



TOWN OF HUNTINGTON

FRANK P. PETRONE, Supervisor

DEPARTMENT OF PLANNING & ENVIRONMENT

ANTHONY J. ALOISIO, AICP
Director

January 13, 2011

Carrie O'Farrell, AICP
Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, New York 11747

Re: **Change of Zone Application: #2006-ZM-363**
Triangle Equities (Kensington Estates) Findings Statement
Street Location: s/e/c Jericho Tpke. (NYS 25) & Plainview Rd., West Hills/Woodbury
Suffolk County Tax Map: 0400-226-01-001 & Nassau County Tax Map: 13-D-114 & 115

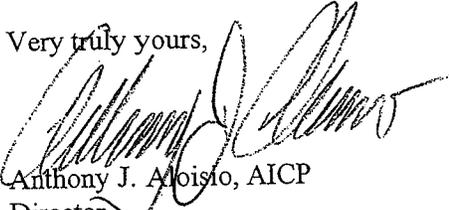
Dear Ms. O' Farrell:

At their regular meeting of January 11, 2011 the Huntington Town Board, as lead agency, adopted the Findings Statement for the Triangle Equities Change of Zone project.

Attached find the resolution adopting the Findings Statement, the Findings Statement itself and the completed certification form to approve/fund/undertake. The Department of Planning and Environment is imposing the burden of agency mailings on your office as representatives of the applicant. Upon mailing, please submit an affidavit to this department for mailing verification.

If you have any questions on the above, please do not hesitate to contact this office.

Very truly yours,


Anthony J. Aloisio, AICP
Director

AA:SR:sr
Encls.

cc: Frank P. Petrone, Town Supervisor and Members of the Town Board
Jo-Ann Raia, Town Clerk

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Department of Planning & Environment • 100 Main Street, Huntington N.Y. 11743-6991
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2011-31

RESOLUTION ADOPTING A FINDINGS STATEMENT PURSUANT TO SEQRA FOR ZONE CHANGE APPLICATION #2006-ZM-363, TRIANGLE EQUITIES (KENSINGTON ESTATES), REQUESTING TO CHANGE THE ZONE FROM R-40 RESIDENCE DISTRICT TO R-RM RETIREMENT COMMUNITY DISTRICT IN THE TOWN OF HUNTINGTON AND R1-1A DISTRICT TO RMF-10 DISTRICT IN THE TOWN OF OYSTER BAY FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF JERICHO TURNPIKE AND PLAINVIEW ROAD, WEST HILLS/WOODBURY.

Resolution for Town Board Meeting dated: January 11, 2011

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, Triangle Equities 496 West Jericho Turnpike LLC, 30-56 Whitestone Expressway, New York 11354, submitted application #2006-ZM-363 for a change of zone from R-40 Residence District to R-RM Retirement Community District in the Town of Huntington and R1-1A District to RMF-10 District in the Town of Oyster Bay for property located on the southeast corner of Jericho Turnpike (NYS Route 25) and Plainview Road, West Hills/Woodbury, and designated as 0400-226-01-001 on the Suffolk County Tax Map and 13-D-114 & 115 on the Nassau County Tax Map; and

WHEREAS, the Commissioner of the New York State Department of Environmental Conservation declared the Huntington Town Board to be Lead Agency for review of the proposed action in accordance with SEQRA, §617.6(b)(5); and

WHEREAS, the Huntington Town Board issued a Positive Declaration for the proposed action on November 7, 2007, and a Draft Environmental Impact Statement (DEIS) dated December 2009 was accepted as complete on April 13, 2010; and

WHEREAS, the Huntington Town Board held simultaneous public hearings on May 17, 2010 and written public and agency comments were accepted through June 21, 2010 to gather public comment on the DEIS in accordance with Section 617.9(a)(4) of the SEQRA regulations, and to consider adopting Local Law Introductory No. 7-2010 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from R-40 Residence District to R-RM Retirement Community District the property designated on the Suffolk County Tax Map as 0400-226-01-001; and

WHEREAS, the Huntington Town Board adopted a Final Environmental Impact Statement (FEIS), dated July 2010, as complete on December 14, 2010, and the Notice of Completion of the FEIS was filed as required by SEQRA, §617.12; and

WHEREAS, the Department of Planning and Environment has prepared a Findings Statement that considers the environmental impacts identified in the FEIS and the consistency of the application with the Comprehensive Plan, and identifies mitigation measures that should reduce or avoid adverse impacts from the project; and

WHEREAS, since SEQRA does not change the jurisdiction of involved agencies, it does not limit the ability of each agency to make its own determinations or establish its own conditions of approval related to impacts identified in the FEIS in accordance with the SEQRA regulations, §617.3(b);

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby adopts the Findings Statement prepared by the Department of Planning and Environment and directs the Department to file the Findings Statement with the appropriate agencies in accordance with SEQRA, §617.12(b)(1); and

BE IT FURTHER

RESOLVED, that the adoption of the Findings Statement completes the environmental review process required by SEQRA and in no way commits the Huntington Town Board or any other agency having jurisdiction to grant approval of the zone change application or any of its associated actions.

VOTE: AYES: 3 NOES: 2 ABSTENTIONS: 0

Supervisor Frank P. Petrone	NO
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	NO
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 7-2010 CONSIDERING ZONE CHANGE APPLICATION #2006-ZM-363, TRIANGLE EQUITIES (KENSINGTON ESTATES), TO CHANGE THE ZONE FROM R-40 RESIDENCE DISTRICT TO R-RM RETIREMENT COMMUNITY DISTRICT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF JERICHO TURNPIKE, EAST OF PLAINVIEW ROAD, WEST HILLS.

Resolution for Town Board Meeting dated: January 11, 2011

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, Triangle Equities 496 West Jericho Turnpike LLC, 30-56 Whitestone Expressway, New York 11354, submitted application #2006-ZM-363 for a change of zone from R-40 Residence District to R-RM Retirement Community District in the Town of Huntington, and also submitted an application for a change of zone from R1-1A District to RMF-10 District in the Town of Oyster Bay for property located on the southeast corner of Jericho Turnpike (NYS Route 25) and Plainview Road, West Hills/Woodbury, and designated as 0400-226-01-001 on the Suffolk County Tax Map and 13-D-114 & 115 on the Nassau County Tax Map; and

WHEREAS, the proposal currently being considered consists of an 80-unit senior housing development with access from Jericho Turnpike and three (3) single-family homes along Plainview Road on 18.6 acres of land, of which 13.5 acres are in the Town of Huntington; and

WHEREAS, said application was forwarded to the Planning Board by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, the Commissioner of the New York State Department of Environmental Conservation declared the Huntington Town Board to be Lead Agency for review of the proposed action in accordance with SEQRA, §617.6(b)(5); and

WHEREAS, the Huntington Town Board issued a Positive Declaration for the proposed action on November 7, 2007, and a Draft Environmental Impact Statement (DEIS) dated December 2009 was accepted as complete on April 13, 2010; and

WHEREAS, the Huntington Town Board held simultaneous public hearings on May 17, 2010 to gather public comment on the DEIS in accordance with Section 617.9(a)(4) of the SEQRA regulations, and to consider adopting Local Law Introductory No. 7-2010 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the

Huntington Town Code, thereby rezoning from R-40 Residence District to R-RM Retirement Community District the property designated on the Suffolk County Tax Map as 0400-226-01-001, and

WHEREAS, a Final Environmental Impact Statement (FEIS), dated July 2010, was accepted as complete on December 14, 2010, and the Town Board adopted a Findings Statement on January 11, 2011, identifying mitigation measures that should reduce or avoid adverse impacts from the project, and

WHEREAS, by resolution dated March 10, 2010 the Planning Board concurred with the determination of the Town Board that the project may pose significant effects on the environment and therefore warranted a Positive Declaration, recommended that the Town Board schedule a public hearing on the application, and recommended the subject property as an appropriate location for higher density attached townhouses with the following conditions placed on any approval:

- (1) A maximum limit should be placed on the number of dwelling units allowed to be built on the property, and
- (2) An additional ten (10) feet of land along Jericho Turnpike shall be dedicated to the New York State Department of Transportation to provide space for future road widening, and
- (3) All landscaping shall be managed organically to prevent groundwater, pond, and wetland contamination, and
- (4) The Town of Huntington shall not be responsible for maintaining the function or appearance of the manmade pond and drainage system, and

WHEREAS, by letter dated May 17, 2010 the Suffolk County Planning Commission determined that the application is a matter for local determination; and

WHEREAS, the determination of the Town Board on this zone change application is distinct from the determination of the Town Board of the Town of Oyster Bay on its zone change application, since SEQRA does not change the jurisdiction of involved agencies, and it does not limit the ability of each agency to establish its own conditions of approval related to impacts identified in the FEIS in accordance with the SEQRA regulations, §617.3(b);

NOW THEREFORE THE TOWN BOARD

RESOLVES, that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the

Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no site plan shall be approved by the Planning Board or signed by the Director of Planning and Environment unless the plan is in full compliance with the requirements of this Resolution, the Covenants and Restrictions, and any additional condition, restriction, or limitation established by the Planning Board during site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 7-2010, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. _____ - 2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is conditionally amended as follows:

CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

* * *

§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the south side of Jericho Turnpike, east of Plainview Road, West Hills, designated on the Suffolk County Tax Map as 0400-226-01-001, to be rezoned from R-40 Residence District to R-RM Retirement Community District, more particularly described as:

2011-32

BEGINNING at a POINT on the southerly side of Jericho Turnpike, the following courses and distances east of the intersection with the easterly side of Plainview Road: 1) North 88 degrees 22 minutes 50 seconds East, 265.16 feet, thence 2) South 1 degree 43 minutes 13 seconds West, 14.46 feet,

THENCE from said POINT OF BEGINNING North 88 degrees 03 minutes 55 seconds East, 524.39 feet,

THENCE South 00 degrees 25 minutes 50 seconds East, 93.17 feet,

THENCE South 00 degrees 21 minutes 10 seconds East, 450.40 feet,

THENCE South 03 degrees 17 minutes 30 seconds East, 226.72 feet,

THENCE South 00 degrees 52 minutes 50 seconds West, 376.77 feet,

THENCE North 87 degrees 45 minutes 00 seconds West, 568.47 feet,

THENCE North 01 degree 43 minutes 13 seconds East, 522.88 feet,

THENCE North 88 degrees 03 minutes 50 seconds East, 124.32 feet,

THENCE North 01 degree 56 minutes 10 seconds West, 232.47 feet,

THENCE South 88 degrees 03 minutes 50 seconds West, 109.46 feet,

THENCE North 01 degree 43 minutes 13 seconds East, 351.29 feet to the POINT OF BEGINNING.

Such change of zone shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions in a form acceptable to the Town Attorney. Such Covenants and Restrictions shall be filed at the applicant's own cost and expense in the Office of the Suffolk County Clerk.

- (1) All mitigation measures recommended by the Final Environmental Impact Statement and Findings Statement shall be provided, including but not limited to the conditions listed below; and
- (2) The maximum number of housing units to be built on the combined Huntington and Oyster Bay parcels shall be 83, with 80 of those units restricted for senior housing, and a minimum of 9 of those senior units in the Town of Huntington will be affordable in accordance with the current Town of Huntington Zoning Code; and

- (3) Land along Jericho Turnpike shall be dedicated to the New York State Department of Transportation upon their request to provide space for road widening and/or improvements; and
- (4) All landscaping shall be managed organically to prevent groundwater, pond, and wetland contamination, and a plan indicating how this will be done must be submitted and approved by the Planning Board during the site plan review process; and
- (5) The Town of Huntington shall not be responsible for maintaining the function or appearance of the manmade pond and drainage system; and
- (6) The developer must submit a soil management plan, which shall be reviewed by the Town's consultants at the developer's expense, and which shall require the approval of the Planning Board before site plan approval will be granted, and if on-site burial of contaminated soils is implemented, prospective and future owners shall be notified of the burial locations in the HOA prospectus and property deeds; and
- (7) The development must be connected to the Nassau County public sewer system; and
- (8) Buildings along the eastern perimeter of the property shall be oriented so that their shortest side faces east in order to reduce the amount of building façade facing the adjacent residences to the east; and
- (9) Natural areas shown on the proposed site plan shall remain natural in perpetuity, with no clearing or grading, and no cutting or soil disturbance except for the removal and/or replacement of dead or diseased vegetation, and with the exception of supplemental plantings that will be shown on the landscape plan for the property; and
- (10) Native aquatic plantings shall be added to the manmade pond and wetland area and a landscape buffer shall be provided along the eastern side of the property; and
- (11) The dwelling units shall not be subject to the provisions of New York State Real Property Tax Law Sections 580 and 581 or New York State Real Property Law Section 339-Y, however, this shall not prevent the dwelling units built as one-story stacked flats (with another dwelling unit above or below) from being owned as condominium units not subject to the above laws; and
- (12) All refuse generated on-site will be disposed of at the Town Resource Recovery Facility. Should the developer, HOA, or the residents of the development choose to contract with a company other than the Town-assigned carter for their neighborhood, they will still be responsible for paying the appropriate taxes to the Townwide Refuse District.

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Section 2. Severability

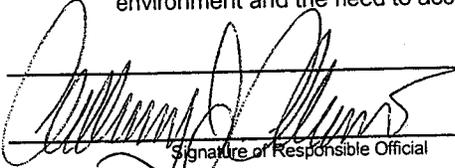
Identification Number Change of Zone Application: #2006-ZM-363

Name of Action Triangle Equities (Kensington Estates)

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.


Signature of Responsible Official
Huntington Town Board
Name of Agency
ANTHONY J. ALOISIO
Name of Responsible Official
DIRECTOR OF PLANNING & ENVIRONMENT
Title of Responsible Official
JAN. 14, 2011
Date
100 Main Street, Huntington, New York 11743
Address of Agency

OR

CERTIFICATION OF FINDINGS TO DENY

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have not been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action denied is one which fails to adequately minimize or avoid adverse environmental effects to the maximum extent practicable; and/or
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process cannot be adequately minimized or avoided by the mitigation measures identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will not adequately achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Huntington Town Board
Name of Agency

Signature of Responsible Official
Name of Responsible Official

Title of Responsible Official
Date
100 Main Street, Huntington, New York 11743
Address of Agency

cc: Involved Agencies and the Applicant

STATEMENT OF FINDINGS
on
THE FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)
[dated July 2010 and accepted as complete on December 4, 2010]
for
TRIANGLE EQUITIES (KENSINGTON ESTATES/SHIRE
ESTATES AT WOODBURY) CHANGE OF ZONE

PROJECT LOCATION

The 18.6-acre project site is located on the Nassau-Suffolk border in the Hamlet of West Hills, Town of Huntington and the Hamlet of Woodbury, Town of Oyster Bay on the southeast intersection of Jericho Turnpike and Plainview Road, New York. The subject site is comprised of three parcels, of which one is located within the Town of Huntington (13.5 acres) and the other two (2) parcels are located within the Town of Oyster Bay (5.09 acres) identified as parcel 0400-226-01-1 on the Suffolk County Tax Map and parcels 13-D-114 & 115 on the Nassau County Tax Map.

PROJECT DESCRIPTION

The proposed action is for a change of zone from R-40 to R-RM in the Town of Huntington and R1-1A to RMF-10 and R1-20 in the Town of Oyster Bay in order to construct eighty (80) age-restricted attached, multi-family townhouses and flats (sixty-six (66) units within the Town of Huntington and fourteen (14) units located within the Town of Oyster Bay) and three (3) detached single family homes in Oyster Bay. This results in an overall project residential density of 4.46 units per acre, and a density of 4.89 units per acre for just the portion of the property in the Town of Huntington. Access for the multifamily development will be provided from a single gated access point from Jericho Turnpike with emergency access off of Plainview Road. The three (3) single-family lots will have frontage on and direct access from Plainview Road.

The revised Town of Huntington Zoning Code requires that twenty (20) percent of the increased yield resulting from a zone change be designated as affordable units. Fifteen (15) percent must be constructed on site with a fee option for the remaining five (5) percent. Under the current R-40 zoning in Huntington, the unit yield is approximately ten (10) single-family homes. Since the increased yield resulting from the proposed zone change equals fifty-six (56), the applicant will be required to provide eleven (11) affordable units, (i.e. $66 - 10 = 56$, $56 \times 20\% = 11.2$). At least nine (9) of the units (i.e. $56 \times 15\% = 8.4$) must be constructed on site. The applicant will construct nine (9) affordable units on site and will utilize the fee option for the remaining 2.2 units.

The project site lies within two separate Special Groundwater Protection Areas: The Oyster Bay SGPA and the West Hills-Melville SGPA and adjoins NYSDEC-designated freshwater wetlands.

Improvements and amenities within the multifamily portion of the site include a 24 foot wide internal roadway, 279 parking spaces (112 garage spaces, 130 driveway spaces, 35 off street spaces and 2 off street handicapped spaces); a recreational building, tennis court, pool, perimeter buffering, landscaping and a pond feature designed to serve as a buffer and drainage purposes between Jericho Turnpike and the proposed housing units. No conservation area or park

dedication is proposed.

The project's estimated 26,008 gallons per day of sanitary wastewater is to be conveyed by the Nassau County sewer collection district to the Cedar Creek sewage treatment facility in Wantagh, New York for disposal. Based upon a nine (9)-inch rainfall all on and off-site contributing stormwater runoff will be retained on-site utilizing the proposed pond feature and recharge basin located in the southeast corner of the site. Public water is to be provided by the South Huntington Water District and the Jericho Water District.

The subject site is currently used as a non-conforming horse farm and wood related businesses (woodcarving, wood chip storage, firewood supply). The eleven (11) existing structures on the site would be removed as part of the initial development of the site.

PROJECT HISTORY

The current application was received in October 2006 initially for the proposed development of one-hundred and thirty-six (136) multi-family age restricted units. It was determined that the Town of Huntington would serve as Lead Agency for review of the project. The Town of Huntington issued a Positive Declaration on November 7, 2007 and a Draft Environmental Impact Statement (DEIS) was prepared and submitted by the applicant. After comment and revision, the number of units on the applicant's preferred plan was reduced to eighty (80) single family attached age restricted units and three (3) single-family residences. In a May 5, 2009 letter to the applicant, the Town of Huntington requested four (4) additional alternatives be included in the DEIS, two (2) conservation and two (2) cluster alternatives based upon the Town's low-density R-40 and R-20 zoning. In response (letter dated November 30, 2009), on behalf of the applicant, the Weber Law Group responded with the following:

"SEQRA provides that alternatives which are neither reasonable nor feasible given an applicant's objectives do not need to be included in an EIS. 6 NYCRR §617.9(b)(5)(v). The additional alternatives identified in the May 5, 2009 letter are not reasonable or feasible for the Applicant because the limited number of units allowed by R-40 and R-20 zoning does not allow a sufficient financial return relative to the purchase price of the property and therefore will not be considered by the Applicant.

Subsequently, the DEIS was accepted as complete, without additional alternatives, for public comment on April 13, 2010. A public hearing was held on the DEIS on May 17, 2010 and accepted written comments through June 21, 2010. Sometime after the submission of the DEIS in January 2010, additional clearing occurred requiring an update to the existing conditions at the subject site. Approximately 5,800 SF of clearing was identified on the Preliminary Site Plan to remain natural. The Landscape Plan was updated to indicate species that will be used to supplement these revegetation areas.

At the applicant's request (letter dated September 6, 2010), additional analysis was undertaken to

Continue Next Page
Date Printed: 01/13/11

study the potential and feasibility of a connection to Suffolk County Sewer District No. 3 – Southwest to treat the sanitary waste from Triangle Equities to include in the FEIS. In correspondence dated November 29, 2010, the applicant indicated that further study was unnecessary and has nothing further to supplement the FEIS. Consequently, the Town Board accepted the FEIS as complete on December 14, 2010.

Findings presented herein are based on the FEIS for Triangle Equities (Kensington Estates) accepted by the Town Board as complete on December 14, 2010 and filed in accordance with SEQRA on December 15, 2010. The FEIS is comprised of the Draft Environmental Impact Statement accepted by the Town Board on April 13, 2010 and all comments presented thereon and responses thereto. Many letters have been submitted in support of the project.

IMPACT ON LAND, PLANTS, AND ANIMALS

The topography of the subject site is generally undulating to nearly flat with shallow depressions, as well as sloped ridges created by previous grading and natural processes. The proposed action will conform to Huntington and Oyster Bay's Steep Slope Conservation Laws for mitigating impacts to topography, as well as applicable grading, erosion and sedimentation control requirements.

As indicated in the EIS, the action is expected to result in the clearing of existing natural vegetation and the removal/dispersal of existing on-site wildlife species, mostly perching birds and small mammals which are likely to re-establish themselves in revegetated areas and on adjacent or nearby properties. **Thirty-seven (37) percent of the site's existing naturalized vegetation will likely be removed as a consequence of the action. The project applicant proposes to retain 3.3 acres of woodland throughout the site, including a wildlife corridor in the eastern portion of the site, and create 2.10 acres of wetland habitat within the proposed pond and recharge basin.**

IMPACT ON WATER

The subject site is located within the boundaries of two separate Long Island Regional Planning Board Special Groundwater Protection Areas [the Oyster Bay SPGA and the West Hills-Melville SGPA] that provides recharge to portions of the deep flow aquifer system and is adjacent to State regulated surface waters mapped on the NYSDEC Freshwater Wetlands Map of Suffolk County 24 of 39 and designated H-29. **Impacts to groundwater are not expected to be substantial because wastewater from the proposed action will be conveyed to the Nassau County sewage collection district #3-P for processing by the Cedar Creek sewage treatment plant. Consistent with the 1993 Long Island Comprehensive SGPA Plan recommendation, where overriding considerations of social need warrant such construction [of multi-family or condominium development], units should be clustered and sites selected to provide sewage collection and hookup to a treatment facility that maximizes SGPA watershed protection. This will reduce potential for groundwater impact as compared to a development having typical subsurface sanitary disposal systems for each building.**

Continue Next Page
Date Printed: 01/13/11

All stormwater generated on the subject property is proposed to be retained on-site and designed to accommodate a nine (9)-inch storm event. **Stormwater impacts are not expected to be significant given conformance of the project to New York State Department of Environmental Conservation and Chapter 170, Article II of the Town of Huntington Code Stormwater Management requirements.**

IMPACT ON AESTHETIC RESOURCES

The action will result in a visual change to the property from the current condition involving structures for a non-conforming horse farm related use and a wood carving business to a developed multi-family residential community with a pond system and vegetated/landscape setback buffer area along Jericho Turnpike, NYS Route 25. Along Plainview Road the visual character will change from woodland to three (3) single-family homes. The applicant has proposed peripheral screening vegetation placed on berms along the eastern boundary to screen the proposed project and reduce potential visual impacts to the adjacent residential neighbors. Additionally, the four eastern buildings have been rotated and set at specific elevations to further reduce potential visual impacts of the proposed buildings from the residential areas to the east. **Features typical of a development of this type with screening vegetation placed on berms are appropriate visual mitigation. Along the southern property lines screening vegetation placed on berms will improve the visual aesthetics of the site and neighborhood, while providing some visual screening between the subject property and adjacent residences where multi-family structures would be visible.**

IMPACT ON OPEN SPACE AND RECREATION

The 18.6-acre subject property is listed as part of the 53.5 acre parcel on the Town of Huntington Open Space Index Parcel as SW-1 in the 1974 Town of Huntington Open Space Index Report prepared by the Huntington Conservation Advisory Council. The property was described as "Golf Course, Jericho Turnpike at Nassau-Suffolk Line" and was given a priority rating of four (4), on a scale of one (1) through six (6), relative to the value of the land as open space which include some segment worthy of preservation. The Town of Oyster Bay's Aquifer Protection Overlay (APO) District requires open space preservation.

The riding stables that exist on the site provide an important recreational opportunity for local residents. The Horizons 2020 Town of Huntington Comprehensive Plan Update is currently the governing master plan for the Town. The Comprehensive Plan Update identifies the subject site for Parks, Recreation and Conservation Land on the Generalized Future Land Use Map.

The Comprehensive Plan Update states that the category includes lands used for outdoor recreation, which in some cases, may not be permanently protected as open space. The designation does not prevent development of the property for residential use. Proposed open space features in the subject development will include peripheral vegetative buffer areas, as well as private recreational area for future residents to partially mitigate the loss

of the designated Open Space. If the rezoning is approved, Huntington Town Code requires payment of a park and playground fee.

IMPACT ON TRAFFIC AND TRANSPORTATION

The subject property has frontage on two roadways; Jericho Turnpike (NYS 25) and Plainview Road. Access to the site will be provided via a full movement driveway on NYS 25 directly opposite Avery Road. The EIS indicates that the action will not generate significant impacts on the adjacent street network. The construction of Triangle Equities, when considered with other pending projects in the area (Votupka, Woodbury Villas, Woodbury Estates and two potential development scenarios for the Cold Spring Country Club property), would not result in significant potential traffic impacts.

The New York State Department of Transportation [NYSDOT] recommended widening NYS 25 between Avery Road and Plainview Road to mitigate the impact of the project. The applicant will be required to undertake these improvements along the subject site's frontage to accommodate side-by-side left turn lanes on NYS 25.

From a traffic engineering perspective, the EIS indicates relatively imperceptible traffic flow level of service [LOS] differences for proposed site accesses between the applicant's preferred plan and the no build scenario. Any traffic impacts that may be created within the study area could be mitigated by the improvements detailed in the Traffic Impact Study (DEIS, Appendix F-1). As earlier indicated, these mitigative measures include a westbound left turn lane into the proposed development and associated traffic signal modifications.

Site access and related improvements will be left to the discretion of the NYSDOT, the permitting agency for the issuance of highway work permits on State roads.

IMPACT ON ENERGY AND UTILITIES

It appears that there is adequate capacity within the Town of Huntington for a residential development of this size to handle the anticipated increase in energy and utility uses. The specific availability will be determined by the local suppliers selected for future project construction.

IMPACT ON NOISE AND ODOR

As indicated in the EIS, the action is not expected to generate substantial noise or odor impacts.

IMPACT ON PUBLIC HEALTH

As identified in the DEIS and FEIS, a Soil Management Plan (SMP) was recommended in order to outline the procedures of handling elevated concentrations of arsenic in accordance with Suffolk County Department of Health Guidelines. The first step would be to collect additional soil samples in order to define the area of excavation required to remove all of the contaminated soils. The applicant's plan is to scrape the upper six (6) to twelve (12) inches of soil from the

Continue Next Page
Date Printed: 01/13/11

affected areas and stockpile it for burial, possibly under the proposed pond. Endpoint samples would be collected for ensuring the SMP has been correctly implemented.

The work plan outlining the details of this SMP included in Appendix F-1 of the FEIS was determined to be an acceptable practice for remediation. In addition, the applicant will be required to file notifications in the prospectus and deeds regarding the location and extent of the burial area for all prospective and future owners.

IMPACT ON GROWTH AND COMMUNITY CHARACTER

Many of the concerns regarding growth and community character relate to the density increase/intensity of use. The EIS states in Section 5 – Alternatives, that “there are clear benefits to the development of the subject property with eighty (80) attached single-family age restricted and three (3) single-family homes and that the impacts of this development would be limited and all of them mitigated”. Generalized comparisons are made between each alternative and the proposed actions in a summary format. From among the build scenarios the EIS concludes that, “The quantities listed in Table 5-1, in conjunction with the brief discussions above, suggest that the proposed project would offer the best balance between site development and its associated impacts, the goals and needs of the community and the legitimate concerns of the Towns and public”. This alternative analysis indicates that, while the proposed project would provide the same or a larger yield of all scenarios reviewed, it would be offset the largest number of significant public benefits, particularly in terms of tax revenue generation, school district enrollment, school generation and school expenditures. The adverse impacts of the proposed project (e.g. trip generation, water use, nitrate concentration in recharge, solid waste, etc.) are generally similar to those of the other alternatives presented, or would not be significant, as discussed in Sections 2.0 and 3.0 of the EIS.

The SEQRA Findings for the Horizons 2020 Comprehensive Plan Update adopted on December 9, 2008 require verification that all future land use decisions by the Town Board be consistent with the elements of the Horizons 2020 Comprehensive Plan Update. Specifically, Principle #2 states: “Rezoning requests shall be reviewed for consistency with the Comprehensive Plan and shall not be approved if found contrary to the Comprehensive Plan.”

The Town of Huntington Comprehensive Plan Update (Horizons 2020) Generalized Map indicates a projected future land use of *Parks, Recreation & Conservation Land* based upon the existing outdoor recreational use (horse stables) on the property. It reflects that there was no objection to the continuation of the recreational use; however, the land use designation does not indicate that the Town seeks to permanently preserve the land. The surrounding neighborhood land use is low-density residential, one (1) unit per acre. The proposed medium/high-density attached housing development proposed by the developer is 4.8 units per acre and therefore conflicts with the immediate community character within Huntington. However there is similar higher density housing just west across the County line in Oyster Bay. As a result, the proposed

project may be considered a transitional use between the lower intensity residential use in Huntington and the higher – intensity use to the west in Oyster Bay. It should be noted that the Town Board denied a change of zone proposal on May 13, 1980 for the 34.9-acre parcel adjoining the subject site to the east (Gale-Oppenheimer #78-ZM-120) from R-40 to R-10, later amended to R-20 with a R-40 residence district buffer to be maintained along the south boundary line.

Although the proposed senior housing project is not consistent with the Comprehensive Plan Update Generalized Land Use Map and the density of the adjoining neighborhood to the east, it is consistent with a number of the housing policies and strategies contained in the Plan Update. In particular, the Plan Update promotes the diversification of the Town's housing stock in situations where a public benefit is derived. The applicant will comply with the Town's twenty (20) percent affordable housing requirement for additional density and contends that the project design is compatible with adjacent established land uses. The proposed action also represents an opportunity to achieve a local housing goal established by the Comprehensive Plan Update by providing additional senior housing for a growing segment of the Town of Huntington population. It is also significant to consider that the project site is located along a mass transit bus line with nearby options for retail and commercial services. Although the project site is not within walking distance of the neighborhood services, the existing bus lines and the proximity of the services to the proposed development will benefit both the prospective residents of the project and local businesses.

In conclusion, the Town Board finds that the proposed medium/high-density residential development does not fully conform to the Comprehensive Plan Update Generalized Land Use Map and represents a significant density increase relative to adjoining neighborhoods. However, the proposal offers consistency with a number of housing policies and objectives offered in the plan related to public benefits and housing diversity.

ALTERNATIVES

The EIS examined a range of alternatives as follows:

Applicant's Preferred Project

This is the same as that indicated in the Project Description above with more specific detail included in the EIS.

Alternative #1: No-Action

The no-action alternative involves leaving the subject site in its current state, the existing commercial uses would remain subject to conformance with Town Code and Regulations and any future land use could occur based upon existing zoning.

Alternative # 2: As-of-Right Zoning

This alternative assumes the site is developed with a 15-lot subdivision based upon the current

zoning of the property, which is R-40 zoning in Huntington and R1-1A in Oyster Bay (both require a minimum lot size of one acre) with final yield to be determined by the respective Town Planning Boards.

Alternative #3: Non-Age Restricted

This alternative involves the same yield as the applicant's preferred project and a similar design, but would not include an age restriction on any of the units.

Alternative #4: Alternative Access

This alternative assumes the same yield as the applicant's preferred project, but access is proposed from Plainview Road.

Alternative #5: Cluster Development A

This alternative assumes the site is developed with yields similar to the applicant's preferred project, but in a cluster layout.

Alternative #6: Cluster Development B

This alternative assumes the site is developed with yields similar to the applicant's preferred project, but in layout more densely clustered than Cluster Development A.

CONCLUSIONS

Analysis of the draft and final EIS and comments received during the SEQRA processes have shown that the proposed project conforms with various housing objectives of the Town of Huntington Horizons 2020 Comprehensive Plan Update and offers potential public benefits. However, it will result in a number of adverse environmental impacts. Adverse impacts include:

- Inconsistency with the Town of Huntington Comprehensive Plan Generalized Future Land Use Map;
- Loss of open space;
- Increased residential density in a designated Special Groundwater Protection Area;
- Substantial removal of existing naturalized vegetation on the majority of the subject parcel due to regrading and soil remediation;
- Permanent alteration of the natural topography;
- Displacement and/or loss of wildlife species;
- Erosion and off-site sedimentation during site remediation and site construction (will be stabilized through typical construction design techniques.
- Increase of sanitary wastewater flows from an existing vacant site. However, due to the disposal of wastewater to the Cedar Creek Sewage Treatment Plant, the capacity to handle such flow will be under the purview of Nassau County, and impacts to groundwater are not expected to be significant.
- Increase in vehicle trips to local roadways will be ameliorated to the greatest extent practicable through the applicant's improvements to Jericho Turnpike (NYS Route 25) as deemed acceptable in concept by the New York State Department of Transportation.

Continue Next Page
Date Printed: 01/13/11

- Increase in the number of residents and demand for community services.
- Temporary increase in construction traffic, fugitive dust and noise during construction, which will be ameliorated with design controls.

CONDITIONS WITH ANY APPROVAL

- All mitigation measures recommended by the Final Environmental Impact Statement and included in this Findings Statement shall be provided.
- The maximum number of housing units to be built on the combined Huntington and Oyster Bay parcels shall be eighty-three (83), with eighty (80) of those units restricted for senior housing, and a minimum of nine (9) of those senior units in the Town of Huntington will be affordable in accordance with the current Town of Huntington Zoning Code.
- Land along Jericho Turnpike shall be dedicated to the New York State Department of Transportation upon their request to provide space for road widening and/or improvements.
- All landscaping shall be managed organically to prevent groundwater, pond, and wetland contamination, and a plan indicating how this will be done must be submitted and approved by the Planning Board during the site plan review process.
- The Town of Huntington shall not be responsible for maintaining the function or appearance of the manmade pond and drainage system.
- The developer must submit a soil management plan, which shall be reviewed by the Town's consultants at the developer's expense, and which shall require the approval of the Planning Board before site plan approval will be granted, and if on-site burial of contaminated soils is implemented, prospective and future owners shall be notified of the burial locations in the HOA prospectus and property deeds.
- The development must be connected to the Nassau County public sewer system.
- Buildings along the eastern perimeter of the property shall be oriented so that their shortest side faces east in order to reduce the amount of building façade facing the adjacent residences to the east.
- Natural areas shown on the proposed site plan shall remain natural in perpetuity, with no clearing or grading, and no cutting or soil disturbance except for the removal and/or replacement of dead or diseased vegetation, and with the exception of supplemental plantings that will be shown on the landscape plan for the property.
- Native aquatic plantings shall be added to the manmade pond and wetland area and a landscape buffer shall be provided along the eastern side of the property.

CERTIFICATION

This Findings Statement considers the relevant environmental impacts in the FSEIS, weighs and balances them with social, economic and other essential considerations, provides a rationale for the Town Board's decision and certifies that the SEQRA requirements have been met.

The Town Board hereby certifies that the requirements of 6 NYCRR Part 617 have been met, and that, consistent with social, economic, and other essential considerations from among the

Continue Next Page
Date Printed: 01/13/11

reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.