

**RESOLUTION NO. 9378-08**

**WHEREAS**, the **Town of Hempstead, Town Board**, has presented to the NASSAU COUNTY PLANNING COMMISSION for its review, pursuant to General Municipal Law, an application by **DAO Realty Corp.** for a **change of zone** from Res. A to Res. CA to build 15 townhouse units for property located in **Wantagh** and described as **Section 56, Block H, Lot(s) 81, p/o 82** on the Nassau County Land and Tax Maps; and

**WHEREAS**, the staff of the NASSAU COUNTY PLANNING COMMISSION has inspected the subject property in the field, has reviewed the request of the applicant and considered existing ordinances and zoning; and

**WHEREAS**, a subject parcel is within 500 feet of Wantagh Ave., a **County** road; and

**WHEREAS**, information regarding the subject application was received on **5/14/08**; and

**WHEREAS**, the applicant is requesting a change of zone from Res. A to Res. CA to construct 15 townhouse units. The project is essentially zoning compliant, including the required number of off-street parking spaces, but will require relief to permit parking within the front yard setback; and

**WHEREAS**, a determination of environmental significance in accordance with SEQRA was received on **5/14/08**; and

**WHEREAS**, the L-shaped 44,096 square foot (1.01-acre) subject property is located on the west side of Wantagh Ave., approximately 230 north of Seneca Pl. To the east are residences in a Res. AA District; to the south are residences in a Res. A District; to the west is wooded land that is part of Wantagh State Park; to the north is the Wantagh Station Museum that is part of Wantagh State Park. There is currently an older colonial-style residence on the property that will be demolished. A single two-way curb-cut is proposed on Wantagh Ave. This section of Wantagh Ave. is characterized by single family residential development. Wantagh Ave. consists of two travel lanes and on-street parking shoulders.

**AND BE FURTHER RESOLVED**, after due deliberation and consideration, the NASSAU COUNTY PLANNING COMMISSION finds:

1. The subject application represents an unwarranted encroachment of a multi-family development in a predominantly single-family neighborhood. The application may be considered spot zoning as the predominant zoning and land use along this section of Wantagh Ave. is single-family homes on generally larger lots within both the Res. A and Res. AA zoning districts. Thus, the proposed development is not consistent with the character of this segment of the Wantagh Ave. corridor. Also, townhouse development at this location does not necessarily meet the criteria for multi-family development as it is not a transitional location as is the case for other multi-family townhouse development locations in the Town.
2. Wantagh Ave., is a heavily travelled two lane arterial (20,000 AADT volume) characterized by relatively fast moving unobstructed traffic along this segment. The proposed development would generate significantly more traffic than under current single-family zoning and may increase traffic accident potential along Wantagh Ave.
3. The proposed development would result in more impervious surface than would result under current zoning as the only pervious surface areas being provided are the required yard setbacks with the majority of the site consisting of paving and buildings.
4. If developed conventionally, the subject property can accommodate about four single-family detached residences with lot sizes in excess of 6,000 square feet on a cul-de-sac. Frontage variances may be required, but can be accommodated under this design scenario. This is an option that should be considered as it is more in character with surrounding development.
5. Approval of the proposed development may establish a precedent for approving similar multi-family rezonings in the area and may also result in the granting of area variances (and resultant substandard single-family subdivisions) for over-sized residential lots in the area that may eventually change the character of the area.

**WHEREAS**, pursuant to Section 239-m of the General Municipal Law, the referring, within seven (7) days after final action, shall file a report with the NASSAU COUNTY PLANNING COMMISSION, and if said action is contrary to this recommendation, set forth the reasons for such contrary action.

The foregoing resolution was offered

ON MOTION of Commissioner Shapiro

Seconded by Commissioner Como

Upon a roll call, the vote was as follows:

Jeffrey Greenfield, Chair –	aye
Michael Bellissimo, 1 <sup>st</sup> Vice Chair	absent
Neal Lewis, 2 <sup>nd</sup> Vice Chair	aye
Philip Como -	aye
Clara Gillens-Eromosele -	aye
Omar Jorge-	absent
Mary McCaffery -	aye
Leonard Shapiro -	aye

The Chairman declared the resolution duly adopted

Resolution of the NASSAU COUNTY PLANNING COMMISSION Adopted: **May 29, 2008**