

BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF WESTBURY

**PROPOSED AMENDMENTS TO THE VILLAGE OF WESTBURY ZONING CODE
VILLAGE OF WESTBURY, NASSAU COUNTY, NEW YORK**

RESOLUTION ADOPTING POSITIVE DECLARATION

The following Resolution was offered for adoption by Trustee Jefferson:

WHEREAS, the Board of Trustees of the Incorporated Village of Westbury (hereinafter the "Village Board") is considering amendments to the Village Zoning Code, specifically Chapter 248, which would result in varying degrees of rezoning of two areas of the downtown in order to encourage economic development and enhance the quality of life of the Village through carefully applied zoning revisions to the areas identified below (hereinafter the "proposed action"); and

WHEREAS, one area to be affected by the zoning amendments, encompassing approximately 53 acres, is the section of Post Avenue from Asbury Avenue south to Old Country Road comprised of the current B-1, B-2, B-4, and Specialized Senior Housing Facility zoning districts in this area (to be known as the "Post Avenue Rezoning Area"), and the other area proposed to be rezoned, encompassing approximately 48 acres, is the area generally bounded by Madison Street and Maple Avenue on the north, Nassau and School Streets on the east, Union and Railroad Avenues on the south, and the Post Avenue Rezoning Area on the west (to be known as the "Maple/Union Triangle Rezoning Area"); and

WHEREAS, the proposed action is being funded by the New York State Department of State (NYSDOS) through the State's Downtown Revitalization Initiative; and

WHEREAS, the Village Board has declared itself lead agency pursuant to the implementing regulations of the State Environmental Quality Review Act (SEQRA), specifically 6 NYCRR §617.6(b)(2) and (3), with respect to the above-described proposed action; and

WHEREAS, the Village Board has caused to be prepared Parts 1, 2 and 3 of a Full Environmental Assessment Form (EAF) to evaluate potential significant adverse environmental impacts associated with the proposed action, and has reviewed the aforesaid EAF and agrees with the contents thereof; and

WHEREAS, the Village Board has compared the potential impacts of the proposed action, as set forth in Parts 2 and 3 of the EAF, with the criteria set forth in 6 NYCRR §617.7(c);

NOW, THEREFORE, BE IT RESOLVED, that, based upon a review of the proposed action, the EAF and associated documents, and 6 NYCRR §617.4(b)(1) and (2), the Village Board, as lead agency for the action contemplated herein, hereby determines that the proposed action is classified as a Type I action; and

BE IT FURTHER RESOLVED, that based upon the information contained in the EAF and associated documents, the Village Board, as lead agency for the proposed action contemplated herein, and after due deliberation, review and analysis of the proposed action and the criteria set forth in 6 NYCRR §617.7(c), hereby determines that the proposed action may have one or more significant adverse impacts on the environment, and thus, an environmental impact statement must be prepared; and

BE IT FURTHER RESOLVED, that based on the foregoing, the Village Board hereby adopts the annexed Positive Declaration; and

BE IT FURTHER RESOLVED, that the Village Board hereby directs the Village Clerk to distribute the Positive Declaration to all involved agencies and interested parties, pursuant to 6 NYCRR §617.12(b)(1) and to publish the Positive Declaration in the Environmental Notice Bulletin pursuant to 6 NYCRR §617.12(c).

Motion to adopt the foregoing Resolution was seconded by Trustee Abbatiello and the roll call for adoption resulted in the following:

Board was polled:

Trustee Wise	-Aye
Trustee Corte	-Aye
Trustee Jefferson	-Aye
Trustee Abbatiello	-Aye
Mayor Cavallaro	-Aye

Filed: November 1, 2018

**STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
DETERMINATION OF SIGNIFICANCE
POSITIVE DECLARATION
NOTICE OF INTENT TO PREPARE A
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)
PROPOSED AMENDMENTS TO THE VILLAGE OF WESTBURY ZONING CODE**

Date: November 1, 2018

This Notice is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and the implementing regulations set forth in 6 NYCRR Part 617.

The Board of Trustees of the Village of Westbury (hereinafter the "Village Board"), as lead agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Generic Environmental Impact Statement (DGEIS) will be prepared.

Name of Action: Proposed Amendments to the Village of Westbury Zoning Code

Project Location: Approximately 53 acres in the section of Post Avenue from Asbury Avenue East to Old Country Road comprised of the current B-1, B-2, B-4, and Specialized Senior Housing Facility zoning districts in this area (to be known as the "Post Avenue Rezoning Area"), and approximately 48 acres in the area generally bounded by Madison Street and Maple Avenue on the north, Nassau and School Streets on the east, Union and Railroad Avenues on the south, and the Post Avenue Rezoning Area on the west (to be known as the "Maple/Union Triangle Rezoning Area") in the Village of Westbury ("Village"), Nassau County, New York.

SEQR Status: Type I

Description of Action: The proposed action involves the adoption of amendments to the Zoning Code of the Incorporated Village of Westbury, specifically Chapter 248 (hereafter, "the zoning amendments"). The purpose of these amendments is to create varying degrees of rezoning of two areas of the downtown of the Village, specifically the Post Avenue Rezoning Area and the Maple/Union Triangle Rezoning Area described above. The proposed action is being funded by the New York State Department of State (NYSDOS) through the State's Downtown Revitalization Initiative (DRI).¹ Consistent with the Village's DRI plan, this rezoning is intended to encourage economic development and enhance the quality of life of the Village through carefully applied zoning revisions to the areas identified above. While identified herein as two separate rezoning areas, the Post Avenue Rezoning Area and Maple/Union Triangle Rezoning Area are intended to yield synergies that would benefit the Village, as a whole.

The overall goal for the Post Avenue Rezoning Area is to adjust existing controls to facilitate a mix of retail, commercial and residential uses that continue to bolster the economic vibrancy of the downtown, and to enhance the quality of life for residents, workers and visitors. The primary zoning elements under consideration for change in the Post Avenue Rezoning include but are not limited to: adjusting public

¹ In July 2016, the Village of Westbury was one of ten communities in New York State identified by the Governor's Regional Economic Development Councils to be awarded \$10 million as part of the State of New York Downtown Revitalization Initiative (DRI).

parking and parking ratios; adjusting setback and height requirements; and instituting requirements for the creation of public spaces and streetscapes and improved pedestrian access and use.

The overall goal for the Maple/Union Triangle Area is to foster mixed-use development that utilizes the principles of Transit Oriented Development (TOD) due to the proximity to the Westbury Long Island Rail Road (LIRR) station. With the approval of the rezoning, there would be a prospect for property owners and developers to create new residential and commercial land uses that would enhance the housing and work opportunities within the Village. The primary zoning elements under consideration for change are expected to relate to, but not necessarily be limited to: considerations for increasing, through bonuses, permissible height and density for multiple dwellings in defined areas from approximately three stories to a maximum of approximately seven stories, in certain cases, upon the realization of public amenities to the Village commensurate with these bonuses; the creation of mixed uses; adjusting public parking and parking ratios; adjusting setback and height requirements; and requirements for the creation of public spaces and streetscapes and improved pedestrian access and use.

To ensure a comprehensive evaluation of the entire action (including the potential impacts of future redevelopment based on the proposed zoning amendments), a theoretical development scenario based on such zoning amendments will be calculated, such that environmental impacts associated with such can be fully evaluated in the DGEIS.

Reasons Supporting This Determination:

The Village Board, in reviewing the proposed action, using the available information and comparing it with the thresholds set forth at 6 NYCRR §§617.4 and 617.5, has determined that the proposed action is a Type I action. The Type I designation carries with it the presumption that the action is likely to have a significant adverse impact on the environment and may require the preparation of an Environmental Impact Statement (EIS). The proposed action does not set forth a specific project, however, potential future projects stemming from the proposed action may result in significant adverse impacts. A coordinated review for a Type I action involving more than one agency was initiated as required pursuant to 6 NYCRR §617.6(b) in order to inform and allow other regulatory agencies to participate in the decision-making process. The Village Board, as lead agency and after review and analysis of the proposed action, the issues and areas of environmental concern identified and enumerated below, the criteria contained in 6 NYCRR §617.7(c) and other supporting information, finds that the proposed action may have a significant effect upon the environment and that a DGEIS should be prepared to evaluate the potential impacts resulting from the maximum theoretical development potential resulting from the proposed zoning amendments. This determination is supported by the following:

Impact on Land

1. Implementation of the proposed action would allow new development to an extent not currently permitted, with a mix of uses that ultimately could result in multi-phased construction extending for more than one year and involving multiple phases, which may result in noise, traffic and air quality-related impacts.

2. The proposed action may ultimately result in the excavation and removal of more than 1,000 tons of natural material, which may result in temporary impacts such as noise and traffic impacts.
3. New development that may be permitted upon implementation of the proposed action may result in the alteration of land surfaces, with the potential to alter local stormwater runoff patterns.

Impact on Groundwater Resources

4. New development that may be permitted upon implementation of the proposed action has the potential to result in a future increase in the demand for potable water.
5. New development permitted under the proposed action may require the bulk storage of petroleum or chemical products (e.g., fuel oil) over a sole source aquifer, which has the potential to impact groundwater resources.

Impact on Transportation

6. Development under the proposed action may result in impacts to the roadway network within and around the rezoning areas.
7. Implementation of the proposed action may place an increased demand on parking facilities and the availability of parking within the Village.

Impact on Aesthetic Resources

8. Future development under the proposed action could have an impact on the visual resources of the Village, which could be viewed by a large number of people, including motorists, pedestrians, bicyclists and public transportation patrons due to changes in bulk and dimensional regulations.

Impact on Historic and Archaeological Resources

9. The rezoning areas contain one or more resources that are eligible for listing in the State and National Registers of Historic Places, which may be directly or indirectly affected by the proposed action.

Impact on Community Character

10. Implementation of the proposed action may result in development that would change the types and intensity of land uses, which could potentially impact neighborhood character.

11. Future development resulting from the implementation of the proposed action may result in an increased demand for community services, such as schools, fire protection, police protection, solid waste and recreational resources.

Impact on Energy

12. Implementation of the proposed action may result in an increased demand on utility providers due to the increase in electricity and/or natural gas usage.

Scoping: Formal public scoping will not be conducted

For Further Information:

Contact Person: Village of Westbury Village Board of Trustees
c/o Anna Vikse, Esq., Village Attorney

Address: 235 Lincoln Place
Westbury, NY 11590

Telephone No.: (516) 334-1700

A Copy of this Notice has been Sent To:

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

William B. Wise, Commissioner
Department of Public Works
235 Lincoln Place
Westbury, New York 11590

Gary P. Monti, Chairman
Village Zoning Board of Appeals
235 Lincoln Place
Westbury, New York 11590

Catherine Moramarco, Chairwoman
Village Planning Board
235 Lincoln Place
Westbury, New York 11590

**SEQRA Positive Declaration
Village of Westbury Board of Trustees
Proposed Amendments to The Village of Westbury Zoning Code**

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John R. Ingram, Superintendent
Westbury Water District
160 Drexel Avenue
Westbury, New York 11590

Lawrence E. Eisenstein, MD, MPH, FACP
Commissioner of Health
Nassau County Department of Health
200 County Seat Drive
Uniondale, New York 11553

Kenneth G. Arnold, P.E., Commissioner
Nassau County Department of Public Works
1194 Prospect Avenue
Westbury, New York 11590-2723

Sean Sallie, Deputy Commissioner
Nassau County Planning Commission
1194 Prospect Avenue
Westbury, New York 11590

Office of Planning and Development
New York State Department of State
Suite 1010
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231-0001

Phillip Eng, President
c/o Elisa Picca, Chief Planning Officer
Metropolitan Transportation Authority – Long Island Railroad
Jamaica Station
Sutphin Boulevard and Archer Avenue
Jamaica, New York 11435

Carrie Meek Gallagher, Regional Director
New York State Department of Environmental Conservation
Region 1
SUNY @ Stony Brook
50 Circle Road
Stony Brook, New York 11790-3409

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Village of Westbury Board of Trustees
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Long Island Power Authority
c/o Edward M. Aldrich, Project Manager
Licensing and Permitting
PSEG Long Island
999 Stewart Avenue
Bethpage, New York 11714

Mr. Adam Yablonsky
National Grid
Environmental Management – Downstate NY
175 East Old Country Road
Hicksville, New York 11801

This Notice has also been forwarded for publication in the Environmental Notice Bulletin