

Housing

Goals

Preserve the Village's unique community character and residential neighborhoods. Ensure that new housing, and housing improvements, will protect the existing community character, sensitive natural, environmental and ecological resources and waterfront, historic resources, open spaces and recreation areas. Enhance the diversity and affordability of housing types to enable residents to age in place, young people to live in the community, and working individuals and families to make a home in Sea Cliff. Review the Village Code to determine whether dimensional characteristics of existing development correspond with the dimensional regulations in the Village Code.

Introduction

Sea Cliff is a beautiful village due in part to its unique residential character. The small lots leftover from the Village's days as a Methodist camp, its charming main street with apartments over shops, its small cottages, and large Victorian houses contribute to the fabric that make Sea Cliff so special. Historically, Sea Cliff was an affordable community with various housing options open to a creative and mixed-income population. The vast majority of housing in the Village is single family dwellings located on separate parcels. Some multi-family units exist in large converted single-family homes or boarding houses. Existing two-family and accessory dwelling units have carried over from before the zoning code restricted multi-family development in residential zoning districts. Sea Cliff residents would like to maintain the unique character of their village and the diversity of residents. Sea Cliff may need to adjust its zoning code to achieve these objectives. First, a high volume of variances is requested of the Zoning Board of Appeals because of preexisting structures that do not conform with current zoning. Second, the North Shore Country Club has the potential to be developed as a new residential neighborhood in Sea Cliff. There are currently no plans to redevelop the Country Club. Third, affordable and accessible housing options for seniors, young people, and working-class individuals and families are not readily available. Lastly, green coverage requirements for residential lots could help mitigate stormwater run-off issues that are increasing in the Village. This chapter discusses the existing conditions of the housing stock in the Village and presents options for Sea Cliff to approach the above-mentioned challenges and opportunities.

This Chapter includes baseline data and addresses potential considerations as part of the goals and visions of Sea Cliff relating to its current housing stock and its future plans. There are varied and numerous additional considerations, not identified in this Chapter, but discussed in other chapters, that serve as potential impediments to the concepts discussed in this Chapter. Among these limitations are traffic, sewer capacity, large scale developments in neighboring municipalities (including over 1,000 housing units developed in Glen Cove in recent years, with more to come), water usage, impacts to the waterfront, Hempstead Harbor and the Long Island Sound, climate and sea level change impacts, stormwater runoff and related storm impacts on private properties, roadways and infrastructure, changes in ways that people work and live, potential loss of open space and recreational opportunities, and natural, ecological and environmental resources.

Relevant Regional Plans and Resources

Nassau Urban County Consortium

Sea Cliff is a member of the Nassau Urban County Consortium—an entitlement jurisdiction that applies to the U.S. Department of Housing and Urban Development for Community Planning and Development (HUD) formula fund programs, including Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grants Programs. The 29 consortium communities, including the Town of Oyster Bay, and non-profit organizations, are allocated CDBG funding. Sea Cliff Village directly administered the Housing Choice Vouchers and Section 8 Programs until July 2022 when the program was transferred to Community Development Corporation of Long Island.

Nassau County Office of Community Development is the administrating agent for the Consortium and is responsible for the County’s Fair Housing Analysis of Impediments (AI), 5-year Consolidated Action Plans, and Annual Action Plans, summarized below.

Nassau County Analysis of Impediments to Fair Housing, 2020

The Federal Fair Housing Act, New York State Human Rights Law, and Nassau County Local Law (No. 9-2006) establish that discrimination against protected classes in the sale, rental, financing, and insuring of housing is prohibited. In Nassau County, the following are considered protected classes: Race, Color, National Origin, Religion, Gender, Familial Status (families with children under 18 years of age Disability, Age (18 and older), Sexual Orientation, Military Status, Marital Status, Creed, Gender Identity, Gender Expression, Source of Income, Prior arrest or conviction record, and Veteran’s status.

Since 1995, Nassau County has submitted an AI to HUD. It has updated it every five years since 2004 to align with the rest of Long Island and coordinated with 5-year consolidated plans.

The AI’s purpose is to identify and analyze impediments to fair housing choice in Nassau County, to take meaningful actions to overcome the effects of those impediments, and to document results of the actions implemented to minimize their impacts.

Sea Cliff makes a minor appearance in the report, which categorized it as a “Community with a smaller Black/AA percentage, smaller Hispanic percentage, and comparable or higher median income.” The Nassau County Human Rights Commission provided data regarding fair housing complaints received by their department for the period 2015 through the end of the year 2019. During that time, they received 137 complaints

Required Characteristics of Model Inclusionary Zoning Ordinance

- (1) requires residential developments with five or more units to include at least 20% affordable (meaning a household is paying no more than 30% of its income for gross housing costs, including utilities) housing units;
- (2) requires developers to engage in affirmative marketing to ensure outreach to racially and ethnically diverse households, including those who are least likely to apply;
- (3) provides density bonuses, parking requirement reductions, and expedited review of proposals for affordable housing including procedures for streamlining the approval process for the design, permitting, and development of these units;
- (4) requires the good faith consideration and encouragement of the grant of zoning or other variances or exceptions where necessary to allow for development of housing that will qualify as affordable housing;
- (5) provides for deed restrictions or similar legal mechanisms to ensure continued future affordability of affordable housing units;
- (6) does not provide for current or prior residency or employment preferences; and
- (7) does not include an "opt out" provision.

Source: Nassau County Analysis of Impediments, 2020, Appendix P, <https://www.nassaucountyny.gov/5013/Analysis-of-Impediments-Final-Version--M>

regarding incidents that occurred in Nassau County. Sea Cliff received only one of the complaints. It was based on Race/color Retaliation. The outcome was "Fail to Cooperate." Sea Cliff Zoning Code allows multi-family housing on 5-10% of the land. It is important to note the area of Glen Cove that borders Sea Cliff to the north and northeast is populated by 41% families who are at or below the poverty line and 17% or more are Hispanic.

In May 2019, Nassau County settled a fair housing lawsuit claiming that the County discriminated against minorities by not promoting housing opportunities for low- and moderate-income people. In addition to a payout and other actions, Nassau County agreed to set aside funds to build mixed-income housing in "High Opportunity Areas." Specifically, the County set aside 25% of HOME funding for at least three years beginning in 2018 for this purpose.

According to the AI's description and data, Sea Cliff fits the bill for a "High Opportunity Area" for affordable housing development. "High Opportunity Areas" are communities "with the following characteristics (1) very low poverty rates; (2) very low unemployment rates; (3) high levels of completed college among adults; (4) low African American and Latino population; (5) high performing public schools; (6) low crime rates; and (7) access to public transportation and employment." Sea Cliff only falls slightly short in that its transportation and employment options are on the lower end, with access to 50,000-100,000 jobs.

In addition, The County drafted a development and outreach plan to determine how mixed-income housing can be developed. It provides a model zoning ordinance (see sidebar "Required Characteristics of Model Inclusionary Zoning Ordinance") to help local governments create inclusionary zoning in their codes.

Nassau County Action Plan, 2020-2024

The Nassau County Office of Community Development produced a Five-Year Consolidated Action Plan – 2020-2024 to address affordable housing and community development needs.¹ They produce an Annual Action plan for HUD to receive CDBG, HOME, and ESG funding. The Plan includes Sea Cliff in the following project for 2022-2023: Owner-Occupied Housing Rehab/Lead Paint Abatement with CDBG funding allocated.

Oyster Bay Housing Authority

The Oyster Bay Housing Authority operates low-income housing for seniors and families who are residents of the Town including the Village of Sea Cliff.² There are 910 units in 11 developments in Bethpage, Hicksville, Massapequa, Old Bethpage, Oyster Bay, Plainview, and Syosset. 93% of units are for seniors, while the remainder is for families. Waiting lists for housing can be three or more years.

Housing Affordability Thresholds Area Median Income

The Federal Department of Housing and Urban Development (HUD) sets income limits based on area median income for statistical areas to determine fair market rents (FMR) for affordable housing programs. The Nassau-Suffolk, NY HUD Metro FMR includes all of Nassau and Suffolk counties. In 2022, the median income for the Nassau-Suffolk area was \$146,400.³ HUD and housing programs define different income thresholds as a percentage of the area median income for different family

¹https://www.nassaucountyny.gov/DocumentCenter/View/38119/Nassau-County-Final-FY2022-Action-Plan-_HUD-Submission?bidId=

² <https://oysterbaytown.com/town-of-oyster-bay-housing-authority/>

³ <https://www.huduser.gov/portal/datasets/il/il2022/2022ILCalc3080.odn>

sizes.⁴ HUD adjusts the preliminary calculations to account for the national median income and high housing costs in the area. Table 1 shows the income limits set for individuals and families to qualify for federal affordable housing programs such as public housing, supportive housing for the elderly or disabled, section 8 housing choice vouchers, and others.

Table 1. HUD 2022 Adjusted Income Limits, Nassau-Suffolk, NY HUD Metro FMR Area

Household size:	1	2	3	4	5
Extremely Low-Income Limits	\$30,550	\$34,900	\$39,250	\$43,600	\$47,100
Very Low- (50%) Income Limits	\$50,900	\$58,150	\$65,400	\$72,650	\$78,500
Low- (80%) Income Limits	\$67,450	\$77,050	\$86,700	\$96,300	\$104,050

Existing Conditions

Housing Supply and Type

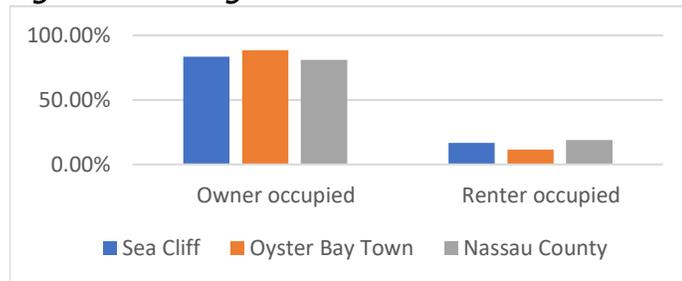
As of 2020, Sea Cliff had 2,033 housing units.⁵ All residential housing stock in the Village is used as a primary residence. There are virtually no summer homes or occasional-use housing units in Sea Cliff.

In Sea Cliff, single-family homes make up 96% of residential properties.⁶ By dwelling unit count, single family units account for 74% of the housing stock. Multi-family properties in Sea Cliff range from 2-10 dwelling units and most fall in the range of 2-4 units (93%). In total, there are 523 dwelling units on 191 properties in Sea Cliff that are not single-family.

Housing Tenure

In Sea Cliff, the homeownership rate was 83.4%, meaning owner-occupied housing units, while 16.6% are renter occupied.⁷ Oyster Bay Town had an estimated homeownership rate of 88.5%, and Nassau county of 81.1%. In the Village, the household size of renters is smaller than homeowners at 1.75 and 2.87 people, respectively.

Figure 1. Housing Tenure



Source: ACS 2016-2020 5-Year Estimate

Age of Housing Structure and New Construction

54.9% of Sea Cliff's Housing stock was built before 1939. The housing in Sea Cliff is older than in Oyster Bay Town and Nassau County, where only 9.8% and 19.7% of the housing stock were built before 1939, respectively. Sea Cliff saw a housing boom mid-century, with 20.4% produced in the 1950s. The remainder of the housing was added following 1960. There has been little new housing construction on previously vacant lots in the past few decades.

Both Oyster Bay and Nassau County saw peak housing development during the 1950s, with 47.9% of housing in Oyster Bay Town and 35.6% of housing in Nassau County built in that period. Oyster Bay Town and Nassau County show similar declines in housing units built per decade. However, unlike Sea Cliff, units are still being produced in recent decades, with 5.2% of housing in both geographies built between 2000-2020.

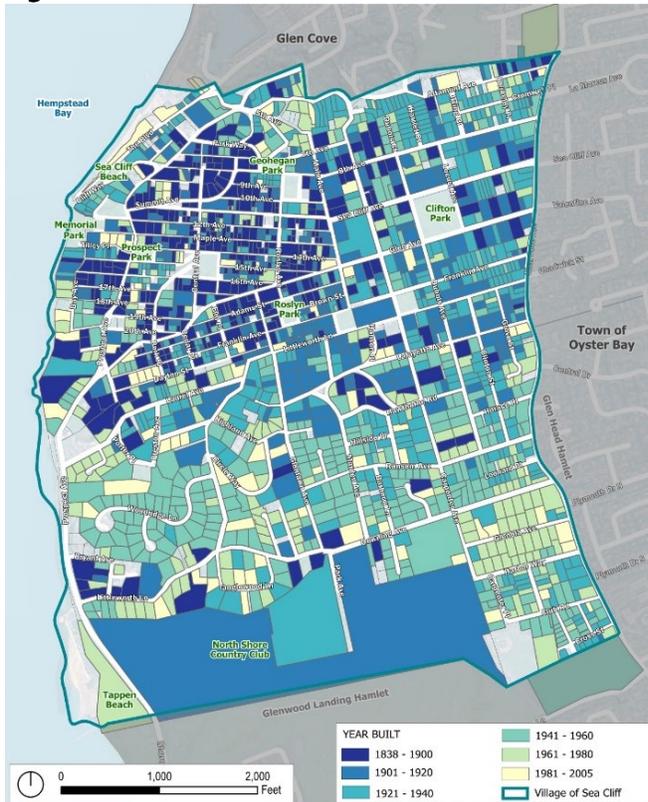
⁵ ACS 2016-2020 5-year Estimates

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⁷ ACS 2016-2020 5-year Estimates

Figure 2 shows the pattern of development within Sea Cliff Village. Most housing built before 1900 is generally concentrated in the northwest quadrant of the village west of Main Avenue and north of Franklin Avenue. Many of these correspond to the Methodist campsites of the 19th century. The initial Methodist settlements were created on 40' by 60' lots, resulting in small parcels that are still visible today. In the early 1900s, the development of residential properties expanded outwards from the older core, especially the northeast quadrant of the Village between Main Avenue and Glen Cove Avenue. In the southern two quadrants of the Village, north of the North Shore Country Club and south of Littleworth Lane, most residential units were constructed after 1940. The North Shore Country Club was built in 1912.

Figure 2. Year Built



Source: CoreLogic

Home Values and Affordability

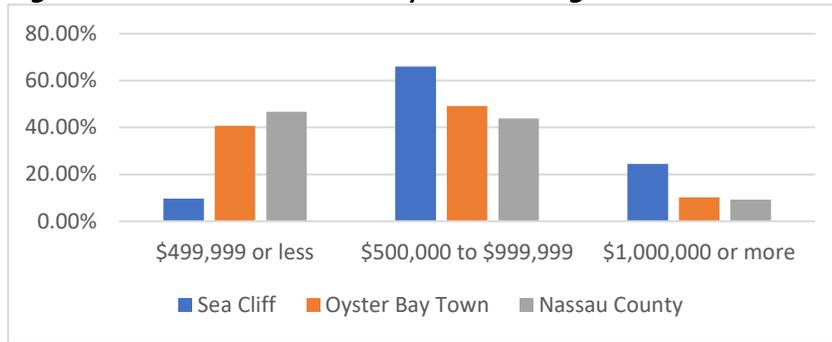
The Median Value of owner-occupied units in Sea Cliff at \$760,000 is substantially higher than that of either Oyster Bay Town at \$562,200 or Nassau County at \$524,400.⁸

Furthermore, only 9.6% of owner-occupied units in Sea Cliff cost under \$499,999, while 40.7% in Oyster Bay Town, and 46.7% in Nassau County, cost under \$499,999. In Sea Cliff, 24.4% of owner-occupied housing units were valued at over \$1,000,000, while 10.2% in Oyster Bay and 9.3% in Suffolk county were valued that high.

These high home values indicate that Sea Cliff is affluent compared to its container geographies.

⁸ ACS 2016-2020 5-year Estimates

Figure 3. Value of Owner-Occupied Housing Units



Source: ACS 2016-2020 5-Year Estimate

In Sea Cliff, 84.2% of owners pay \$3,000 or more in mortgage and other owner costs per month, while in Oyster Bay Town 64.9% do, and in Nassau County, 61.3% do. 33.4% of households in Sea Cliff with a mortgage paid more than 35% of their household income in selected monthly housing costs. For owned housing units without a mortgage, 96.9% in Sea Cliff pay over \$1,000 per month for selected monthly owner costs, while in Oyster Bay Town and Nassau County, that is less at 80.3% and 79.2%, respectively. In short, Sea Cliff home-owners generally pay more for their housing than those in the Town and County.

The median monthly rent in Sea Cliff was \$2,414 in 2020, higher than Oyster Bay Town and Nassau County at \$2,066 and \$1,821, respectively. Gross rent as a percentage of household income showed that more than half of renters in Oyster Bay Town and Nassau County were rent burdened in 2020, meaning they paid over 30% of their household income towards housing costs implying that there is a lack of affordable rental housing in the region.⁹ Although the same data for Sea Cliff is not reliable, it is likely that there is a similar pattern.

Generally, households that rent are more likely to have lower household income. For context, in Oyster Bay Town the homeownership rate is 89%. But for households making \$100,000 or more per year, the homeownership rate is 94% while the rate is 79% for those making under \$100,000 per year. In Nassau County, the homeownership rate is 81%. For households making \$100,000 or more it is 91% whereas for those making less than \$100,00 it is 68%.

In Nassau County, householders aged 25-34 are almost twice as likely to be renters than householders who are 35-44 years of age. 67% of householders aged 25-34 in Nassau County are homeowners. Homeownership rates for householders ages 35-84 years are relatively stable at around 85%, and rental rates at 15%. However, after 85 years of age, there is a slight decline to 81% owner-occupied households and an increase to 19% renter-occupied households, suggesting that there may be a demand for rental housing for the elderly.

⁹ ACS 2016-2020 5-year Estimates this data point are statistically unreliable at level of the Village and Oyster Bay Town and Nassau County rates are given as supplement.

In this section of the chapter, some options are explored for each of the identified housing issues and opportunities in Sea Cliff. Generally, the section is organized by topic area, starting with a description and analysis of the identified issue or opportunity, followed by a description of potential options to address the issue/opportunity. The “Options for Consideration” section at the end summarizes various options related to housing in Sea Cliff.

Residential Zoning and Lot Size

Minimum Lot Size Requirements: Existing conditions

In residentially-zoned areas of Sea Cliff, 58% of residential lots are smaller than the required minimum lot size based on the existing zoning. These lots were developed before the Village’s zoning code was implemented (1979).

There are four residential zoning districts in Sea Cliff, Residence A, B, C, and D.¹⁰ In Residence A, the minimum lot size is 7,500sf, the median lot size is 4,861sf, and 75% of residential lots are nonconforming due to lot size. In Residence B, the minimum lot size is 10,000sf, near the median of 10,060sf, and 49% of lots are nonconforming due to lot size. In Residence C, the minimum lot size is 15,000sf. The median lot size is 12,512sf, and 58% of lots are nonconforming due to their size. Table 2 shows the actual median lot size compared to the minimum required in Residence Zones A, B, and C.

Table 2. Actual Median Lot Size Compared to Minimum Lot Size in Residence Zoning Districts

Zoning District	Median	Zoning Min Lot Size	Count of Lots	Conforming Lots		Nonconforming Lots	
RES A (only residential uses)	4,860.5	7,500	556	139	25%	417	75%
RES B (only residential uses)	10,059.9	10,000	1,031	524	51%	507	49%
RES C (only residential uses)	12,512.3	15,000	159	66	42%	93	58%
Total Residential Zones (only residential uses)			1,746	729	42%	1017	58%

Issue: Existing lot sizes do not conform with Zoning.

Because of the nonconformity between the actual lot size and the zoning minimum lot size, property owners must get a pro-forma building permit from the Building Department (see side-bar on the next page) or a variance from the Zoning Board of Appeals. This can delay property owners from making reasonable changes to their property, and it takes away the time and resources of the Building Department and Zoning Board of Appeals.

¹⁰ The allowed uses and detailed dimensional requirements for lots in the residential districts are discussed in Chapter 3.

The Village should consider a more in-depth review of lot sizes of properties throughout the Village and consider adoption of changes that address existing conditions and will result in the reduction of nonconforming properties based on minimum lot size. There is potential to amend the zoning ordinance and/or map to relieve property owners, the Building Department, and the Zoning Board of adjustments. Sea Cliff Village could explore adjusting the minimum lot size requirements, adding an additional zoning district, delineating existing residential areas with zoning districts that better match their built form, revising the substandard lot size ordinance to allow pre-existing lots to follow appropriate zoning, or a combination of these strategies.

These options are presented for consideration and an in-depth study of their benefits and impacts on the Village and property owners could be carried out by the Building Department or through a subsequent zoning study after the Comprehensive Plan is adopted.

Pro-forma Building Permit

The Sea Cliff Village Code includes a provision on the use of existing substandard lots. Substandard lots refer to lots that were created before 1986 that do not conform with the minimum lot size, width, or front property line requirements. A proposed building or structure, in combination with existing buildings or structures on the lot, will not require a variance as long as it otherwise conforms with the zoning requirements. The Building Department is required to review documents and information to determine whether any conditions that preclude this rule exist, such as the absence of a certificate of occupancy or an unresolved construction violation exists. These rules are enumerated in Section 138-1201 C of the Village Code. If it is determined that it does not infringe upon those stipulations, the Building Department can issue pro-forma building permit. The Zoning Board of Appeals will have an opportunity to comment before the permit is issued. If the documentation is ambiguous or unavailable, the property owner will need to apply to the Zoning Board of Appeals for a variance.

Objective: making life easier for homeowners who want to improve their homes

Option 1.1: Adjust minimum lot sizes of existing zoning districts to better match existing conditions

If the minimum lot size in some or all of the residence zones were reduced, hundreds of property owners could be relieved of some barriers to building on their property, it would reduce the need for some pro-forma building permits, and variance requests.

For example, reducing the minimum lot size in Residence A to 5,000sf would relieve an additional 98 property owners. Although the median lot size of residence B is close to the required minimum lot size, almost half of properties do not conform. The minimum lot size in Residence B could be reduced to increase conformance. For example, if it were reduced to 8,000sf, 65% of lots would conform, and 144 property owners would be relieved. If the minimum lot size in Residence C were reduced to 12,500sf, closer to its median lot size, 50% of lots, 14 additional properties, would conform.

Table 3 shows how these changes to the minimum lot size would affect the number of conforming properties. The total effect of this scenario would result in 56% conformance, compared to the current 42% conformance to minimum lot sizes in residence zones.

Table 3. Example Changes to the Minimum Lot Size for Residence Zoning Districts

Zoning District	Median Lot Size (sf)	Reduced Zoning Min Lot Size (sf)	Count of Lots	Conforming Lots		Nonconforming Lots	
				Count	Percentage	Count	Percentage
RES A (only residential uses)	4,860	5,000	556	237	43%	319	57%
RES B (only residential uses)	10,060	8,000	1,031	668	65%	363	35%
RES C (only residential uses)	12,512	12,500	159	80	50%	79	50%
Total Residential Zones (only residential uses)	--	--	1,746	985	56%	761	44%

Source: Corelogic, BFJ Planning

Option 1.2: Create a new zoning district to accommodate smaller lots found throughout the Village

A new district to be created by the Village. The zoning district could have a smaller minimum lot size than the current Residence A. For example, if a 5,000sf zoning district were added, areas of the town with lots that conform with this size could be considered for rezoning.

Option 1.3: Rezone areas with appropriate zoning districts

A third option could be rezoning of certain areas in the current Residence B zone as Residence A, and some areas of Residence C as Residence A or B.

Figure 4 shows areas of the Village with concentrations of substandard lots that may benefit from minimum lot size adjustments or rezoning. For example, there are distinctive areas in Residence B that are more consistent with Residence A lot size. In particular, the area between 8th Avenue and Altamont Avenue in the north of the Village. There are also areas zoned as Residence C that may benefit from being rezoned as Residence B, Residence A, or as a new zone entirely. In particular, the area east of the North Shore Country Club and south of Harbor Way, there are 71 lots with a median lot size of roughly 7,550sf. This area could be rezoned as Residence A to alleviate nonconformities for property owners.

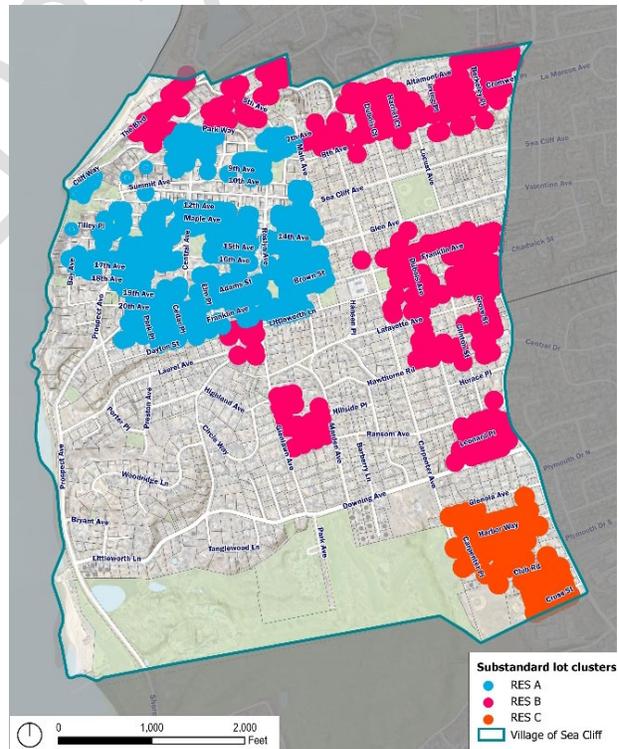


Figure 4. Areas with concentrations of substandard lots that may benefit from minimum lot size requirement adjustments in the zoning.

In any rezoning process, the Village should carefully consider the possibility of subdivisions. Most of the Village is built out and other restrictions in the code, such as requirements for infrastructure, would prevent these zoning adjustments from causing any major subdivisions or new development of land.

Option 1.4: Revise the Substandard Lot Ordinance to allow owners of existing residential lots to follow the zoning regulations that match their lot size.

Another option may be to treat pre-existing nonconforming small lots with the zoning district regulations that correspond to their lot size. For example, allowing pre-existing substandard lots (before 1986) located in the Residence B and Residence C zones that are in the range of 7,500sf to 10,000sf to be treated under the Residence A regulations, and substandard lots in Residence C between 10,000sf and 15,000sf to be treated under Residence B regulations. This scenario would relieve the owners of 269 properties and 86% of all residential lots in the Residence B and Residence C zones would have conforming minimum lot sizes.

Option 1.5: Relax other dimensional zoning regulations such as width and setback requirements.

Relaxing other dimensional zoning regulations, such as width and setback requirements could provide additional relief from pro-forma building permit regulations and variance requests.

In the Residence B, for example, reducing the minimum lot width from 90' to 80', reducing the side yard minimum requirement from 15' to 12', and reducing the rear yard minimum requirement from 30' to 25', would give the property owner a more flexible area to build upon their lot or would bring pre-code buildings into conformance. The minimum lot width in Residence A could be reduced from 67.5' to 60'.

Option 1.6: A combination of some or all of the above

The cumulative effect of various combinations of the above listed options could result in a great amount of relief for property owners, the Building Department, and the Zoning Board of Appeals.

For example, adding a new zone with a minimum lot size of 5,000sf and revising the substandard lot ordinance to allow lots to refer to the zoning regulations of the residence district that best matches their actual lot size, would result in an additional 557 conforming lots, bringing the total across residential districts in the Village to 74% conforming, compared to the current 42%. Table 4 illustrates this example.

Table 4. Example of Adding a New Residential Zone and Revising the Substandard Lot Provision to treat pre-existing substandard lots with the matching zoning regulations

	Zoning Min Lot Size (sf)	Actual Lot Size (sf)				Total lots in zone	Nonconforming lots		Conforming lots	
		5000-7499	7500-9,999	10000-14,999	15000+					
R5*	5,000	--	--	--	--	--	--	--	--	--
RES A	7,500	86	68	53	18	556	331	60%	225	40%
RES B	10,000	175	213	288	236	1,031	119	12%	912	88%
RES C	15,000	27	31	25	66	159	10	6%	149	94%
TOTAL		288	312	366	320	1746	460	26%	1286	74%

Source: Corelogic, BFJ Planning

*R5 is an example of a new zone with a minimum lot size of 5,000sf.

*Additional conforming lots

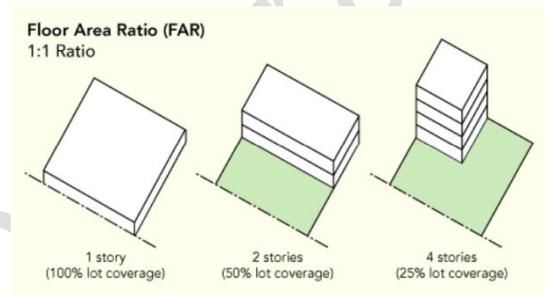
Floor Area Ratio (FAR)

Sea Cliff Village Code has a provision that restricts the maximum floor area ratio (FAR) on a lot. FAR is the total floor area of all buildings on the lot, divided by the area of the lot. FAR gives a calculation for the bulk of buildings on a site. A one-story building that covers a full lot has the same FAR as a 2-story building that covers half of the lot and as a 4-story building that covers a quarter of the lot. Sea Cliff has a variable maximum FAR depending on lot size. Table 5 shows the existing allowable FAR depending on the size of the lot for the Village. Subsection B of the provision allows an exception for lots with pre-existing buildings to follow the Maximum FAR of the smaller lot area category.

Table 5. Sea Cliff Village Maximum Floor Area Ratio (FAR)

Area of Lot (square feet)	Maximum FAR
Up to 2,400	50%
2,401 to 3,600	44%
3,601 to 4,800	38%
4,801 to 7,200	33%
7,201 to 9,600	31%
9,601 to 12,500	27%
12,501 to 15,000	25%
15,001 to 17,500	23%
17,501 to 20,000	21%
20,001 to 25,000	19%
25,001 to 30,000	17%
30,001 to 40,000	15%
40,001 upward	13%

Source: Sea Cliff Village Code, Chapter 138



FAR Example

Illustration Source: MinnPost

Height

Height restricts how high or how many stories property owners may build on their lot. In Sea Cliff, the maximum height regulation for all residence zones is 30-feet and limited to 2-stories. Many of Sea Cliff’s older homes are built in the Victorian architectural style. Victorian houses are characteristically tall and tend to be over 2-stories. The aesthetic considerations regarding building height will be discussed further in Chapter 9.

The height restriction may not result in buildings that share the character of Sea Cliff’s existing residential neighborhoods. Homeowners of pre-code buildings that exceed 30-feet or 2-stories need to go to the zoning board of appeals when they want to make changes to their homes. The Building Department could consider this complex issue with a follow up study or survey of how many structures could benefit from adjustments to allowable height to reduce the number of variance requests.

Lot Coverage

The Building Department and Zoning Board of Appeals cited coverage as one of the key reasons for high numbers of variance requests. To reduce this issue the maximum lot coverage regulation could look similar to the way Sea Cliff Village already treats FAR. Currently, the Village has a blanket regulation of 30% maximum lot coverage across all residential districts. Sea Cliff could explore the option of creating a sliding scale for lot coverage. For example, see Table 6.

Option 2.1: Consider amending the zoning to add a sliding scale for maximum lot coverage that corresponds to lot areas.

Table 6. Example of maximum lot coverage requirements for residential lots

Lot Size (sf)	Less than 5,000	5,000 – 7,500	7,500 – 10,000	10,000 – 15,000	15,000 +
Maximum Lot Coverage	40%	35%	30%	25%	20%

Greenspace Minimum

Sea Cliff Village is facing issues of excessive stormwater runoff, partially due to increasing construction of impervious surfaces. Runoff contributes to flooding and pollution of water resources. A greenspace minimum, or green space coverage requirement, is a zoning regulation that requires a percentage of the total lot area to be landscaped. The purpose is to ensure that stormwater has a place to drain to avoid runoff and flooding.

Objective: reduce impervious surfaces on residential lots to minimize runoff.

Option 2.2: Add a greenspace minimum requirement to the zoning code.

In combination with other measures the Village is already considering to manage stormwater runoff, such as on-site drainage systems, introducing a greenspace minimum can help the Village meet its objectives. The minimum percentage of area required for landscaping would vary depending on the size of the lot. See Table 7 which shows an example of only 10% greenspace required for the smallest lots and 30% greenspace required for the largest lots in the Village. The greenspace minimum may include a partial credit for the use of green pavers, which allow water to permeate, in place of paved driveways, walkways, or patios (see the image to the right). If adopted, the Village should monitor the effect to determine whether to tighten or loosen the required percentages.



Green pavers

Table 7. Example of green coverage requirements for residential lots

Lot Size	Less than 5,000 SF	5,000 – 7,500 SF	7,500 – 10,000 SF	10,000 – 15,000 SF	15,000 +
Greenspace minimum	10%	15%	20%	25%	30%

Conservation Subdivision

The Village code and New York State enabling legislation regulate property subdivision. The regulations aim to ensure residents' health and safety, protect property values, oversee the character of the development, ensure the provision of adequate infrastructure to support growth, and conserve the natural environment. According to the Village Code, the Planning Board is empowered to review all applications for subdivisions and development of land in Sea Cliff.

A conventional subdivision takes the dimensional requirements of the zoning district and lays out lots in a fashion where they are distributed across the entire plat. However, this type of subdivision is not favorable because it contributes to sprawl, is costly from an infrastructure standpoint, and does not conserve the natural environment, open space, and scenic views. It can also be out of character with existing development.

The State Statute authorizes a different type of subdivision, called cluster subdivision, which improves the conventional subdivision as it can achieve other community goals. In a cluster subdivision, the developer accounts for areas of the plat that are not ideal for construction, such as steep slopes, wetlands, and other sensitive natural areas, and concentrates development on the most suitable area of the property. The same number of lots calculated for a conventional subdivision is allowed in the cluster subdivision and reduces some of the dimensional restrictions of the zoning district. The result is the same net density on the plat as in a conventional subdivision, with the added benefit of open space and a more compact neighborhood.

A conservation subdivision is a cluster subdivision in which the conservation of the natural environment or cultural resources is prioritized. More than half of the plat is set aside for open space.¹¹ In New York statutes, conservation subdivision is not specifically mentioned and would be achieved through the State's enabling legislation for cluster subdivision.

Objective: be prepared if and when the Country Club ceases operations or is sold.

North Shore Country Club (Residence D)

One of the most significant lots in Sea Cliff for potential residential development is the North Shore Country Club. Following the trend of closure and redevelopment of golf courses across the US, but in Long Island, in particular, the Village could be prepared to plan for the redevelopment of the North Shore Country Club if and when it happens.

The North Shore Country Club is currently zoned as Residence D, which means the owner could divide the land into 20,000sf single-family residential lots. Approximately 97-105 single-family homes could be constructed there as of right.¹² The Country Club is the only parcel zoned as Residence D.

Option 3. Consider changing the minimum lot size in the Residence D zoning district (North Shore Country Club) and adding subdivision regulations that mandate a conservation subdivision.

The text below walks the reader through an approach, some alternative scenarios, and reasoning behind them, for increasing the minimum lot size in Residence D and mandating conservation subdivision in the Village Code

¹¹ <https://dos.ny.gov/system/files/documents/2021/12/subdivisionreviewinnys.pdf>

¹² Cashin Build-Out Study (2009). The range is due to 8 existing cottages on the site. If they are conserved, they would be subtracted from the 105 allowable lots leaving 97 new homes that could be developed.

If the Village rezoned the Residence D district to require a larger minimum lot size, they would reduce the allowable number of single-family homes. Adding an additional provision mandating a conservation subdivision would ensure that the same number of single-family homes are constructed while conserving the environmental features of the site, including Scudders Pond, wetlands, and views of the harbor.

A conservation subdivision would also reduce the lot size in the actual development to be more consistent with the character of the Village. For example, if the minimum lot size in Residence D were changed from 20,000sf to 30,000sf, and the Village required a developer to conserve half of the Country Club land as open space, the single-family lots would be reduced to a minimum of 15,000sf, which is consistent with the minimum lot size of the Residence C district, the largest minimum lot size district that is developed within the Village.¹³

An important factor to consider is that the North Shore Country Club is divided between the jurisdiction of Sea Cliff Village and the Town of Oyster Bay. While the zoning on both sides of the property is currently consistent at 20,000sf-minimum-lot-size single-family residences, the Town of Oyster Bay is considering increasing the minimum lot size to two acres as presented by Nelson, Pope, & Voorhis LLC at a Public Hearing in January, 2023. If this goes to pass, Sea Cliff Village may consider the option of increasing the minimum lot size to two acres. While this would substantially reduce the number of single-family homes that could be produced on the site, a mandated conservation subdivision is still a preferable option to a conventional subdivision.

To better understand the number and character of single-family homes that could be developed on the North Shore Country Club site within Sea Cliff, Cashin Engineering’s Build-Out Analysis from 2009 is used to guide calculations for different scenarios below in Table 8 below.

The Sea Cliff portion of the North Shore Country Club is approximately 74 acres. The owner would be allowed to develop about 48 acres of the land after accounting for wetlands (5.6 acres), a wetland buffer expected to be required by the State (4.9 acres), the required 5% land donation (3.2 acres), and assuming 20% of land will be needed for infrastructure (12.1 acres). There are currently eight cottages on the property, some of which are used as year-round residences. Depending on whether the developer preserves these cottages or not, the number of possible new units is adjusted. The Table below shows the effect of changing the minimum lot size in zoning district Residence D and the scenario accounting for the eight existing cottages.



Figure 5. Conceptual illustration of a conservation subdivision of the North Shore Country Club. In both scenarios, 50% of the area is preserved open space. The top illustration shows roughly half-acre lots, while the bottom illustration shows roughly 1 acre lots. **There are currently no plans to redevelop the country club.**

¹³ Although, as discussed in detail above, the actual median lot size of residence C is closer to 12,500sf.

Table 8. Possible Subdivision of the North Shore Country Club: Number of Lots Produced at Various Minimum Lot Sizes Through a Conservation Subdivision (50% open space preserved)

Possible Minimum Lot Size	20,000 sf	30,000 sf	1-acre	2-acre
Number of Lots after subdivision	105	70	48	24
Minus 8 existing cottages on the property	97	62	40	16

Source: Cashin, 2009; BFJ Planning

Affordability Opportunities

As described in the existing conditions section of this chapter, housing in Sea Cliff may not be affordable or accessible to some seniors, people in their 20s, and modest-income families and individuals. Several Sea Cliff residents who attended the first public workshop expressed a desire for a diverse community in the Village. They see a future where children who grow up in the Village can afford an apartment there when they start their careers; where seniors can downsize from their multi-bedroom house to a one-bedroom unit; where the elderly or disabled can find an accessible unit near their social circle and services; where working individuals and families can live within the community where they are employed; and where newcomers are welcomed and have the opportunity to enjoy the benefits of Sea Cliff and contribute to its diversity. At this moment, the Village is well-positioned to provide a variety of housing choices to retain and attract a diversity of residents.

Sea Cliff Village is small, and there are very few areas for new development. However, properties that may come onto the market in the future can be positioned to achieve a desirable balance. The largest of these properties is the North Shore Country Club. Smaller, yet significant, properties along Glen Cove Corridor are turning over. Changes to the existing zoning code can guide the future development of these sites in a way that achieves the appropriate housing mix for the Village.

Some options for the Village to consider are to add accessory dwelling unit regulations to the Zoning Code and the adoption of New York State’s Long Island Workforce Housing Act. Each of these is explained in detail below.

Objective: Provide housing choices to retain and attract a diversity of residents.

Long Island Workforce Housing

Incentivizing workforce units is a strategy to provide affordable housing to those who currently work in the community, who market-rate housing costs may now exclude.¹⁴ These could be essential workers, including teachers, firefighters, nurses, and others. Long Island’s Workforce Housing Act allows local governments to give developers a density bonus when they include at least 10% affordable workforce units in a new development with more than five housing units. Alternatively, the developer could build the same number of workforce units on another site in the Village or pay

¹⁴ <https://www.osc.state.ny.us/files/local-government/audits/2017-12/lgsa-audit-swr-Long-Island-Workforce-global.pdf>

into a fund to provide affordable housing. The Village is responsible for ensuring that the units created under the Act remain affordable.

Option 4. Adopt the provisions of Long Island’s Workforce Housing Act for new residential developments of greater than five dwelling units.

The text below outlines a strategy for adopting the workforce housing provision in the Village.

“Affordable” in terms of Long Island Workforce Housing allows for affordability for those up to 130% of the Area Median Income (AMI). The 2022 AMI in Nassau County is \$146,400 for a family of four, meaning 130% of the AMI would be \$190,320 for a family of four. While the developer can make the units affordable to lower-income thresholds, it is unlikely that they would have the incentive to do so. Therefore, the Village may prefer a different income threshold (e.g. 100% AMI) to require a developer to ensure affordability for those who need it most.

Sea Cliff could adopt the Workforce Housing regulation at a higher rate than the minimum of 10%, such as 20-25% of workforce units, as other Long Island communities have done. This would apply to all new housing developments with more than five units to bring a positive impact to the affordable housing stock in the Village. The Village must establish guidelines for eligibility and enforcement in their code to ensure the units remain affordable or, in the case of a payment in lieu, to govern the use of the affordable housing trust fund following the Act.

As mentioned before, the North Shore Country Club is a residentially-zoned parcel that, if and when it is redeveloped, would be particularly beneficial to increase housing choices in the Village, especially if the Workforce Housing provision is adopted. Table 9 shows how many workforce units could be provided in each scenario presented in the previous discussion of possible minimum lot sizes for Residence D above.

Table 9. Possible Subdivision of the North Shore Country Club: Number of Lots Produced at Various Minimum Lot Sizes and Number of Possible Workforce Housing Units

Possible Minimum Lot Size	20,000sf	30,000sf	1-acre	2-acre
Number of Lots after subdivision	105	70	48	24
Minus 8 existing cottages	97	62	40	16
Number of Workforce Units (20%)	19	12	8	4
Number of Workforce Units (25%)	26	17	12	6
Total with Bonus Units (20%)	116	74	48	20
Total with Bonus Units (25%)	123	79	52	22

Accessory Dwelling Units

The New York Governor has proposed state-wide legislation that would require all municipalities in New York to adopt Accessory Dwelling Unit laws into their code. Because of this looming possibility, it is important for the Village to understand this increasingly popular form of housing.

An accessory dwelling unit (ADU) is a small apartment within the same lot of a larger single-family home. ADUs are also known as accessory apartments or granny flats. In general, they can be created within the frame of an existing residence, as an addition, a garage conversion, or in some communities, as a freestanding



ADU Example, Illustration by Regional Planning Association

cottage. The key difference between an accessory dwelling unit and a two-family home is that the unit is auxiliary to the principal residence or use.

ADUs provide affordable housing options in a community and can help young adults and seniors, in particular, find an affordable place to live within their communities. Accessory dwelling units are often inhabited by grown children or elderly parents of the homeowner. Thus, providing additional social benefits to the occupant. ADUs can also be rented to unrelated individuals or families who cannot afford a single-family unit within the community. Rent payments can supplement the income and housing costs of the homeowner.



ADU Example, Illustration by Regional Planning Association

ADUs are an attractive way of providing more affordable housing because they do not change the character of a residential neighborhood. Special permits can require the review of floor plans, and provisions in the zoning code can require property owners to maintain the look of a single-family residence.

ADUs are not short-term dwelling units, which Sea Cliff’s code prohibits without a special permit and additional restrictions. Specifically, offering housing on short-term rental websites, such as Airbnb or VRBO, is not allowed. ADUs should be the primary residence of the occupants.

The Sea Cliff Village zoning code does not allow more than one dwelling unit in new buildings constructed in Residence A-D zones, which means that no new two-family or multi-family dwelling units can be constructed. However, the code includes a definition for a Parent-Child Dwelling, defined as “a one-family dwelling altered to include a second dwelling unit for the sole use by the children or parents of the resident fee owner of said one-family dwelling and for which a special permit shall have been duly approved by the Zoning Board of Appeals.”¹⁵ The Village should review this provision, especially if it has not been utilized in the past. One consideration could be to revise this provision to allow for ADUs by special permit as specified in Option #5 of this chapter.

Option 5. Consider adding language to the Sea Cliff code to allow accessory dwelling units (ADU) in single-family properties by special permit.

The text below describes a strategy to incorporate ADUs into the Village Code. Additional provisions for how the Village could regulate ADUs are outlined in the Options for Consideration section at the end of the chapter.

Sea Cliff could adopt an ADU law to allow ADUs by special permit. This would create small, affordable rental units in the Village without changing its appearance and character. ADUs can be designed as to keep the single-family appearance of Sea Cliff’s residential districts and the Zoning Board could be required to review scale drawings to ensure compliance. ADUs could serve the needs of seniors who would like to age in place and of young adults at the start of their careers who need affordable rental

¹⁵ <https://ecode360.com/7998995?highlight=dwelling,parent-child%20dwelling&searchId=32831240215999782#7998995>

options. The Village Code can further regulate ADUs to ensure that they are smaller than a third of the primary residential building, only allow them in garages or within the main residential building, require one parking space, and make additional provisions as described in Option #5. In reviewing a special permit application for an ADU, the Zoning Board would need to carefully consider Sea Cliff's small lots, capability of septic systems, parking availability, and on-site stormwater management systems to ensure that adding an ADU will not have negative impacts. As part of the consideration for incorporating ADUs into the zoning code, the Village should address and account for the limitations noted in the Introduction to this Chapter and as further reviewed in other chapters.

Home Offices

Option 6. The accessory use regulations for each of the Residence districts in the Village Code could include a provision that amends the authority for working from home uses.

Another type of Accessory use that could be permitted in the Residence districts of Sea Cliff is that of home offices. The current code in Sea Cliff does not allow for a home office as-of-right. With the majority of Sea Cliff's residents working in management, business, sciences, and arts occupations, working from home may be a desirable option. Following the COVID-19 Pandemic, work-from-home rates have skyrocketed with many offices allowing employees the flexibility to work from home at least one day per week and in some cases, to work remotely entirely. Sea Cliff could adjust the accessory use components of its Residence districts to allow as of right certain working from home uses, subject to appropriate guidelines, regulations and conditions. In case the accessory home office is utilized as an office by one (or more) employees (not residing within the property), the Village could consider requiring a Special Permit for such use.

Mixed Uses

In the Business districts, the ordinance allows for mixed uses by special permit—residential use can be in the same building if commercial use is the primary use. Specifically, in Business A and B, buildings with the primary use as a retail store, shop, personal service establishment, public or private office, school, studio, or workroom of a craftsman or tradesman may contain up to two dwelling units if they are in the same building as the principal use. One dwelling unit is allowed per 4,000sf of lot size. A special permit is required, and the Zoning Board of Appeals needs to consider whether the principal use is compatible with a dwelling. A new application is necessary for the dwelling unit if the principal use of the building changes.

In the Business A and B districts, properties used for single-family homes are subject to the code for Residence A or Residence B, respectively.

Objective: expand housing choices while improving vibrancy and urban design of Glen Cove Avenue.

Option 7: Encourage mixed-use development and improved urban design outcomes in Business District B (Glen Cove Avenue) through zoning revisions and further studies.

In the Residence B district, which traces the commercial corridor of Glen Cove Avenue (west side of the corridor), there is an opportunity to ease the restrictions of mixed and multi-unit residential uses, as briefly introduced in Chapter 3. Moderately sized properties that have redevelopment potential

along the Glen Cove Avenue Corridor and could provide “missing middle housing”¹⁶ in Sea Cliff. This could provide choice for individuals and families who may not be able to afford to buy a single-family home in Sea Cliff, those who prefer to live in an apartment, or prefer to rent rather than own. Chapter 8 will address the commercial aspects and opportunities of the Glen Cove Avenue Corridor.

Residential use in Business B (and Business A) is currently treated and regulated as accessory to the principal commercial use. For example, regulations limit the number of units that can be built in mixed-use buildings, as mentioned above (one unit per every 4,000sf of lot size). This provision could be revised if the Village decides to promote more residential uses in this district.

Glen Cove Avenue is one of the few places in the Village that could accommodate some multi-family development that is scaled appropriately to match the surrounding environment. While opportunities for site redevelopment along the corridor may be limited due to a number of factors including limited parcel size, the Village could provide enhanced opportunities for mixed-use buildings that support a vision for a vibrant, mixed-use corridor with access to Sea Cliff’s amenities and nearest to the train station. Additionally, the Northern portion of Glen Cove Avenue in Sea Cliff is connected to the sewer district, a factor that could be leveraged to allow for more flexibility in permitted uses in a way that is sustainable environmentally and financially.

There have been successful examples of mixed-use development along the corridor that have enhanced the pedestrian experience while providing for more housing choices for younger demographics (see example in image on the side). The Village has the opportunity to remove zoning barriers to allow more of these mixed-use buildings while controlling the aesthetic outcome. For example, a revision of front setback requirements may help to establish a better relationship between the building and the pedestrian experience.



Once and if residential use becomes allowed as a principal use in the Business B district, the Village could consider whether to allow residential-only building (multi-family) through special permit or examine locations where the zoning could allow for multi-family buildings that have no commercial aspect. Most of the Business B district would allow for buildings with ground-floor commercial space and up to two stories of residential use above commercial.

¹⁶ Missing Middle is a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for walkable urban living. Missing Middle Housing provides a solution to the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability. Source and more info: <https://www.cnu.org/our-projects/missing-middle-housing>

Options for Consideration

- 1. Consider making changes to the minimum lot size and dimensional requirements for residential lots in Sea Cliff's Zoning Code to make life easier for Sea Cliff homeowners.**
 - 1.1 Adjust minimum lot sizes of existing zoning districts to better match existing conditions
 - 1.2 Create a new zoning district to accommodate smaller lots found throughout the Village
 - 1.3 Rezone areas with appropriate zoning districts
 - 1.4 Revise the Substandard Lot Ordinance to allow owners of existing residential lots to follow the zoning regulations that match their lot size.
 - 1.5 Relax other dimensional zoning regulations such as width and setback requirements
 - 1.6 A combination of some or all of the above

- 2. *The Village could explore adjustments to the maximum lot coverage and the addition of a minimum greenspace provision to balance the needs of residents on small lots and the desire to alleviate stormwater runoff.***
 - 2.1 Amend the zoning to add a sliding scale for maximum lot coverage that corresponds to lot areas.
 - 2.2 Add a greenspace minimum requirement to the zoning code.

- 3. Consider changing the minimum lot size in the Residence D zoning district (North Shore Country Club) and adding subdivision regulations that mandate a conservation subdivision.**
 - 3.1 Adopt New York State's provisions for mandating Cluster Subdivisions.
 - 3.2 Establish guidelines to require that 50% or more of the subdivision be conserved as open space (Conservation Subdivision).
 - 3.3 Establish desired limits on the minimum lot size in the Residence D district. (see options as outlined above)
 - 3.4 Establish limits on the minimum lot size for cluster developments. (directly dependent on 2.3 above)

- 4. Adopt the provisions of Long Island's Workforce Housing Act for new residential developments of greater than five dwelling units.**
 - 4.1 Require 20-25% of units to be affordable workforce housing.
 - 4.2 Consider lowering the income limit below 130% AMI.
 - 4.3 Establish guidelines for the application process and eligible developments.
 - 4.4 Establish guidelines to ensure that workforce units remain affordable.
 - 4.5 Establish guidelines for the management of a housing trust fund in accordance with the Long Island Workforce Housing Act in case a developer elects to pay a fee in lieu of constructing affordable workforce units.

5. Subject to consideration of potential impediments identified in other chapters, such as retention of greenspace minimums, parking availability and septic system capacity, language could be added to the Sea Cliff code to allow accessory dwelling units (ADU) in single-family properties by special permit. Optional provisions include:

- 5.1 One ADU per residential property could be permitted in single-family detached dwellings in Residence A-D zoning districts.
- 5.2 The ADU law can provide for Planning Board approval for ADUs under similar procedures as for minor site plan approvals. Notice should be given to neighboring property owners. Scaled drawings must be submitted as part of the application along with an application fee. The approval will run with the property owner. A change in ownership will require a new application and approval.
- 5.3 The owner of a lot on which the ADU is located must occupy one of the units as their primary residence. If the owner moves, the ADU approval will expire in 90 days.
- 5.4 An ADU could be permitted only within the main structure or garage and not within any other accessory building. Changes to the structure to accommodate the ADU should be reviewed by the Planning Board.
- 5.5 An ADU should have a separate entrance not observable from the street or from a single front entrance with split access inside of the building.
- 5.6 The habitable floor area of an ADU should be greater than 400 square feet and less than 750 square feet or 30 percent of the total habitable space in the building.
- 5.7 A building with an ADU must comply with the dimensional requirements of the zone in which it is located. It should maintain the appearance of a single-family dwelling.
- 5.8 ADUs could be restricted on lots smaller than 5,000 square feet or appropriate size determined by the Village.
- 5.9 Existing cottages could be permitted for ADU use by special permit provided that they meet the requirements as set by the Village.
- 5.10 An additional parking space shall be required for the occupant of the ADU.

6. The accessory use regulations for each of the Residence districts in the Village Code could include a provision that amends the authority for working from home uses.

- 6.1 Consider allowing accessory home offices as of right for the use of the household. If there is one (or more) employees (not residing within the property), consider requiring a Special Permit for a home office.

7. Encourage mixed-use development and improved urban design outcomes in Business District B (Glen Cove Avenue) through zoning revisions and further studies.

- 7.1 Allow mixed-uses as of right rather than by special permit.
- 7.2 Consider allowing residential-only buildings by special permit or in specific locations (this would require a follow up study to identify locations where residential-only building may be appropriate).
- 7.3 Consider affordability requirements for apartments over stores, which could be inspired by the Long Island Workforce Housing Act or on a bonus basis, as suggested by Nassau County's Model Inclusionary Zoning Ordinance.
- 7.4 Consider a corridor study to explore opportunity sites and/or incentives for desired development through an overlay zoning.
- 7.5 Review dimensional requirements for the Business B district to ensure they are appropriate to the existing context and ensure a front setback that provides room for pedestrians, landscaping, and street furniture to create a buffer from traffic.