a positive light by every community. The Draft Master Plan does not provide meaningful guidance as to how the planning process will or should proceed in order to determine whether urbanization is an appropriate strategy in the various targeted communities, considering the unique set of needs and issues pertaining to each such community.
- d. Although the Draft Master Plan acknowledges the zoning authority of the local municipalities (towns, incorporated villages and cities) and generally couches its initiatives as recommendations (as presented in Chapter 5, *The Action Plan*), it is inevitable that the plan, once adopted, will be cited as authoritative substantiation for any development which proponents can construe as even remotely conforming to those recommendations. Therefore, it is critical from the perspective of the local municipalities which will continue to be responsible for zoning and land use decisions

that the final Master Plan avoid giving even the appearance of a broad endorsement of certain types of development, particularly urban-scale development in downtown areas, unless and until the requisite site-specific analyses have been completed to demonstrate that these changes entail anticipated benefits that outweigh potential impacts and to determine if the affected communities desire such changes. This essential obligation can be accomplished in a number of ways, including either deferring adoption of the Master Plan until after the County has accomplished the necessary outreach and consensus-building, or explicitly stipulating in the Master Plan that additional planning will be necessary at the local level in order to decide whether urbanization is appropriate at any given location.

Chapter 1- People and Housing

1. General Comment – This Chapter, and other parts of the Draft Master Plan, provides only abbreviated reference sources, without full, descriptive citations. This makes it difficult or impossible to verify much of the data and assumptions, and associated findings and conclusions, presented in the Draft Master Plan.
2. Table 1-1 presents data for net out-migration from Nassau County by age, and is used as a primary basis for the claim that dense housing in downtown areas is needed to stem this loss of population, particularly among young adults (as well as retirees). However, the data extend back only as far as 2000, which does not provide information regarding the magnitude of out-migration in prior years in order to determine if there really is a significant trend. Furthermore, the data do not indicate the magnitude of the out-migration from Nassau County that has been settling in Suffolk County and other nearby areas which would still be within commuting distance of Nassau County. It seems that a parallel analysis for New York City in the late 1940s through the 1960s may have shown a similar trend in out-migration, which did not, however, significantly decrease the availability of employees for jobs in the City due to commutation from Long Island. Moreover, the historic trend in out-migration from New York City which was associated with the development of the suburbs on Long Island and other proximate counties did not engender a substantive change in housing stock in the City to accommodate those who desired a suburban lifestyle. It is not clear why Nassau County must now construct urban centers to address the trends that are reported in the Draft Master Plan, nor why existing nearby urban communities (e.g., New York City) cannot satisfy the “demand” that may exist for people who wish to work in Nassau County.
3. Page 8, states, “If no way is found to attract younger people to Nassau County, the demand for existing single-family housing stock will decline, while at the same time more and more long-time residents will be selling. This has the potential to cause housing prices to trend downward.” This statement seems to acknowledge that market forces can work to rectify the housing affordability issue without resorting to the types of major, community-altering initiatives advocated in the Draft Master Plan.
4. *Trends in Housing Formation*, page 20 states, “In addition, household formation indicates that young working age adults, a group that the County is desirous of attracting, prefer housing types other than traditional single-family homes.” The correlation between preference of young people and household formation is not clear. Significant additional factors, such as what a young person can afford, proximity to his/her job, family, entertainment etc. could also be influencing the housing choices of young people.
5. Chapter 2 on page 48 reiterates the aforementioned concept, as it states, “Diversification of housing choice is necessary in order to address the housing needs of these populations who may not want or need to live in single-family homes.” This is another example where an unsubstantiated conclusion is

presented as mantra; and, again, it is asserted, without presenting the proper critical analysis, that the mere existence of purported “needs” makes it “necessary” to undertake community-altering development.

6. Page 21 states, “Intelligent site selection for renter and owner multi-unit development, in downtowns and near transportation hubs, will negate both the need for multiple cars per household and add vibrancy to downtowns, increase the tax base and attract working age residents back to Long Island.” This assertion is made without substantiating that the preference by Nassau County residents for their private vehicles would be significantly reduced (i.e., that there would be a trend back toward a single car per household) by locating dense housing near transit hubs, rather than just increasing the concentration of personal vehicles on the existing, already overburdened roadway networks.
7. Page 29 states, “Although the affordability index for Nassau County is high, it has been consistently (1990 – 2007) lower than Westchester and Rockland (counties with tax rates comparable to Nassau) and only slightly higher than Suffolk County (see Figure 1-18). This would indicate that affordability is not the primary factor driving families from Nassau County.” The explanation of how it can be deduced that affordability is not the primary factor “driving families from Nassau County” is unclear. The connection of Westchester and Rockland Counties to the situation in Nassau County is not conclusively established – especially since analysis of comparative rates of out-migration, including an evaluation of migration among these counties, is not provided – and, therefore, seems unconvincing. Furthermore, in other sections of the Draft Master Plan, the high cost of living is identified as one of the principal reasons why young people in Nassau County are unable to return to the County to raise their families and why people reaching retirement sell their homes and relocate outside of the County. Long Island Housing Service, Inc. even mentioned this in their November 18, 2010 comment letter to Nassau County Planning Department.
8. Page 34 states:

“A lack of smaller units – both ownership and rental – may contribute to a proliferation of illegal accessory apartments. Without enough legal multifamily units, tenants look toward other means for available and affordable housing. Willing landlords often respond to the shortfall by offering units prohibited by zoning and code regulations in their respective districts. These units can range from seemingly innocuous basement apartments in a single-family home to dangerously subdivided rooming houses. Encouraging multifamily and transit-oriented development in the County’s downtowns is an important supply-side step in combating this pressing quality of life issue in many of Nassau’s communities.”

This is another example of the Draft Master Plan presenting unsubstantiated assertions as demonstrated fact in an effort to support the predetermined conclusion that dense housing is what Nassau County “needs”, in this instance suggesting that a paucity of legal housing options is responsible for spurring the proliferation of illegal accessory apartments. Other factors which may contribute to or even be a primary determining factor are ignored including, but not limited to, homeowners’ use of accessory apartments to supplement their income. The Draft Master Plan even seems to suggest, boldly, without any substantiation whatsoever, that the issue of illegal apartments – and even the existence of substandard or dangerous housing – can be resolved by increasing development density and providing alternatives to single-family houses. This connection is tenuous, at best, since the types of housing that are typical for recent multi-family developments in the region seem to trend toward upscale units (with commensurately high costs) and do not provide a real alternative for people who are living in modest apartments or “rooming houses”. Even if such a connection could be demonstrated, however, the Draft Master Plan gives no consideration to evaluating the degree to which the purported benefit accruing to single-family residential

communities due to a decreased occurrence of illegal accessory apartments would be offset by the adverse impacts associated with densified development of the communities' downtown areas.

Chapter 2 – The Economy

1. Section B, *Projected Economic Conditions*, Subsection 1, *Projected Growth in Nassau County's GDP to 2030*, states on page 9, "In 2008, the Long Island Expressway carried 3,500 fewer cars each day than in 2007 and, by the fourth quarter of 2008, the Long Island Rail Road (LIRR) reported 52,000 fewer trips to New York's Penn Station." Since it is reported that LIRR ridership is down, the impetus for TOD and "Smart Growth" seems counterintuitive. The *New York Times* article cited in the Draft Master Plan ("An Easier, Yet Uneasy, Commute to Work," April 15, 2009) states, "According to transportation officials, the number of commuters using trains, buses, roads and bridges that serve Long Island is down by as much as 7 percent" – a phenomenon they say is most likely tied to higher unemployment that has grounded would-be commuters at home. If people are riding the LIRR less because they do not have jobs to commute to, the reasoning that creating more dense housing options and TOD that is interwoven into the Draft Master Plan appears flawed. Furthermore, if ridership is down because of the depressed economy and people are not commuting to work due to unemployment, the issue of filling the proposed housing units appears flawed because without a job people could not afford to live in these units.
2. Page 19 states, "New opportunities to locate workforce destinations will require occupancy of vacant or idle space, redevelopment of strategic sites, and/or increased densities on existing developed sites." While the inherent benefit of occupying existing vacant or idle space and redeveloping strategic sites seems obvious, the Draft Master Plan's persistent promotion of significantly increased development density (in this case, apparently not necessarily limited to downtown areas) is presented as an irrefutable principle but ultimately is not properly substantiated. The Master Plan should demonstrate that urbanization is the most appropriate approach for the issues facing Nassau County's economy and that the anticipated benefits outweigh the potential impacts that would ensue from intensified development. Nassau County has many workforce destinations, both at the present time and historically, that were not at the types of densities being advocated in the Draft Master Plan.

Chapter 3 – Land Use

1. Page 5 states, "Land use decision-making occurs at the local level through zoning and is often highly politicized." This unnecessarily and inappropriately editorialized statement is not factual and does not in any meaningful way contribute to the Master Plan. Local municipalities properly have zoning authority because they are most in-tune with the needs of their communities. This process has been in place and has worked well for many decades, and criticizing home rule is counterproductive at best. Moreover, this assertion conflicts directly with the June 30, 2010 Nassau County Charter, Section §1604.b pertaining to the Nassau County Master Plan, which states, "... Nothing herein shall be construed as limiting or diminishing the powers and authority of the several towns, cities and villages within the County to exercise, amend and enforce their own zoning and land use codes and local laws and to publish and adopt a comprehensive plan limited to such town, city or village."
2. Page 17 states, "The central idea of the plan is that Nassau should spur economic development by strengthening downtowns, revitalizing underutilized commercial properties, and redeveloping brownfields, while preserving the qualities of suburban life that residents love by protecting Nassau's environmental, scenic and historic resources." This statement is consistent with Town of Oyster Bay's land use policy goals. However, this basic series of goals seems to contradict the concepts of "new urbanism" and "smart growth" which are promoted throughout the Draft Master Plan. There appears to be a basic disconnect between an attempt to preserve the suburban community which

defines Nassau County on the one hand, while on the other hand the Draft Master Plan is calling for a fundamental change in the County's housing, development and transit structures.

3. Page 17 also states that "If the current trend of dispersed development based on uncoordinated land use decision making throughout the county continues, Nassau's potential for a sustainable future may be in serious jeopardy. Unprotected open space areas, which account for approximately 6,000 acres across the County, down from 15,000 acres in 1997, will remain vulnerable to development and the potential of underutilized land in downtowns, along strip malls, and on brownfield sites may not be realized." Clearly, the focus of future development should be toward underutilized parcels, particularly including fallow brownfield sites, while preserving important open space resources. However, this is not equivalent to the Draft Master Plan's leap to unwavering advocacy for the urbanization of the County's downtown areas.
4. Page 18 states, "Revering the trends of suburban sprawl by concentrating growth in downtowns/centers, underutilized commercial areas, and within planned redevelopment areas will reduce the impacts associated with growth, such as traffic congestion, energy consumption, and carbon emissions." There is a typographical error in the first word which affects the entire meaning of the sentence. Additionally, the assertion that traditional development patterns in Nassau County (i.e., communities of single-family homes) need to be "reversed" starkly conflicts with other statements in the Draft Master Plan supporting that this type of housing/development is, as page 48 states, "...what many residents most treasure about the county." Furthermore, the Draft Master Plan appears to offer this "need" for significantly increased density in downtown areas as a mantra, without adequately substantiating that intense, urban-scale development in areas that are already congested would result in the purported improvements that are claimed.
5. Page 19, paragraph 2 states that, "The lack of identifiable 'places' in Nassau limits opportunities for young adults to socialize and be entertained, which are important factors in attracting young populations to live and work in the County." It is not clear why today's young adults require radically different types of venues for socialization than had adequately served prior generations in the same age group, why they seemingly are unable travel to existing urban areas (e.g., New York City) which presumably contain such "identifiable places" or, perhaps most importantly, why this purported need would serve as sufficient justification for the Draft Master Plan's premise that the basic fabric of Nassau County's communities must be dramatically altered.
6. Page 19 also states that, "The benefits of TOD compared to a continued pattern of sprawl include... relieving development pressure on open space, sensitive tidal and freshwater areas, and along congested arterial roadways." This statement appears to assert that the proposed densification of the County's downtown areas, of itself, has the ability to save open spaces and sensitive environmental resources and to decrease traffic congestion. Open space and environmental preservation is a completely separate issue, which is best effected by special programs (like the Town of Oyster Bay's SEA Fund) and cannot be implemented by an urbanization initiative; if the implication of this statement were true, major cities would have the most expansive and pristine environmental resources, which certainly is not the case. With regard to traffic conditions, dense development anywhere in Nassau County could not possibly have the result of "relieving" traffic congestion because it would be superimposed on the existing condition; but rather, appears to pose the potential to significantly exacerbate the problem.
7. Page 42 states:

"While the Plan focuses on the concept of centers, revitalization of existing commercial corridors is also an important piece of the vision for a sustainable suburban future. Commercial corridors

provide an opportunity to transform the visual landscape and functionality of Nassau's arterial roadways such as Hempstead Turnpike, Old Country Road, and Sunrise Highway. With thoughtful design and appropriate zoning amendments these roadways can be transformed into attractive mixed-use, pedestrian-oriented districts with a variety of uses including retail, office, restaurants, workforce and senior housing, and public/civic space, with connections to public transportation and adjacent downtown areas.

“As the New York Times reported in May 2009, the recession has had a significant impact on Nassau's retail industry. Large retailers such as Fortunoff and Circuit City have closed their doors, leaving empty big boxes behind. While these empty stores and their vast parking lots are a blight on the landscape, they provide an opportunity for Nassau to re-imagine its strip commercial corridors. A range of improvements from simple changes to more complex redevelopment have the power to transform the image and function of community shopping centers. Simple landscaping solutions such as landscaped medians along arterial roadways, landscaped buffers along the edge of parking lots, and landscaping within parking areas can greatly improve the physical appearance of these roadways and make them more environmentally friendly.”

Advocating for the development of urban centers outside of the County's existing downtown areas, specifically along commercial corridors, entails an even greater divergence from current conditions than pertains to the Draft Master Plan's push for downtown urbanization. Whereas most downtowns already exhibit some characteristics typically associated with “smart growth”/“new urbanism”/TOD (e.g., mixed uses, proximity to public transportation, and higher densities than occur in outlying areas), commercial corridors generally do not exhibit these characteristics and, in particular, often are not well-linked to public transportation. The mere availability of land should not be used as the primary criterion to identify target locations for intensified development, especially in the absence of a meaningful analysis of the potential impacts and implications. If this suggestion to “re-imagine” commercial corridors is to be carried through to the final Master Plan, it should be more fully analyzed, rather than seeming to be presented almost as an after-thought based on a brief reference to a newspaper article.

Even “simple” changes like buffered landscaping may not be straightforward, inexpensive or quickly implementable when multi-jurisdictional issues are at play in regard to roadway ownership and responsibility for maintenance. It would be helpful if the Master Plan provided more definitive guidance to assist in setting goals that are achievable and presented the public with realistic objectives that are readily attainable, particularly in light of current fiscal realities, over the short and long term.

8. Page 48 states, “Single family homes make up over 50% of Nassau's total land area and are what many residents most treasure about the county.” This statement seems to be in conflict with the Draft Master Plan's strong push for “new urbanism”, “smart growth” and TOD. For example, page 19 states:

“Single-family homes are too large and too expensive for many single young people; and alternative housing options such as rental apartments and townhouses are few. The lack of identifiable “places” in Nassau limits opportunities for young adults to socialize and be entertained, which are important factors in attracting young populations to live and work in the County. For older residents, alternative housing options are essential to ensuring that people stay in Nassau as they age. As was recently noted in the *Wall Street Journal*, suburban communities designed for families ‘...are proving tough places to grow old. Maintaining yards and homes requires more effort [as people age]; driving everywhere, and for everything, becomes expensive and, eventually, impossible.’ Creating ‘lifelong communities’ that allow Nassau residents to stay

in the communities they love as they age will become increasingly important over the next twenty years as baby-boomers enter retirement and beyond.

“Further, strategic allocation of future growth to existing downtowns will reinforce the single-family suburban landscape that exists throughout the County by directing growth to defined centers. Concentrating commercial growth and medium density housing within existing downtowns will protect against out-of-scale development in other parts of Nassau, particularly in established single-family neighborhoods, and increases in vehicular traffic from additional scattered development.”

There is apparent cognitive dissonance in the reasoning that traffic congestion will worsen in established single-family residential communities absent implementation of the Draft Master Plan’s proposal for significantly increased development density in downtown areas. Most of these residential communities are already essentially fully built-out, and increased traffic problems seem more likely to result from densification in areas that already are congested than from development in and around existing single-family residential neighborhoods. The implication that urbanization will “protect” these neighborhoods is unconvincing and unsubstantiated.

9. Page 52 states, “...local government officials have been looking at ways to revitalize their downtowns and preserve remaining tracts of open space. In pursuing these objectives, local officials should look to transferring the development potential of golf courses to existing downtown centers.” This is an interesting idea that should be developed further in the Master Plan, inclusive of implementation guidelines for TDR and approaches for surmounting foreseeable issues.

Chapter 4 – Infrastructure

1. Page 1 of Chapter 4, *Year 2030 Goals*, includes the following two points: (1) incorporate bus rapid transit (BRT) on County roads; and (2) incorporate bicycle infrastructure on County roads. It is our understanding that BRT is generally defined as a variety of public transportation systems using buses intended to provide faster, more efficient service than an ordinary bus line. It could be potentially dangerous to increase speeds of large vehicles with blind spots adjacent to bicycle lanes. Proper planning and precautions must take place to ensure the safety of pedestrians and bicyclists sharing the roads with high-speed vehicles. Furthermore, critics of BRT argue that bus rapid transit services are simply improved bus lines that do not attract the ridership of rail lines, nor encourage secondary advantages such as neighborhood revitalization and business development.
2. Page 7 states, “Because very little freight moves by rail on Long Island, freight trucks must use the LIE and Sunrise Highway for east-west freight movements, contributing to traffic congestion on these roadways. Currently there is a proposal to construct the Long Island Truck Rail Intermodal Facility (LITRIM) on approximately 117 acres at the site of the former Pilgrim State Hospital in the Town of Islip, Suffolk County. Construction of LITRIM would permit the shipment of goods by train to the site where containers would be off-loaded and transferred to trucks for local delivery. This would reduce the number of the trucks on Nassau’s major roadways.” Transporting freight by rail is a good strategy for minimizing truck congestion on existing roadways. However, any location for such development which is proposed in Nassau County should be fully studied in an open public forum.
3. Page 39 states, “Now, decades later, the proposed Cross Sound Link would complete the I-287 beltway through a completely private undertaking that would design, build and operate the tunnel. According to the project specifications, the Cross Sound Link would carry a maximum of 200,000 vehicles per day in two tubes. A third tube would be used to service the tunnel and could accommodate mass transit, such as light rail or express bus.” The Master Plan should acknowledge

that comprehensive environmental studies and traffic analysis are required. All interested parties should be provided with the opportunity to review and comment on this plan once it has been formally proposed to the involved jurisdictional agencies.

4. Page 45 states, “Another important step that should be taken is for government agencies from the County to local municipalities and school districts to ‘green their fleets’ by replacing all municipal vehicles with clean natural gas (CNG)/hybrid vehicles. Some municipalities are already working towards this goal and others should be encouraged to do so. In addition, public and private bus companies and taxis should be encouraged to replace diesel vehicles with CNG/hybrid vehicles. Laws to eliminate idling of vehicles should also be considered.” It should be noted that the Town of Oyster Bay is constructing a CNG Station at its DPW Facility in Syosset. Additionally, there are federal laws in place limiting the idling of vehicles.

Chapter 5 – Action Plan

1. Page 7 states, “In *The Social Life of Small Urban Spaces* (1980), William Whyte advised towns wanting to revive their downtowns to ‘compress, concentrate, and intensify their unique strengths.’ Over the years, planners have returned to this early advice with ever more specific prescriptions. The most practical solutions now come from the Smart Growth and New Urbanism planning philosophies.” The Draft Master Plan fails to demonstrate that these “prescriptions” provide the right direction for Nassau County and are what its residents desire; or that urban centers in the midst of the suburban landscape are necessary for economic vitality and preservation of the suburban quality of life, and that anticipated benefits outweigh impacts.
2. Page 10 states, “Regulate density through limits on lot coverage, height and other dimensional requirements. If basic parameters are met, then actual use mix and housing unit type can vary according to the market.” The Town of Oyster Bay supports the use of market indicators to dictate use scenarios, provided that the use adheres to Town Code.
3. Page 11 states, “Require street connections...Rely on the grid. Plan for a full connection of existing and new streets.” This idea should be explained in further detail.
4. Page 11 also states, “A variety of street types will provide distinct identities to the downtown’s different areas and provide a variety of block and lot sizes for different types of new development.” The types of streets that are contemplated should be explained.
5. Page 13 states, “Consider fully eliminating parking requirements for some uses (such as storefront restaurants).” This idea that people will abandon their personal vehicles instead of just displacing parking problems to adjacent areas should be analyzed in detail.
6. Page 13 also states, “Architectural style is less important than urban design.” Home rule and local planning boards are capable of incorporating the various important factors when reviewing a development application, and the prioritization of design features should not be promulgated by the County. Additionally, Nassau County is a suburban area, and the experience in the Town of Oyster Bay is that the majority of its residents, who live in standard single-family homes, want to avoid urbanization.

Appendix B – Downtown Comparative Revitalization Fiscal Impact Analysis (FIA)

1. General Comment – The FIA is not clearly presented, does not provide sufficient references to substantiate assumptions, and generally is not designed to facilitate a critical review. It also appears

that there are significant computational errors. The following comments provide specific examples of apparent deficiencies in the FIA.

2. The second paragraph on page 2 states, “It is hoped that moderate density development in established downtown centers that desire such development will raise enough additional tax revenue that the current property tax burden may be alleviated.” It is important to explain how this “desire” will be evaluated and determined. This highlights a critical step in the planning process (i.e., public outreach and participation, and consensus-building) which many other statements in the Draft Master Plan seem to ignore or gloss over.
3. The footnote on page 2 cites a “Growth Distribution Memo, September 10, 2009”, while the footnote to Table 1 on the following page makes reference to a “Growth Allocation Memo”. It is not clear whether these citations relate to the same document and, if so, whether these are the same as the *Downtown Growth Analysis* presented in Appendix A of the Draft Master Plan.
4. Page 3 identifies that the FIA includes analysis of future conditions under two scenarios: “maximum FAR” and “concentrated growth allocation”. It appears that the “concentrated growth allocation” scenario may be derived from Appendix A of the Draft Master Plan, since Table 5 in Appendix A and the “concentrated growth allocation” section of Table 4 in Appendix B both show the projected additional commercial GSF for Hicksville at 709,178 square feet; and the associated number of multi-family residential units is specified at 775 in both documents (Table 7 in Appendix A and Table 1 in Appendix B). However, it is not clear how the “maximum FAR” scenario was derived.
5. The “market value” cited for commercial floor space in Nassau County, at \$350/square foot, seems high. The source of this valuation of commercial construction space should be specified and substantiated.
6. The assessed value for Hicksville under the maximum FAR alternative indicated in Table 6 (at \$2,276,575) appears to be incorrect. Calculating this quantity using the hypothetical floor space of 527,650 square feet (X \$350/sf X 0.01) results in \$1,846,775. Table 11 shows this value as \$1,846,775, but \$2,276,575 reappears in Table 12 and is carried through the calculation of projected tax revenues.
7. Table 10 shows that the total municipal and special district tax rate is \$574.62 for class 2 and \$475.625 for class 4. Assuming that these data are correct, Table 12 (which uses \$722.325 for class 2 and \$609.88 for class 4 for “municipal combined total” tax revenues) is in error. It appears that the factor used in Table 12 double-counts the tax rate for all taxing entities excluding the school/library district (at \$147.704 for class 2 and \$134.24 for class 4).
8. Page 13, *Sales and Hotel Taxes*, contains assumptions that are not substantiated or referenced, including 75 percent average annual occupancy for hotel rooms and \$175 per night average room rate.
9. Table 1 indicates that the number of residential units for Hicksville under the “Concentrated Growth Allocation” scenario is 775. Assuming this value is correct, the total number of residential units in Table 15 (i.e., 808 units, which is the sum of 219 studios, 400 1-bedroom and 189 2-bedroom units) is in error.
10. As noted in comment #6 above, Table 11 shows the commercial assessed value for Hicksville under the maximum FAR alternative as \$1,846,775. Assuming this value is correct, Table 15 (which uses

\$2,276,575) is in error, and the “Total County Expenditures” in Table 15 is correspondingly over-estimated.

11. In Table 18, the “Total Municipal Expenditures” for the Hicksville “Concentrated Growth Allocation” scenario accounts only for the commercial components and not the residential component.
12. The *Conclusion* on page 22 states that:
 - a. “It should be noted that the fiscal benefits identified in this report would be an annual benefit.” However, it also should be made clear that even if the FIA’s economic forecast is accurate and a given scenario is accomplished within the 20-year time horizon, the fiscal benefits would not be fully realized until build-out is achieved (i.e., there would be a lesser benefit in the years leading up to build-out, and minimal benefits in the initial years).
 - b. “The excess from this income could be used to offset taxes for current residents, lowering overall school tax rates for all three systems.” In the absence of relevant examples where the types of development scenarios set forth in the FIA have actually resulted in a significant lowering of the residential tax burden in Nassau County or analogous suburb, this assertion is speculative, unsubstantiated and meaningless for the purposes of decision-making.
13. The problematic data issues described above carry through to Table 19 (*Summary of Revenues and Expenditures*).

Appendix C- Nassau County Historic and Cultural Assets

1. It is requested that the Draft Master Plan make note of the Oyster Bay Railroad Museum, as the Wantagh Railroad Museum is included on page 5.

Miscellaneous Comment – Cerro Wire Property, Syosset

The following comment was provided previously, in correspondence to the Planning Commission dated December 1, 2010, and is repeated here for convenience and completeness of our commentary:

During the Planning Commission’s November 18 hearing, a representative of The Taubman Company spoke on the record with a request that the Master Plan make specific mention of the suitability of the former Cerro Wire property in Syosset for Taubman’s proposal to construct a regional mall at that location; and certain statements made in reply by the Commission suggested that amendments would be incorporated into the Plan in concurrence with that request. From the perspective of the Town of Oyster Bay, the inclusion of this type of statement in the Master Plan would be extremely troubling because it could be construed as asserting an agency imprimatur on an application that is under review. This type of endorsement on behalf of a specific, pending proposal for private development would be patently inappropriate within the context of the Master Plan, and would be prejudicial to the decision-making process.

The indication expressed at the November 18 hearing that the Master Plan would accommodate the Taubman mall proposal in Syosset appears to ignore or indicate unawareness of the current status of this application. In fact, the Oyster Bay Town Board denied an earlier version of the application for a somewhat larger mall than is presently being proposed. Furthermore, the prevailing Court decision in the litigation which ensued on this matter unequivocally upheld the Town Board’s authority to require the preparation of a Supplemental Environmental Impact Statement (SEIS) to address numerous

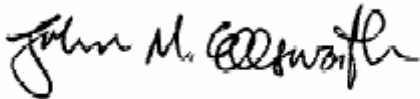
issues that were not fully or satisfactorily analyzed during the prior EIS process. In other words, the Court found that the applicant had not satisfied the fundamental requirement of the State Environmental Quality Review Act (SEQRA) to demonstrate that the proposed project is approvable.

More than a year has passed without any action by the applicant to complete the first step in the SEIS process, which involves the preparation of a draft scope outlining the requisite content of the draft SEIS. Thus, even beyond the evident impropriety that would pertain to any statement in the Master Plan which could be interpreted or plausibly misinterpreted as expressing the County's advocacy for a particular private developer, this type of statement would serve to advance an application that has lain fallow for an extended period of time through the applicant's own neglect. On this basis, although it may be fitting for the Master Plan to acknowledge the Cerro Wire site as a vacant parcel which is available for suitable development, it is respectfully submitted that any statement relating to the matter of the pending mall application, especially in regard to the purported merit of said application, would not be appropriate and should be wholly omitted from the Master Plan.

We thank you for the opportunity to submit these comments, and we ask for your careful consideration of the issues presented here in finalizing the Master Plan.

Very truly yours,

CASHIN SPINELLI & FERRETTI, LLC



John M. Ellsworth
Director of Planning and Environmental Services

cc: The Honorable Edward P. Mangano, Nassau County Executive
The Honorable Peter J. Schmitt, Presiding Officer, Nassau County Legislature
The Honorable Joseph V. Belesi, Nassau County Legislator, 14th District
The Honorable Judith Jacobs, Nassau County Legislator, 16th District
The Honorable Rose Marie Walker, Nassau County Legislator, 17th District
The Honorable Diane Yatauro, Nassau County Legislator, 18th District
The Honorable John Venditto, Town Supervisor
Honorable Members of the Oyster Bay Town Board
Leonard Genova, Town Attorney
Neil O. Bergin, Commissioner, Department of Environmental Resources
Frank M. Scalera, Esq., Commissioner, Department of Economic Development