

APPENDIX A

ACCEPTANCE OF DEIS

Huntington Town Board
April 13th, 2010

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RESOLUTION SCHEDULING SIMULTANEOUS PUBLIC HEARINGS TO CONSIDER COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) AND TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 7-2010, CONSIDERING ZONE CHANGE APPLICATION #2006-ZM-363, TRIANGLE EQUITIES (KENSINGTON ESTATES), TO CHANGE THE ZONING 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, AND DETERMINING THAT THE DEIS IS ACCEPTABLE FOR COMMENCING PUBLIC REVIEW.

Resolution for Town Board Meeting Dated: April 13, 2010

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN JACKSON, SUPERVISOR PETRONE,
COUNCILWOMAN BERLAND**

WHEREAS, Triangle Equities Development Co., LLC, 30-56 Whitestone Expressway, Whitestone, New York, 11354, contract vendee, submitted a change of zone application, known as Triangle Equities (Kensington Estates), application #2006-ZM-363 to change the zoning from R-40 Residence District to R-RM Retirement Community District in order to build a senior housing community on property located on the south side of Jericho Turnpike (NYS Route 25), east of Plainview Road, West Hills designated as 0400-226-01-001 on the Suffolk County Tax Map; and

WHEREAS, the applicant simultaneously submitted a change of zone application to the Town of Oyster Bay to change the zoning from R1-1A One-Family Residence to RMF-10 Multi-Family Residence on adjacent parcels of land in their zoning jurisdiction, designated as 13-D-114 & 115 on the Nassau County Tax Map, that would be part of the same senior housing community proposed in the Town of Huntington application; and

WHEREAS, said application was forwarded to the Huntington Planning Board by the Huntington 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 action was classified Type I pursuant to SEQRA, Sections 617.4(a)(2) & 617.4(b)(11), since projects in the Oyster Bay Special Groundwater Protection Area have been declared as Type I Actions by the Oyster Bay Town Board, an involved agency; and

WHEREAS, the Huntington Town Board was declared Lead Agency by the Commissioner of the New York State Department of Environmental Conservation in accordance with 6 NYCRR 617.6(b)(5); and

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WHEREAS, based on the information provided with the application, the action was issued a Positive Declaration by the Huntington Town Board on November 7, 2007; and

WHEREAS, scoping was conducted to assist in the preparation of the Draft Environmental Impact Statement (DEIS), and the final scope was issued by the Department of Planning and Environment on behalf of the Huntington Town Board on January 9, 2008; and

WEREAS, a revised DEIS dated December 2009 has been prepared by Nelson, Pope & Voorhis, LLC on behalf of the applicant in response to the final scope and comments from the Town of Huntington, Town of Oyster Bay, and other involved and interested agencies for assessing potential impacts of the project; and

WHEREAS, at their regular meeting of March 10, 2010 the Huntington Planning Board recommended that the Huntington Town Board accept the DEIS as satisfactory with regard to its scope, content and adequacy for the purpose of commencing the SEQRA hearing;

NOW THEREFORE BE IT

RESOLVED, that the Huntington Town Board determines that the DEIS for the Triangle Equities (Kensington Estates) zone change application, dated December 2009, is acceptable for commencing public review; and

BE IT FURTHER

RESOLVED, the Town Board hereby schedules simultaneous public hearings for the 17TH day of MAY, 2010, at 7:00 PM 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, as follows:

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

LOCAL LAW INTRODUCTORY NO. 7 - 2010
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 amended as follows:

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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:

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;

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* * *

Section 2. Severability

If any clause, sentence paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

* * * INDICATES NO CHANGE TO PRESENT TEXT.
ADDITIONS ARE INDICATED BY UNDERLINE.
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone		AYE	
Councilwoman Susan A. Berland		AYE	
Councilman Mark A. Cuthbertson		AYE	
Councilwoman Glenda A. Jackson		AYE	
Councilman Mark Mayoka		AYE	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.