



L1

July 30, 2019

Ms. Anna Vikse, Esq., Village Attorney
Village of Westbury
235 Lincoln Place
Westbury, New York 11590

**Re: Proposed Amendments to the Village of Westbury Zoning Code –
Comments on Draft Generic Environmental Impact Statement (DGEIS) and
proposed Code Amendments**

Dear Ms. Vikse:

I am writing to express the strong support of Community Development Corporation of Long Island (CDCLI) for the proposed amendments to the Village of Westbury's existing zoning code. These changes are envisioned to effectively create new transit-oriented development and mixed-use development opportunities within the Village's existing central business district, goals which are aligned with the work and mission of CDCLI.

CDCLI is a regional non-profit organization that was founded 50 years ago by government, business, and civic leaders who came together to address the growing demand for affordable housing. Our mission is to invest in the housing and economic aspirations of individuals and families by providing solutions that foster and maintain vibrant, equitable and sustainable communities.

We are a regional and national leader in community development, working to revitalize and build strong communities by providing a variety of programs and services that address the dynamic challenges faced by those who live and work on Long Island. CDCLI has partnered with private developers to construct more than 1,800 affordable multifamily residences on Long Island, with about 400 units currently in the pipeline. We also provide affordable housing marketing and management services. Please see attached flyer for a full description of CDCLI's programs and services.

CDCLI has experience in developing transit-oriented development and blending housing with arts space as envisioned in the Village of Westbury's Downtown Revitalization Initiative (DRI) Plan. Our next development slated to open at the end of 2019 in partnership with the Albanese organization is a 124-unit development of affordable housing in Wyandanch Village. This building is the latest phase of an award-winning redevelopment project which includes renovations and new parking garage for the for the Wyandanch LIRR station, a public plaza, neighborhood retail and mixed-use affordable and workforce housing. We also partnered with Conifer Development on Peconic Crossing, a mixed-use development in the heart of downtown Riverhead which provides 45 units of affordable housing with preferences for artists and ground floor space occupied by the East End Arts Council.

It is well known that housing on Long Island is very expensive to rent or buy, and housing costs have been continually increasing at a rate which is higher than the growth of household income. Census statistics indicate that 57% of Long Island households are paying more than 30% of their income on housing costs (defined as rent burdened), and 32% are paying more than 50% of their income for housing (severely rent burdened). Further, the availability of affordable rentals is very limited, particularly in transit-oriented, walkable, downtown communities.

The Village's DRI Plan recognized that the Village's population is diverse and growing, with a strong and continued demand for new housing and significant opportunities for transit-oriented development near the LIRR station. The proposed rezoning is a critical first step in achieving the goals of Transit-Oriented Development, Diversity and Walkability identified in the DRI Plan.¹

With this rezoning the Village is taking clear action to address these needs by not only permitting multi-family and mixed-use developments as of right, but also by including development bonus provisions to further encourage diversity and affordability. CDCLI commends the Village for including zoning incentives for public benefits that encourage diversity in housing such as:

- Affordable housing units in excess of that required by § 699 of the General Municipal Law (*Long Island Workforce Housing Act*);
- Inclusion of Micro-units of no less than 350 square feet of clear floor area;
- Inclusion of Veteran preferential units

We recognize that the Village is seeking to be more inclusive than the minimum requirements of the Long Island Workforce Housing Act (the "Act") by defining "affordable workforce housing" as housing for individuals and families at or below 80% of the median income for the Nassau-Suffolk area.

While the proposed zoning clearly intends to achieve greater outcomes than the State requirements under the Act, we submit that further refinements are necessary in order to effectively achieve the goals. For example, we suggest the Village consider a more nuanced requirement setting different income levels for rental versus owner occupancy. Allowing rental units at or below 80% of median income with half of the units being at 60% would result in a greater number of families being eligible to be served while still maintaining economic viability for private development. Conversely, in our experience assisting hundreds of customers with home purchases, homeownership may be difficult to achieve at 80% of median income without subsidies. Therefore, allowing for a higher range of income levels may be more appropriate. CDCLI welcomes the opportunity to discuss further options to consider in setting meaningful, yet achievable affordability requirements either as part of this rezoning process or in the future as proposals for housing are considered.

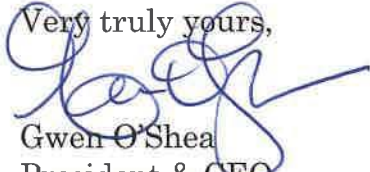
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In our 50 year history, we have been involved at every level of community development-from concept, to community engagement, to resource and financial investment identification for both rental and home ownership opportunities. CDCLI

¹ New York State Downtown Revitalization Initiative Strategic Investment Plan, Village of Westbury (February 2017)

supports the Village of Westbury rezoning proposal as consistent with smart growth, neighborhood revitalization, and Transit Oriented Development concepts. We stand ready to assist the Village in achieving these goals.

Very truly yours,



Gwen O'Shea
President & CEO

Cc:

Peter I. Cavallaro, Village Mayor

Steven L. Corte, 1st Deputy Mayor/Trustee

Beaumont A. Jefferson, 2nd Deputy Mayor/Trustee

William B. Wise, Trustee

Vincent Abbatiello, Trustee



Community Development Corporation of Long Island
2100 Middle Country Road, Centereach, NY 11720
631.471.1215 • www.cdcli.org



Community Development Corporation of Long Island (CDCLI), a regional non-profit organization, was founded in 1969 by government, business, and civic leaders who came together to address the growing demand for affordable housing. That strong tri-sector support continues today. CDCLI is a nationally connected, locally focused organization, and has developed a strong reputation in its 50-year history of serving the Long Island community. The organization is a regional and national leader in community development, working to revitalize and build strong communities, and employs a team of more than 85 highly committed, expert professionals. CDCLI serves Nassau and Suffolk Counties and parts of Brooklyn, and provides a variety of programs and services that address the dynamic challenges faced by those who live and work on Long Island.

From providing a voice for fair and sustainable community development to homeownership education to residential lending, CDCLI remains steadfast in its commitment to three pillars of focus: Community Development and Housing for All; Economic Stability; and Advocacy, because home matters for all people.

. As a chartered member of NeighborWorks®, CDCLI is recognized as an “exemplary organization,” meeting a high standard of fiscal integrity and service performance to assist local residents in achieving their dreams, however they define them.

Our programs and services include:

Homeownership Center – Offering education, counseling, training, and coaching to help people achieve and sustain a healthy home, however they define it, and to gain financial independence. Pre-purchase programs include homebuyer education and financial literacy. Post-purchase programs include foreclosure counseling, reverse mortgage counseling, and home maintenance training.

Rental Housing Assistance – Providing rental subsidies to low-income families, seniors, disabled persons, and veterans using federal and state funds.

Real Estate Development – Increasing affordable housing opportunities throughout Long Island that meet each community’s needs, including single and multifamily homes for rent and sale. Wherever there is opportunity and community need, CDCLI works with residents, government officials, community leaders, and other partners to accomplish affordable housing development.

Home Improvement & Optimization – Enabling Long Islanders to make their homes healthier, more energy efficient, and structurally sound. CDCLI provides construction oversight for the weatherization of single and multifamily homes, accessibility improvements, home improvements, and critical safety repairs.

Resident Services – Using housing as a platform to help low-income, vulnerable populations build a stable life and achieve sustainable tenancies as they work toward self-defined goals on a journey to personal and economic empowerment. This initiative integrates health, human services, housing, and community development providers to holistically

We Invest in Your DreamsSM

address resident needs by identifying service gaps and connecting them to appropriate supportive services.

Lending – As a Community Development Financial Institution, we are able and committed to provide affordable and responsible lending in under-resourced and under-served communities; encouraging and empowering individuals to join the economic mainstream. Residential lending services provide a variety of innovative, low-interest loans and grants to assist with down payments, closing costs, emergency repairs, and septic system replacements. CDCLI's CDFI also provides pre-construction, short-term and permanent financing to multi-family developments.

Affordable Housing Marketing and Management– Assisting municipalities and developers to advance the creation of inclusive and affordable housing and ensure ongoing compliance of such developments with regulatory requirements.

Clean Energy Communities & Green Initiatives – Assisting local governments to implement clean energy actions, save energy costs, create jobs, and improve the environment.

In accordance to The Village's posted message:

"Following the public hearings this week, the Village will accept written comment at clerksoffice@villageofwestbury.org until Friday, August 2, 2019 at 4:30PM."

Please accept my written comments about the DRI Rezoning Project /DGEIS, The Westbury Rezoning Text, and the DGEIS
Comments - Patty Muntz, Westbury, NY - Aug 1, 2019

from The Village of Westbury's Legal Notice in THE WESTBURY TIMES - JUNE 19, 2019

My comments

Concerning: "§ 248-359 Development bonus provisions." ---there are listed 31 possible or suggested ways that a developer/applicant could be granted permission for higher density/taller buildings in return for quality of life improvements to the "working, shopping and living environment of the Maple Union TOD District"

--- the 32nd suggestion (B. 21 on the list) "(21) Cash contribution in lieu of the above;" **TOTALLY NEGATES ALL THE PRECEDING suggestions for actual improvements to the quality of life in the MUTOD.**

L2-1

Concerning: "§ 248-361 Development requirements for affordable housing. A. For any residential or mixed-use development which incorporates five or more residential units, the applicant shall set aside at least 10% of all residential units for affordable workforce housing on site or In the alternative, the Board of Trustees may permit the developer to make provision of other land and the construction of the required affordable workforce housing units that are not part of the applicant's current subdivision plat or site plan but are to be provided on another site within the Village"

--- so, a developer can buy up property or properties in any other part of The Village of Westbury **OUTSIDE OF THE MUTOD** and push off his required "workforce housing" units to those areas. **Would that not tend to de-stabilize established neighborhoods?**

L2-2

Concerning: "§ 248-362 Rubbish disposal. A. Notwithstanding anything to the contrary contained in the Village Code, properties approved for development under this Article shall thereafter be required to provide private sanitation, waste disposal, rubbish removal and recycling collection consistent with Chapter 211, and the Village shall thereafter have no responsibility to provide such services."

--- until the developer(?) or the management company(?) declares bankruptcy or walks away from the occupied properties --- could there not be substantial costs passed on to the rest of The Village in such an eventuality?

L2-3

In accordance to The Village's posted message, please accept my written comments about the DRI Rezoning Project /DGEIS, The Westbury Rezoning Text, and the DGEIS

from DGEIS Proposed Amendments to the Village of Westbury Zoning Code June 2019.

Concerning school-aged population: ES xiv "As discussed above, the Rezoning Areas are within the Westbury UFSD. According to the Population and School-Aged Children Projections memorandum prepared by BJH Advisors, LLC, the RWCDS is expected to generate, over the 15-year full build period, between 43 and 189 additional school-aged children. It is expected that the additional school-aged children would be absorbed into the school district over a 15-year period, such that any year-to-year increases associated with the low, middle, or high range school-aged children projections would be minimal and would not be expected to adversely impact school district capacity. Based on the foregoing analysis, no significant adverse impacts to the Westbury UFSD are anticipated."

My comments

--- is that 43 to 189 possible students per year or the total of new students for 15 years? 2,134 new residential units will have a population of 2,500? 4,000? 5,000? and only 43 of them will be students?

L2-4

Concerning water supply: ES xv "It is projected that the RWCDS would create a demand for 744,635± gpd of potable water. However, it is expected that the additional demand for potable water would be absorbed into the Rezoning Areas over a 15-year period, such that any year-to-year increases associated with potential future development projects within the Rezoning Areas would be minimal and would not be expected to adversely impact existing Westbury Water District infrastructure or demand. "

--- is there enough infrastructure to meet the demand by an additional 2,134 residential units (2,500 to 5,000 people?) on a finite resource --- our aquifer? And what if the Water District determines at some point that development IS having a detrimental effect— can it call a halt?

L2-5

Concerning Electrical Power: ES xv "The Rezoning Areas are within the service area of PSEG LI for electricity. As the Proposed Action has the potential to increase the demand for electricity, consultations would be undertaken with PSEG LI for review of any future development plans. For all site-specific applications within the Rezoning Areas, PSEG LI would be consulted to confirm service availability, to identify potentially necessary site improvements to provide electric service and to discuss methods to lower energy usage and achieve energy conservation. Overall, it is anticipated that PSEG LI would have the capacity to accommodate future developments under the RWCDS. "

--- More demand requires more transmission lines from wherever the electricity will be generated — off-shore windfarms? Shoreham or Indian Point nuclear power-plants? Covanta? Maybe Old Westbury, Brookville...or Albany can lend us some? (Didn't New York City think that Con Edison could accommodate the additional demands of all the new high-rises and the ambitious Hudson Yards development projects --- but they had brown-outs and massive power failures during the recent heat-wave?)

L2-6

from DGEIS Proposed Amendments to the Village of Westbury Zoning Code June 2019

Concerning Parks and Open Space: ES xv

"It is not expected that the projected increase in development under the RWCDs would lead to a strain on the numerous nearby parks and public recreational resources. The new population to be generated by the RWCDs would be absorbed by the Village parks and recreation facilities over the course of 15 years and, as such, negligible increases in the total population to utilize the Westbury Recreation and Community Center would occur each year. Additionally, the availability (of) cultural and entertainment assets and organizations within the Village, as well as additional open space uses, would have the ability to serve the future population, and would not require additional public parks and/or recreation facilities in the Village."

--- what a fantasy! Where are all these "additional open spaces" and "public parks and/or recreational facilities in the Village." that can accommodate the needs of 2,500 to 5,000 additional human beings?

L2-7

*I think the Maple Union TOD District is being set up and written into code in a way that will **NOT ensure enough open and green-space** for the people who will live there. Space to walk, play, have a picnic. To read a book or check their phone in the shade of a tree. To chase fireflies and blow bubbles. To play catch, running bases, hide and seek, badminton, croquet, tag. To throw a*

frisbee or a football. To fly a paper airplane. To build a snowman or a snow fort. Play fetch with their dog. Practice their chip-shot. Set up a canopy over a birthday party or graduation party.



Green-space commensurate with space like this.

Some notes about parks and recreational resources for 2,500 to 5,000 additional residents in The Maple Union TOD. (All except Holy Rood were listed in the DGEIS Proposed Amendments to the Village of Westbury Zoning Code June 2019) :

L2-7
Cont'd.

Dryden Street School 545 Dryden Street, Westbury, NY 11590—grounds and playground are fully fenced, gated, and padlocked 24/7, and posted “Under Video Surveillance”.

Eisenhower Park 1899 Park Boulevard, Westbury, NY 11590—the nearest pedestrian entrance is over a mile away and across Old Country Road from the southwestern most corner of the MUTOD zone. And the park closes at sunset.

Holy Rood Cemetery, the largest green space adjacent to the MUTOD is fenced and requires all visitors to leave by 5:00 PM.

Ernesto Strada Piazza Corner of Post and Maple Avenues, Westbury, NY 11590—a small plaza — NO grass.

Charles J. Fuschillo Park 200 Carle Road, Carle Place, NY 11514—over a mile away. Closes at dark.

Martin Bunky Reid Park 915 Railroad Avenue, Westbury, NY 11590 —1 mile away. Closes at dark.

Please see the following for information about studies on the benefits of trees and green-spaces, especially in urban areas:

<http://chicagorti.org/TreeBenefits> (Covers and provides citations for research on the benefits of trees. Compiled by Jessica Turner-Skoff, PhD)



L3

Anthony S. Guardino
Partner

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Our File No.
35556.0102

August 2, 2019

BY E-MAIL (mayor@villageofwestbury.org)

Hon. Peter I. Cavallaro, Mayor,
and Members of the Board of Trustees
Village of Westbury
235 Lincoln Place
Westbury, NY 11590

**Re: Comment on DRI Rezoning Project/DGEIS
Proposed Amendments to the Village of Westbury Zoning Code**

Dear Mayor Cavallaro and Members of the Board of Trustees:

This firm represents Sunrise Senior Living (“Sunrise”), a premier developer of assisted living and other housing for senior citizens in the United States, Canada and the United Kingdom, and the operator of several communities on Long Island. In order to serve the growing demand for assisted living facilities on Long Island, Sunrise is actively identifying potential development sites in Nassau and Suffolk counties. It recently identified a 41,700 square foot parcel in the Village of Westbury as a potential site for a new Sunrise assisted living community. The subject parcel is an assemblage of six adjacent residential lots located at 321, 325, 329, 333, 339 and 343 Maple Avenue, and identified on the Nassau County Tax Map as Section 10, Block 220, Lots 46, 47, 48, 49, 50 and 693, respectively.

Sunrise proposes to construct an 85-unit assisted living facility within a 3-story, 72,500 square foot building on the site, which would provide local senior citizens with a housing option allowing them to continue to live in the Village. As part of the proposed development, Sunrise is willing to build and donate up to 2,500 square feet (within its building) to be used by the Westbury Arts Council, and which would benefit from shared use and proximity to Piazza Ernesto Strada. The Sunrise building would also be designed with parking underground in order to maximize landscaping and other green space and provide for a pedestrian linkage along Maple Avenue.

According to the Village’s Downtown Revitalization Initiative Plan (“DRI”), the entire parcel is located within the Maple/Union Area of the Downtown Study Area, and is proposed to be rezoned “Maple Union TOD District” (“MU District”). As the Board of Trustees contemplates the uses that

L3-1

will be permitted within the MU District, we urge it to consider assisted living facilities as a permitted use in that zone, and to adopted density, height and setback regulations that are appropriate for this type of use. As the Board is probably aware, assisted living facilities are a relatively benign land use that generate very little traffic and noise, and are a financial boon to local school districts because they impose no additional burden on the schools.

Sunrise believes that assisted living facilities should be included among the list of permitted uses within the proposed MU District because the use would meet the stated goals of the DRI (transit-oriented, diversity, walkability and arts-centric). Moreover, the development proposed by Sunrise would also achieve the predominant purposes of the MU District, as stated in the Draft Generic Environmental Impact Statement (“DGEIS”), as follows:

1. **Foster reasonable and prudent transit-oriented development that allows for increased density, mixed-use development in the Maple Union area.** *Sunrise would meet this objective by providing for 85 units on three levels and offering a retail space for the Westbury Arts Council.*
2. **Improve pedestrian and visual connections between the train station and downtown.** *Sunrise would meet this objective by offering jobs that would use the train and encourage pedestrians to walk to work.*
3. **Attract new residential and job-creating uses near the train station.** *Sunrise would meet this objective with 85 units for seniors and up to 70 permanent full-time equivalent jobs created.*
4. **Retain the existing diverse population and attract new residents.** *Sunrise would meet this objective because 70% of residents at its facilities identify with a home within 5 to 10 minutes of the building. This would allow Westbury residents to remain within the community.*
5. **Encourage the development of diverse housing options.** *Sunrise would meet this objective by adding senior housing to a very limited existing supply.*
6. **Establish a retail mix that supports and complements the existing business district and promotes the sustainability and diversity of the community.** *Sunrise would meet this objective by offering a retail location for the Westbury Arts Council.*
7. **Ensure parking capacity meets the needs of residents, commuters and visitors.** *Sunrise would meet this objective by providing adequate underground parking for staff, residents and visitors.*
8. **Facilitate improvements to key community assets.** *Sunrise would meet this objective because every community must now ensure that its aging population has housing and care needs addressed.*

9. **Increase pedestrian activity throughout the downtown.** *Sunrise would meet this objective in that both resident, visitor and employees would populate downtown and enjoy the use its services, amenities, shops and restaurants.*
10. **Enhance the pedestrian experience through streetscape improvements.** *Sunrise would meet this objective by creating beautiful streetscapes for pedestrians and its residents to enjoy.*
11. **Ensure the pedestrian environment is safe and easy to navigate.** *Sunrise would meet this objective through the development of a well-designed site plan.*
12. **Attract new public benefits that encourage residents and visitors to come downtown.** *Sunrise would meet this objective because its facility is likely to include public streetscape amenities (i.e., new sidewalks, etc.) that can be used by residents and visitors to the downtown area.*
13. **Enhance the cultural profile of the Village of Westbury.** *Sunrise would meet this objective by partnering with the Westbury Arts Council and other music, art and literature groups for events at Sunrise's facility.*
14. **Support the sustainability and growth of existing cultural assets.** *Same reason as above.*
15. **Increase opportunities for the community to participate in culture.** *Sunrise would meet this objective because many residents and their families would participate in community cultural events.*

On behalf of Sunrise, I respectfully request that this letter be deemed a formal comment to the DGEIS and made part of the official record of any hearings on the proposed rezoning. Thank you.

Very truly yours,

Anthony S. Guardino

Anthony S. Guardino

cc: Ted Blach, Village Clerk/Treasurer
Anna Vikse, Village Attorney
Philip Kroskin, Sunrise Senior Living

Laura Curran
County Executive



Marty Glennon
Chair

Kenneth Arnold, PE
Commissioner

Jeffrey Greenfield
1st Vice-Chair
Leonard Shapiro
2nd Vice Chair
Neal Lewis
3rd Vice Chair
Jerome Blue
Ronald J. Ellerbe
Rick Shaper
Lisa Warren

Sean Sallie
Deputy Commissioner

Nassau County Department of Public Works Planning Commission

1194 Prospect Avenue
Westbury, New York 11590-2923
516-571-9600
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August 2, 2019

L4

Anna Vikse
Village of Westbury
235 Lincoln Pl.
Westbury, NY 11590

Re: Planning Division Comments on Proposed Amendments to the Village of Westbury Zoning Code

Dear Ms. Vikse:

Staff of the Planning Division of the Nassau County Department of Public Works reviewed the above-referenced document and offers the following comments on the DGEIS for the Proposed Amendments to the Village Zoning Code:

- The DGEIS states that there is no cohesive visual identity throughout the Rezoning Areas that includes the Post Ave. Rezoning Area. Staff of the Planning Division takes some issue with this assertion as there is cohesive visual identity along Post Ave., particularly north of the LIRR ROW where Post Ave. functions as a traditional downtown with an established street wall and a mix of local businesses in one and two-story storefronts, some with upper floor residences. Overall, the scale of development and business/residential mix along Post Ave. should be maintained in a manner similar to what currently exists. L4-1
- The report states that design guidelines would encourage wider sidewalks along Post Ave. How would this be accomplished given the established street wall along Post Ave. north of the railroad tracks? L4-2
- The Proposed Action will result in a total of up to 1,590 new residential units and increase the population by almost 3,000 in several buildings ranging from three to five stories (40 feet to 65 feet). To what degree do Village residents support the Proposed Action given the size and scale of development envisioned? L4-3
- The Proposed Action resulting in almost 1,600 new residential units is Transit Oriented Development. While this is invariably viewed positively, there will be an impact on public transportation. What is the potential short- and long-term impact of the Proposed Action on the Westbury Rail Station in terms of ridership and platform capacity? Also, what is the impact on public bus service (NICE)? L4-4
- How will the redevelopment goals of Maple Union Triangle Rezoning Area be accomplished without the condemnation of industrial properties or willing sellers as this area is currently developed with many viable industrial uses (as well as residential uses). The DGEIS states that the Light Industrial and Industrial Zoning Districts would be discontinued. By discontinuing the Light Industrial and Industrial L4-5

L4-5 Cont'd Zoning District, these industrial uses become non-conforming thus creating a potential burden on business owners who wish to grow their businesses.

- It is conceivable that this area will be redeveloped piecemeal over time resulting in high density residential projects being adjacent to industrial uses. This may be problematic. L4-6
- The MU-R4, MU-R5 and MU-R6 subdistricts within the Maple Union Triangle Rezoning Area permits a plot area of 430 square feet per unit that translates to 101 units per acre. Is this at a density comparable to any other multi-family projects that exists within the Village? How does the overall residential density of the Proposed Action compare with TOD in other downtowns in Nassau County or Long Island as a whole? L4-7
- It is important to note that Westbury's downtown area has historically been more locally oriented and is not at the same scale nor does it function as a hub as other downtowns have that have encouraged TOD such as Mineola. Thus, projects as envisioned in the Proposed Action should not overwhelm the scale of development within the Village's downtown area. L4-8
- How will residents who are displaced by the proposed action be accommodated? This specifically relates to the Maple Union Triangle Rezoning Area where dwelling units would be demolished to accommodate the Proposed Action. L4-9

Sincerely,



Martin Katz
DPW, Division of Planning