DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

Proposed Amendments to the Village of Westbury Zoning Code

Incorporated Village of Westbury, Nassau County, New York

PREPARED FOR

Incorporated Village of Westbury
235 Lincoln Place
Westbury, NY 11590

PREPARED BY

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June 2019

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DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

PROPOSED AMENDMENTS TO THE VILLAGE OF WESTBURY ZONING CODE
INCORPORATED VILLAGE OF WESTBURY, COUNTY OF NASSAU

PROJECT LOCATION:

Approximately 53 acres in the section of Post Avenue from Asbury Avenue East, extending 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 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, Nassau County, New York.

LEAD AGENCY:

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DATE OF PREPARATION: June 2019

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DATE OF ACCEPTANCE: June 20, 2019

COMMENT DEADLINE: July 22, 2019

Table of Contents

List of Appendices

List of Tables

List of Figures

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1

Executive Summary

This document is the Draft Generic Environmental Impact Statement (DGEIS) prepared in accordance with the Positive Declaration adopted by the Board of Trustees of the Village of Westbury (the "Village Board of Trustees" or the "Board of Trustees") for the Proposed Action contemplated herein.

The Proposed Action consists of the adoption by the Board of Trustees of the amendment to the existing zoning code to effectively create new transit-oriented development (TOD) and mixed-use development opportunities in the Village of Westbury's central business district, as well as modify parking requirements and bulk and dimensional regulations to facilitate such development.

The Project Area encompasses approximately 53 acres in the section of Post Avenue from Asbury Avenue East extending 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 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. 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 of the Post Avenue Rezoning 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 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.

To ensure comprehensive environmental review in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR Part 617, the potential impacts associated with implementation of the proposed action are evaluated in this DGEIS.

In accordance with 6 NYCRR §617.10(c) of the SEQRA regulations, this DGEIS sets forth conditions and/or criteria for future actions, including requisite SEQRA compliance. Specifically, 6 NYCRR §617.10(c) states, in pertinent part:

> *"Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance…"*

Accordingly, this DGEIS evaluates the specific impacts associated with the adoption of the proposed zoning amendments, as well as impacts that may result from such action at buildout of a reasonable worst-case development scenario, and establishes conditions and criteria for future SEQRA review.

This *Executive Summary* is designed solely to provide an overview of the proposed action, potential significant adverse impacts identified (if any), mitigation measures proposed, and alternatives considered, in addition to the aforementioned conditions and criteria for future action under SEQRA. Review of the *Executive Summary* is not a substitute for a full evaluation of the proposed action presented in Sections 2 through 9 of this DGEIS.

Introduction and Description of the Proposed Action

Over the past 20 years, the 2.4-square-mile Incorporated Village of Westbury ("Village"), located in the heart of Nassau County, has undertaken various comprehensive planning initiatives focused on the revitalization of the Westbury downtown. In 2016, based on the Village's 1) cultural and social diversity, 2) long history of political stability and strong leadership, 3) commitment to housing and willingness to allow increased density in the core, and 4) presence along the Long Island Rail Road (LIRR) Expansion Project (also known as "Third Track"), the Long Island Regional Economic Development Council (LIREDC) nominated the Village of Westbury for New York State's Downtown Revitalization Initiative (DRI). In July 2016, the Village was awarded a DRI Grant in the amount of $10 million to improve the vitality of the downtown and leverage public and private investment to realize its vision and goals. This process required development of a Downtown Vision Plan and Strategic Investment Plan that were set forth in the *New York State Downtown*

Revitalization Initiative Strategic Investment Plan Village of Westbury (February 2017) (hereinafter "the *DRI Plan*").

The focus of this DGEIS is Project 1.1 of the *DRI Plan*: Rezone the Downtown, which falls under Goal 1 – Transit-Oriented Projects.

The strategies addressed by the rezoning are set forth on pages 56 – 57 of the *DRI Plan* as follows.

Goal 1: Transit-Oriented

- Foster transit-oriented development that allows for increased density, mixed-use development in the Maple Union area.
- Improve pedestrian and visual connections between the LIRR Station and downtown.
- Establish a southern anchor that creates jobs and/or attracts visitors.
- Attract new job generating and residential uses near the LIRR Station.

Goal 2: Diversity

- Encourage the development of diverse housing options.
- Establish a retail mix that supports diversity in the community.

Goal 3: Walkability

- Enhance the pedestrian experience through streetscape improvements.
- Attract new amenities that encourage residents and visitors to come downtown.

Based on the *DRI Plan*, the Proposed Action involves the adoption of amendments to the Zoning Code and Map of the Incorporated Village of Westbury, specifically to Chapter 248 (hereafter, "the zoning amendments"). These proposed amendments are intended to encourage economic development and enhance the quality of life of the Village through carefully applied zoning revisions to the areas and to create varying degrees of rezoning in two areas of the downtown of the Incorporated Village of Westbury, Nassau County, New York.

More specifically, the Proposed Action involves, in part, the amendment of the existing zoning code to effectively create new TOD and mixed-use development opportunities in the Village of Westbury's central business district through the creation of the "Maple Union TOD District" ("MU District"), as well as modify parking requirements and bulk and dimensional regulations to facilitate such development. The Project Area encompasses approximately 53 acres in the section of Post Avenue from Asbury Avenue East extending 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 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.

The overall purpose and goal of the Post Avenue Rezoning 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 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 purpose and goal of the rezoning of the Maple Union Triangle is to foster mixed-use development that utilizes the principles of TOD due to the proximity to the Westbury LIRR station, which is located within the southern portion of the Maple Union Triangle. 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 three stories to a maximum of five stories, in certain cases, upon the realization of public benefits 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.

The predominant purposes of the proposed MU District are as follows:

- Foster reasonable and prudent transit-oriented development that allows for increased density, mixed-use development in the Maple Union area.
- Improve pedestrian and visual connections between the train station and downtown.
- Attract new residential and job-creating uses near the train station.
- Retain the existing diverse population and attract new residents.
- Encourage the development of diverse housing options.
- Establish a retail mix that supports and complements the existing business district and promotes the sustainability and diversity of the community.
- Ensure parking capacity meets the needs of residents, commuters and visitors.
- Facilitate improvements to key community assets.
- Increase pedestrian activity throughout the downtown.
- Enhance the pedestrian experience through streetscape improvements.
- Ensure the pedestrian environment is safe and easy to navigate.
- Attract new public benefits that encourage residents and visitors to come downtown.

- Enhance the cultural profile of the Village of Westbury.
- Support the sustainability and growth of existing cultural assets.
- Increase opportunities for the community to participate in culture.

The Maple Union TOD District is proposed to be comprised of seven subdistricts: MU-R1, MU-R2, MU-R3, MU-R4, MU-R5, MU-R6 and MU-R7. The crux of the what the Village wants to accomplish through the proposed rezoning is found in the development bonus provisions.

The following list provides examples of public benefits for the development bonus provisions which may be provided by applicants for development in the MU District, and which as a result, could allow applicants to increase development density, subject to approval by the Board of Trustees:

- Off-site improvements to parks, open space, transit facilities, and streetscape within the Maple Union TOD District;
- Provision for social or cultural public benefits;
- Affordable housing units in excess of that required by § 699 of the General Municipal Law;
- Inclusion of micro-units;
- Inclusion of age-restricted units;
- Inclusion of veteran preferential units;
- Water and sewer system improvements;
- Additional off-street parking made available for public use;
- Public street crosswalks;
- Additional open space, enhancement of existing open space, and ecological restoration;
- Private or public recreational opportunities;
- Pedestrian or vehicular connector;
- Off-street passenger loading (for hotels, apartment, condominium, or housing cooperative buildings, etc.);
- Sidewalk canopy;
- Interior freight loading;
- Leadership in Energy and Environmental Design (LEED) certifications or similar standards;
- Subsurface, concourse or bridge connections to other buildings;
- Additional setback at grade, allowing for sidewalk widening or plaza with landscaping and/or unique paving design;
- Unique landscaping;
- Shared transportation;
- Cash contribution in lieu of the above; and

- Transfer of land to the Village to achieve the above goals.

Other significant amendments to the Code involve sidewalk widenings particularly along Post Avenue. In the B-1, B-2 and B-4 zoning districts, new buildings to be constructed must be set back from the property line to sufficiently allow for sidewalk widths of between 12 feet and 20 feet. The developer of said building(s) are responsible for constructing the sidewalks to the specifications promulgated by the Department of Buildings.

In addition, modifications to zoning in the Business Districts that effect Post Avenue, including the phasing out of the B-3 zoning district, and the discontinuation of two industrial districts (Article XXIII, Light Industrial District and Article XXIV Industrial Districts), with the existing requirements only pertaining to existing legal non-conforming uses as of the date the zoning amendments become effective.

The proposed zoning amendments also limit the location of adult uses to within a portion of the proposed MU District, which location is almost identical to that under the existing code.

Finally, the proposed zoning amendments refine the section regarding non-conforming uses and add parking requirements for multiple dwellings throughout the Village.

The Proposed Action will allow for the development of new multifamily residential uses and higher densities in the Rezoning Areas. In the future with the Proposed Action at a Reasonable Worst-Case Development Scenario (RWCDS) for a 15-year build-out (to 2033), it is anticipated that there will be a total of 2.8 million SF of built floor area.

The Proposed Action would generate a significant amount of new housing units in the Maple Union Triangle. The Rezoning Area would comprise a total of 2,134 residential units. In addition, the Proposed Action is expected to produce 632,920 SF of commercial uses, 162,096 SF of industrial uses, and 100,705 SF of community facility spaces. The following table summarizes the results of the scenario analysis (no action and with action), as well as the existing conditions. The right-hand column provides a comparison between the future no action and future with action scenarios.

2033 RWCDS No-Action and With-Action Land Uses

Land Use	Existing Conditions	No Action	With Action	No Action to With Action Increment
Residential				
Maple Union Residential SF (Units)	127,637 (122)	193,330 (217)	1,453,131 (1,618)	+1,259,802 (+1,401)
Post Avenue Residential SF (Units)	369,538 (422)	440,744 (516)	440,744 (516)	0
Total Residential SF (Units)	**497,175 (544)**	**634,074 (733)**	**1,893,875 (2,134)**	**+1,259,802 (+1,401)**
Commercial (Retail and Office)				
Maple Union Commercial SF	183,831	228,476	176,195	-52,281
Post Avenue Commercial SF	411,717	456,725	456,725	0
Total Commercial SF	**595,548**	**685,201**	**632,920**	**-52,281**
Industrial				
Maple Union Industrial SF	307,606	432,689	145,138	-287,551
Post Avenue Industrial SF	16,958	16,958	16,958	0
Total Industrial SF	**324,564**	**449,647**	**162,096**	**-287,551**
Community Facility and Other				
Maple Union Community Fac. and Other SF	46,753	46,753	46,753	0
Post Avenue Community Fac. and Other SF	53,592	53,592	53,592	0
Total Community Facility and Other SF	**100,705**	**100,705**	**100,705**	**0**
TOTAL FLOOR AREA	**1,517,992**	**1,869,627**	**2,789,596**	**+919,969**

Based on the analysis, in the Maple Union Triangle Rezoning area, there would be substantially more housing, substantially less industrial development, less commercial development and no change in community facilities and other space in comparing the no action to the with action scenarios. However, there would be little

incremental change from existing conditions with the Proposed Action in the Post Avenue Rezoning Area since the rezoning elements with this area are mainly connected to aesthetics and setback controls.

The benefits for the new zoning code as it pertains to the Maple Union Triangle Rezoning Area and Post Avenue Rezoning Area are as follows:

- Within the Maple Union area, allowing for medium-density, mixed-use residential development;
- Within the Maple Union area, provide opportunities for new ground floor commercial uses;
- Within Post Avenue, careful relaxation of parking ratios to encourage new or expanded commercial and residential uses;
- Within Post Avenue, increase the opportunities for contextual, mixed-use residential development;
- In both areas, maintain a consistent street wall and encourage wider sidewalks;
- In both areas, increase opportunities for open space and other public benefits.

As indicated in the *DRI Plan*, and as captured by the proposed zoning amendments,

> *Overall, this project will attract hundreds of millions of dollars of private investment in Westbury and the State of New York. In addition, new development will generate significant positive fiscal impacts in the Village, region, and State* (*DRI Plan*, page 57).

The following table identifies permits and approvals required for implementation of the Proposed Action. The Village Board of Trustees is the entity responsible for adoption of the amendments of the zoning chapter of the Village Code. Subsequent to the code and map amendments, other bodies at the Village, County, and State levels, as well as regional entities would also have a role in the implementation program recommended in the *DRI Plan* as reflected in the proposed zoning amendments including site-specific reviews and review and approval of individual development projects. The approvals noted with an asterisk (*) in the table below would be required for actual development that would occur in accordance with future zoning and development actions.

List of Required Permits/Approvals

Agency	Approval/Permit
Village of Westbury Board of Trustees	Zoning Code and Map Amendments; Subdivision and Site Plan Approvals*; Special Use Permits*
Village of Westbury Building Department, Village Clerk	Roadway Improvements and Curb Cuts on Village Roads,* 239-f Referral*
Town of North Hempstead	Roadway Improvements and Curb Cuts on Town Roads*
Nassau County Planning Commission	239-m Referral (Proposed Action), (Future Actions)*
Nassau County Department of Public Works	Sewer Connections/Extensions*; Roadway Improvements and Curb Cuts on County Roads (239-f)*
Nassau County Department of Health	Water Supply and Sewer Connection*
New York State Department of State	Funding (Downtown Revitalization Initiative)
New York State Department of Environmental Conservation	SPDES General Permits for Stormwater Discharges from Construction Activities and MS4 Permits*
Westbury Water District	Water Supply/Extensions*
LIPA c/o PSEG LI	Utility Connections/Upgrades*
National Grid	Utility Connections/Upgrades*
MTA – Long Island Rail Road	Right-of-Way/Easements*

Potential Impacts of the Proposed Action

Although the proposed zoning amendments would not directly impact the resources analyzed in this DGEIS, the Board of Trustees, in issuing a Positive Declaration, determined that development under the proposed zoning amendments would have the potential to result in significant adverse impacts. The impact analysis for each environmental parameter examined in the DGEIS is summarized in the following subsections.

Zoning, Land Use and Community Character

The Proposed Action includes amendments to the Zoning Code to achieve the Village's goals described in the *DRI Plan*. The proposed zoning amendments include the creation of a new MU District in the Maple Union Triangle Rezoning Area to encourage the transition from a mostly industrial area to an area that accommodates transit-oriented development that would leverage the LIRR Expansion Project investment, better connect the LIRR Station to the downtown, and

add residential density to support additional commercial activity. Creation of the MU District and its placement on parcels within the Maple Union Triangle would prompt the discontinuation of the Light Industrial and Industrial Districts.

The proposed zoning amendments also entail minor revisions to the Business districts in the Post Avenue Rezoning Area to allow for increased sidewalk width to allow for increased pedestrian amenities, streetscape/street furniture and public landscaping.

The proposed zoning amendments would also affect several miscellaneous Zoning Code sections to create consistency throughout the Zoning Code with the proposed amendments to the Rezoning Areas.

The proposed MU District regulations includes three key components: (1) establishment of seven sub-districts with use and dimensional requirements; (2) incentive zoning procedures; and (3) affordable workforce housing requirements.

The MU District includes seven sub-districts with varying degrees of use and dimensional regulations: MU-R1, MU-R2, MU-R3, MU-R4, MU-R5, MU-R6 and MU-R7. These sub-districts would replace the existing zoning districts in the Maple Union Triangle Rezoning Area, which includes an uncoordinated mix of industrial and business districts. The Light Industrial and Industrial districts would be discontinued in the Zoning Code, and remain only for reference pertaining to pre-existing legal non-conforming uses. The MU District would allow for a coordinated mix of TODs at densities that would support the Village's goals for downtown revitalization (e.g., increased economic activity, housing options, types and sizes, walkability, elimination of incompatible uses, aesthetic enhancement) without overwhelming the surrounding single-family residential areas with excessive building heights, large increases in traffic, or other potentially significant adverse impacts discussed throughout this DGEIS. Generally, the sub-districts would be arranged such that the highest intensity of development would be permitted in the area immediately surrounding the LIRR ROW with gradual decreases in permitted intensity moving north toward the single-family residential neighborhood.

The proposed dimensional regulations for the MU District set forth restrictions on minimum plot area per dwelling unit (i.e., density); minimum plot width for dwellings; maximum building coverage; maximum building height (with and without development bonuses); minimum yard dimensions; and minimum floor area for dwellings.

Another key component of the MU District is the inclusion of incentive zoning procedures. Such procedures would encourage developers to provide certain specified "public benefits" in exchange for "development bonuses." The incentive zoning procedures would serve as a tool for the Board of Trustees to use its broad discretion, with public input, to allow case-by-case density, height and plot coverage bonuses in the MU District, upon a determination that the public benefits to be provided would provide long-term benefits of greater value to the community than that of the potential impacts of the development bonuses granted.

Additionally, the proposed MU District regulations would include requirements for affordable workforce housing. These requirements would codify within the Zoning Code the requirements of § 699-b of the New York State General Municipal Law – the Long Island Workforce Housing Act. They would mandate that residential or mixed-use developments containing five or more residential units be required to set aside at least 10% of such units for "affordable workforce housing," which is defined as "housing for individuals or families at or below 80% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development."

While the proposed action involves wholesale changes to the zoning regulations in the Maple Union Triangle Rezoning Area, the changes proposed for the Post Avenue Rezoning Area are more limited. The Post Avenue Rezoning Area is the Village's existing primary business corridor and is primarily zoned for business uses (B-1, B-2, B-4, B-5), as well as Specialized Senior Housing Facility. These zoning classifications would not change under the proposed action. Rather, the B-1, B-2 and B-4 dimensional regulations would be updated to include a requirement that,

> *[a]ny new Building constructed shall set back from the property line sufficiently to allow for a sidewalk width of a minimum of twelve (12) feet and not greater than twenty (20) feet as measured from the face of the curb.*

This additional requirement is intended to tie new building developments along Post Avenue to improved pedestrian amenities and enhanced streetscapes.

One of the principal goals of the Proposed Action is to implement zoning amendments that will enable the transformation of the Maple Union Triangle Rezoning Area from an uncoordinated mix of industrial, commercial and residential uses to an extension of the Village's downtown characterized by TODs and public amenities. The transformation of the Maple Union Triangle Rezoning Area would lead to increased vitality along the existing downtown Post Avenue corridor, such that the two areas will co-exist to form one harmonious downtown area.

The most significant land use impact anticipated under the proposed action would be the gradual reduction of industrial uses in the Maple Union Triangle Rezoning Area. It is expected that 162,468± SF of existing industrial development would be eliminated from the Maple Union Triangle Rezoning Area by 2033. It is also expected that 7,636± SF of existing commercial development would be eliminated from the Maple Union Triangle Rezoning Area by 2033. The losses of existing industrial and commercial development would be accompanied by a substantial increase in residential development in the Maple Union Triangle Rezoning Area of 1,325,494± SF (1,496± additional residential units).

The proposed zoning amendments would allow ground-floor commercial uses in each of the MU sub-districts except for MU-R1 (south of Madison Street and west of Linden Avenue) and MU-R3 (south of Maple Avenue, west of Linden Avenue, and along Scally Place), where only residential uses would be allowed. While a net reduction in commercial use in the Maple Union Triangle Rezoning area is expected,

the proposed minimum ground floor commercial space requirements in the MU-R2 and MU-R7 sub-districts would ensure that any new development along Maple Avenue (and the small portions of School Street, Union Avenue and Nassau Street) in these two sub-districts, would include commercial uses on the street frontage to foster an active, vibrant downtown extension.

Overall, as compared to existing conditions, it is expected that there would be an increase in the Post Avenue Rezoning Area of 71,206± SF (94 units) of residential development; a 45,008±-SF increase in commercial development; and no changes in industrial, community facilities and other land use types.

The anticipated land use changes for the Rezoning Areas represent beneficial land use impacts, as these land use changes would be the future realization of the Village's long-term planning goals documented in the 2003 Comprehensive Plan and the *DRI Plan*, which was the impetus of the Proposed Action.

The Proposed Action is consistent with housing and neighborhoods goals in that it would enable housing stock diversification by allowing attached housing, townhomes and multiple dwelling units in the new MU District. Furthermore, the proposed incentive zoning provisions would include incentives for the provision of affordable workforce housing units in excess of the existing requirements, micro-units, age-restricted units, and veteran preferential units.

The Proposed Action, through implementation of mixed-use zoning in the Maple Union Triangle Rezoning Area, incentive zoning provisions, and sidewalk widening and build-to provisions in the Post Avenue Rezoning Area, is intended to meet the Village's goals for a thriving, walkable downtown.

One of the aims of the Proposed Action is to facilitate the creation of more open space in the Village. Among the public benefits the proposed zoning would incentivize are, off-site improvements to parks, open space, transit facilities, and streetscape within the Maple Union TOD District; additional open space, enhancement of existing open space, and ecological restoration; and private or public recreational opportunities. As such, the Proposed Action is consistent with this goal.

The Proposed Action is consistent with the Village's land use planning goals. Although the Proposed Action is not consistent with the entirety of the relevant portions of the *2003 Comprehensive Plan*, it is important to note that the Village's vision for the Rezoning Areas has evolved in the intervening years, as documented in the *DRI Plan*.

The Proposed Action is a Village initiative intended to improve upon the community character of the Village. Adoption of the proposed zoning amendments would not, in itself, have any impact on community character. However, the gradual build-out of new development would lead to beneficial impacts on community character.

The Post Avenue Rezoning Area is the Village's primary business district, in the vein of a traditional, walkable, downtown main street corridor; while the Maple Union

Triangle Rezoning Area has a character of conflicting residential and industrial uses. The RWCDS is expected to ultimately lead to significant beneficial changes in the character of the Maple Union Triangle Rezoning Area by fostering the introduction of mixed-use TODs to the area to complement and support the existing Post Avenue downtown area. This shift in land use would lead to long-term beneficial impacts with respect to visual characteristics and urban design, cultural resources, socioeconomic conditions, traffic, noise and air quality.

Overall, the Proposed Action would not result in significant adverse impacts to community character, but would benefit the greater Westbury community through a combination of improvements to the various aspects that comprise its character.

The DGEIS analysis concludes that the Proposed Action would have beneficial impacts to the land use, zoning and community character of the Village. The Proposed Action is intended to implement new zoning that is in keeping with the Village's long-term planning goals as outlined in the *2003 Comprehensive Plan* and further developed in the *DRI Plan*, and would eliminate uncoordinated zoning in the Maple Union Triangle Rezoning Area. Overall, it is expected that the proposed zoning amendments would foster changes to the land use and community character of the Maple Union Triangle Rezoning Area consisting of a transition from the intermingling of industrial and residential uses to mixed-use TODs that complement and support the existing downtown area along the Post Avenue corridor. These land use changes are expected to lead to enhanced community character through the creation of a more livable area where residents will be within walking distance of public transportation, increased open space, and a more robust commercial sector as industrial uses are gradually replaced.

Community Facilities and Infrastructure/Utilities

Under the Proposed Action, fire protection and (secondary) emergency medical services would continue to be provided by the Westbury FD, and primary ambulance services would continue to be provided by the NCPD EAB. The Rezoning Areas are within already-developed areas that are currently served by the Westbury FD and the NCPD EAB. In order to ensure that there would be no significant adverse impacts to the services provided by these agencies, all redevelopment plans would be required to ensure compliance with the latest New York State Uniform Fire Prevention and Building Code and undergo review by the Nassau County Fire Marshal.

Under the Proposed Action, police protection services would continue to be provided by the NCPD – Third Precinct South Subdivision. As individual site plans are developed, property owners would be expected to supplement police protection with on-site private security protection measures, as appropriate. Furthermore, mixed-use development creates "eyes-on-the-street" and reduced vacancies would be less attractive to criminal activity. As such, considering the conservative nature of the service demand projections, it is not expected that the Proposed Action would

require significant increases in police personnel, vehicles or facilities as a result of the Proposed Action.

There are nine receiving hospitals with a combined total of almost 4,000± beds within approximately 10 miles of the Rezoning Areas. There are approximately 10 walk-in emergency/urgent care facilities within approximately five miles of the Rezoning Areas. It is expected that many of the persons that would inhabit the Proposed Action would be existing residents from other nearby municipalities that currently utilize any number of the health care facilities that already serve these communities. As such, it is not anticipated that the Proposed Action and associated RWCDS would adversely impact health care facilities in the area.

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.

It is expected that a portion of RWCDS population would use the services of the Westbury Memorial Public Library. However, the utilization of library services would vary among the population such that existing facilities are not expected to be strained by an increase in patronage.

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 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.

A key component of the proposed MU District of the Village is the inclusion of incentive zoning procedures designed to encourage developers to provide certain specified public benefits in exchange for development bonuses, which may include the provision of new public open space or enhancement of existing public open space. Therefore, it is anticipated that implementation of the Proposed Action would not have significant adverse impacts on public parks and recreational resources within the Village.

The collection and disposal of solid waste currently generated by commercial and industrial properties in the Village is performed by licensed private contractors. Similarly, the collection of solid waste generated by residences is currently

performed by the Village Department of Public Works. As part of the Proposed Action, however, amendments to the Zoning Code relating to rubbish disposal will require properties approved for [re]development, under § 248-362 *Rubbish disposal*, to provide private recycling and rubbish removal. As such, it is anticipated that implementation of the Proposed Action would not have significant adverse impacts on the Village Department of Public Works; but, rather, would have beneficial impacts by requiring private recycling and collection for all new developments.

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.

For all site-specific applications within the Rezoning Areas, the Westbury Water District would be consulted to confirm water service availability and to identify potentially necessary site improvements to provide potable water to potential future development sites. As part of the proposed zoning amendments within the Maple Union TOD District, LEED certifications or similar standards which would contribute to potable water reduction within the Maple Union Rezoning Area may also be employed to reduce the total potable water demand within the Rezoning Area. Thus, implementation of the Proposed Action is not expected to have a significant adverse impact on the local water supply.

The Rezoning Areas are connected to the NCDPW Sewer Collection District #3, discharging to the Cedar Creek WPCP. The total estimated sanitary flow under the Proposed Action, using the same calculations as for potable water, is projected to be 744,635± gpd. This represents approximately 0.76 percent of the Cedar Creek WPCP's average daily pumpage of 63.1 million gpd and approximately 0.66 percent of the permitted daily capacity of 72 million gpd. For all site-specific applications within the Rezoning Areas, the NCDPW would be consulted to confirm sewer availability and to identify potentially necessary site improvements to provide sewage conveyance and treatment to potential future development sites. Thus, implementation of the Proposed Action is not expected to have a significant adverse impact on the sanitary sewer system including the Cedar Creek Water Pollution Control Plant.

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.

The Rezoning Areas are within the service area of National Grid for natural gas service. It is noted that at this time, National Grid has stopped processing new applications for service for all residences, small businesses and large development projects due to NYSDEC's rejection of the water quality permit for the Williams Pipeline, also known as the Northeast Supply Enhancement (NESE) project.

In the future, if service is available, consultations would be undertaken with National Grid for review of any future development plans. For all site-specific applications within the Rezoning Areas, National Grid would be consulted to confirm service availability and to identify potentially necessary site improvements to provide natural gas service.

No significant adverse impacts to community facilities or services due to the RWCDS under the Proposed Action have been identified; and, as such, mitigation is not required.

Socioeconomics

The Proposed Action, over the fifteen-year build-out period would lead to up to 1,590 new residential units that would result in a substantial permanent population increase in the Study Area (including school-aged children). The RWCDS is expected to generate, over the 15-year full build period, between 43 and 189 additional school-aged children.

The Proposed Action and subsequent development would result in significant private investment into the local and regional economy. Direct private investment is expected to exceed $436 million over the 15-year build period, resulting in new property taxes, public works fees, licenses and permitting fees, and population-based State Aid.

It is anticipated that due to the increase in population projected by the RWCDS, State Aid will likely increase on a pro rata basis with the entire budget, reflecting the increased contribution of the enlarged Village population to the State economy, but it may take some time for the increased population to be calculated and accounted for in the State Aid.

Full Tax Projection – Based on the projected tax revenues, the proposed rezoning is expected to generate $10.8 million in new property taxes for the Westbury UFSD and the Village at full build-out, $8.9 million of which would go to the Westbury UFSD and $1.9 million of which would go to the Village. Westbury UFSD's projected increased costs are $2.8 million and the Village's projected increased costs are $1.4 million. The total combined cost would be $4.2 million annually based on new required services, including school services, for the projected new population. The difference between the $10.8 million in property tax revenues and the $4.2 million in total costs would produce a net benefit of $6.6 million annually at full build-out, without accounting for inflation.

PILOT Tax Projection – Under the conservative assumption that all new development will receive a PILOT agreement, and that the lower PILOT revenues would generate $7.8 million dollars for the UFSD and Village, $6.3 million of which would go to the UFSD and $1.5 million of which would go to the Village. The total combined cost would be $4.2 million annually. The difference between the $7.8 million in PILOT revenues and the $4.2 million in total costs would still produce a net benefit of $3.6 million annually at full build-out, without accounting for inflation. The assumption that all new development receives a PILOT agreement is highly conservative, so it is likely that under the Proposed Action the actual combination of tax and PILOT revenues would fall between full taxes and the PILOT revenues shown.

Overall, the RWCDS is expected to generate a total of 280 full-time-equivalent permanent jobs and 4,892 temporary construction jobs, including direct, indirect and induced jobs. Direct permanent jobs total 212, while total direct temporary construction jobs total 2,567 jobs (in person-years). The two uses that would generate the most jobs within the RWCDS are General Retail and Residential with 78 and 64 jobs, respectively.

New construction and the addition of new commercial space in the Study Area would generate significant economic output, through direct investment and ongoing business activity. Overall, the project is expected to generate over $88 million annually in economic output and $686 million during construction.

While the RWCDS would add a projected 1,590 residential units, 2,858 new residents and up to 189 new school-aged children to the Study Area, the demographic makeup is not expected to change from its existing condition, and the fiscal impact would be net positive despite the increased costs of services.

The RWCDS would lead to the direct displacement of 172 residents and 31 businesses. The 172 directly displaced residents would not be considered a significant adverse socioeconomic impact as they only account for 2.0% of the Study Area's and 1.1% of the Village's populations. The directly displaced businesses do not provide products or services that would be considered essential to the local economy, or that would no longer be available in the area due to difficulty relocating or establishing new, comparable businesses. The directly displaced businesses are also not expected to be the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect them. Therefore, the directly displaced businesses would not be considered a significant adverse socioeconomic impact.

As no significant adverse socioeconomic impacts have been identified, no mitigation measures are proposed.

Aesthetic Resources/Urban Design

Based on the proposed zoning amendments, a transition from industrial and business zoning to the new MU District in the Maple Union Triangle Rezoning Area is expected to lead to the gradual transformation of the area into a more visually

pleasing and cohesive mixed-use area. Maximum heights of new buildings in the MU District would reach between three-to-five stories, or 40-to-65 feet (after development bonuses), depending in which subdistrict the building is located. The proposed zoning amendments in the Post Avenue Rezoning Area are far less extensive, pertaining only to improvements to the pedestrian environment and aesthetic conditions.

The Proposed Action would lead to beneficial aesthetic impacts in the Village through a system of incentive zoning to encourage aesthetic/urban design improvements, a transition from industrial to mixed-use development, and dimensional regulations governing height and setbacks. It is important to note as well, that any development within the Village subject to the proposed zoning amendments would be subject to review by the Board of Trustees, including an application package with a preliminary rendering of the architectural treatments expected to be implemented on completion of the project.

The Proposed Action would not result in significant adverse aesthetic impacts. As such, no mitigation measures are necessary beyond the proposed zoning amendments.

Cultural Resources

There are only two previously-documented National Register-eligible sites within the Rezoning Area; there are no State or National Register-listed properties within or adjacent, and no State, National, or locally-designated historic districts within or adjacent to the Rezoning Areas. In addition to the already documented sites, 19 properties due to the presence of historic buildings within their boundaries that are more than 50 years old were identified in the Rezoning Area.

In addition, the eastern portion of the Maple Union Triangle Rezoning Area should be reviewed by an applicant for development for historic and archaeological sensitivity on a site-specific basis for site plan and/or subdivision approval, Building Department permit for demolition, for State action, and/or for Federal actions. This recommendation is due to the presence of the Bethel A.M.E. Church (located at 467 Maple Avenue) within the Maple Union Triangle Rezoning Area, the proximity of the Westbury A.M.E. Zion Church (located at 274 Grand Avenue) adjacent to the Rezoning Area, and the proximity of the Grantville neighborhood to the Rezoning Area. Both of these churches are listed on the Village Heritage Trail.

As development of the Rezoning Areas proceeds, analyses of potential effects on historic and archaeological resources would be required on a site-specific basis.

Mitigation of potential impacts to historic and/or archaeological resources involves close coordination with the lead review agency, OPRHP, and applicable State and Federal agencies (when State or Federal permits and/or funding are involved). Mitigation measures would be detailed in a Letter of Resolution or Memorandum of Agreement (MOA) between the applicant (project sponsor) and the involved

agencies, describing the measures for avoiding, minimizing, or mitigating the adverse effects on archaeological resources.

Transportation and Parking

A transportation and parking analysis was conducted to evaluate future traffic conditions that could occur due to development within the study area under the proposed action.

The conditions analyzed in the DGEIS represents the proposed zoning amendments in the year 2033, and assumes normal background growth, plus traffic due to other planned projects over the 15-year build-out. Moreover, to estimate future traffic conditions, the 2040 Build Condition traffic volumes of the Long Island Rail Road Expansion Project Floral Park to Hicksville, as well as anticipated soft sites to be redeveloped regardless of the Proposed Action, were considered.

According to these analysis results, the overall Level of Service (LOS) at each intersection ranges from LOS A to LOS C which is considered very stable unconstrained traffic operating conditions. Close examination further indicates that there are a few intersection approaches/lane groups that are anticipated to operate poorly during the PM peak hours. It is important to note that the AM peak hour is operating constrained-free with intersection approaches/lane groups LOS D or better.

Of specific concern are following signalized and unsignalized intersections:

- Southbound Post Avenue left turn at Post Railroad Avenue operates at LOS F in the PM peak hour.
- Westbound Union Avenue left turn at Post Avenue operates at LOS F/E in the AM and PM peak hour, respectively.
- Westbound Maple Avenue through and right shared lane at Post Avenue operates at LOS E in the AM peak hour.
- Westbound Maple Avenue left turn at Post Avenue operates at LOS F in the PM peak hour.
- Southbound Post Avenue left turn at Maple Avenue operates at LOS E in the PM peak hour.
- Westbound Scally Place approach at Post Avenue operates at LOS F in the PM peak hour.

The following recommendations are being proposed in order to improve traffic operations at the impacted lane groups and approaches of intersections along Post Avenue. In proposing these mitigation measures, consideration was given such that these recommendations do not deteriorate other lane groups to LOS worse than for D. It is further important to note that no mitigation measures are needed at the School Street intersections under the Build 2033 conditions.

- Westbound Union Avenue left turn at Post Avenue operates at LOS F in the AM peak hour

1. Post Avenue & Railroad Avenue:

   AM & PM Peaks – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 64 seconds and WB Railroad Avenue split to 26 seconds. Additionally, modify WB lane configuration to include a through and right shared lane and a left-turn lane. Remove parking for about 100′ from both curbsides on Railroad Avenue as it intersects Post Avenue. Install "No Turn On Red" sign along the WB approach to improve pedestrian safety at the crosswalk that leads to the senior housing. Offset should be set to 7 seconds for AM peak and 1 seconds for PM peak.

2. Post Avenue & Union Avenue:

   AM Peak – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 51 seconds and WB Railroad Avenue split to 39 seconds. Offset should be set to 72 seconds.

   PM Peak – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 43 seconds and WB Railroad Avenue split to 47 seconds. Offset should be set to 84 seconds.

3. Post Avenue & Scally Place:

   As per the Manual of Uniform Traffic Control Devices (MUTCD) guidelines, based on the Build Condition 2033 PM peak hour traffic volumes, Traffic Signal Warrant # 3: Peak Hour Traffic Signal Warrant, will be satisfied. Thus, the installation of a traffic control signal may be considered under the Build condition. Following traffic signal timings should be considered under this installation:

   AM & PM Peaks – Install a new traffic signal. Set traffic signal cycle length to 90 seconds. Set signal timing for NB & SB Post Avenue split to 64 seconds and WB Scally Place split to 26 seconds. Offset should be set to 22 seconds for AM peak and 36 seconds for PM peak.

4. Post Avenue & Maple Avenue:

   AM Peak – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 55 seconds and EB & WB Maple Avenue split to 35 seconds. Offset should be set to 73 seconds. It is further recommended to modify the westbound left turn bay by increasing the bay length from 60′ to 100′.

   PM Peak – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 51 seconds and EB & WB Maple Avenue split to 39 seconds. Offset should be set to 87 seconds. As

previously noted under the AM peak mitigation, it is also recommended to modify the westbound left turn bay by increasing the bay length from 60' to 100'.

According to the comparative analysis results for the Build with Mitigation 2033 condition capacity analysis results along with its comparison to the corresponding Existing, No Build 2033 and Build 2033 condition results, all four Post Avenue intersections will continue to operate at an overall LOS C or better under the Build with Mitigation 2033 conditions. Additionally, the intersection lane groups and approaches that are anticipated to be operating poorly will improve their traffic operations due to the proposed mitigation measures, when compared to Build and majority of the corresponding No Build 2033 conditions. The exception will be in the PM peak hour where the Post Avenue and Railroad Avenue SB left turn bay will still operate at LOS F, but with less delays when compared to the Build conditions. Similarly, Post Avenue and Maple Avenue WB left turn bay will be operating at LOS F, again it will be operating with less delays compared to the corresponding No Build conditions. It is also important to note that approval to install a traffic signal at Post Avenue and Scally Place intersection must be given by Nassau County. Thus, even though a traffic signal is warranted under Warrant # 3, if for any reason the proposed traffic signal is not deemed appropriate, than the proposed project will result in an increase of westbound approach delay of 11.6 seconds per vehicle in the PM peak compared to the No-build condition. However, as indicated above the overall intersection LOS will remain A.

The proposed RWCDS zoning amendments will reduce some of the existing land uses and create new density controls and regulations to create new TOD development opportunities. In order to make sure that the proposed parking code associated with these land uses will be conservative enough to accommodate the future parking demand, the proposed parking rates are being compared with the parking generation rates presented in the *Parking Generation Handbook*, 5th Edition, published by the ITE.

The parking ratios for the proposed zoning amendment under the RWCDS were applied to the land use components to obtain the minimum parking requirement. A total 1,476 parking spaces will be required under this proposal. Similarly, ITE parking generation rates were also applied to the same land use components. The ITE rates indicated a total parking requirement of 1,112 parking spaces. Thus, the proposed parking ratios would provide a number of parking spaces that will exceed the parking need depicted by the ITE parking rates by 364 parking spaces. This indicates that the proposed modification to the parking ratios would not result in a parking shortfall at build-out (2033).

As the Village population grows, particularly due to the proposed new zoning code amendments, and due to the LIRR Expansion Project, a significant increase in parking demand is anticipated both for the on-street and off-street parking. Of the 286 curb-side parking spaces that presently exist within the project study area, 155 parking spaces are provided with metered parking. The metered parking spaces are

controlled by single parking meter per parking space concept. It is recommended that these devices be replaced by MuniMeters, as they are an effective and proven ITS technology that increases parking space utilization by improving the turnover rate. It is further recommended that in addition to replacing the 155 existing metered parking spaces (115 on Post Avenue, 13 on Maple Avenue, 19 on Scally Place and 8 on Linden Place) by MuniMeters, consideration should also be given to providing them at the remaining 46 parking spaces along Post Avenue, where none presently exist.

It is important to note that according to the Long Island Rail Road Expansion Project Floral Park to Hicksville, the LIRR ridership is expected to increase by 17% along with a frequency of eight trains in the reverse peak direction by 2040. Increase in reverse peak ridership is not expected to change the demand on buses. Furthermore, the elimination of at-grade crossings at School Street and at Urban Avenue is expected to improve traffic safety (vehicle, pedestrian, train) and will eliminate queuing of vehicles at the existing railroad gates that presently exist at these locations.

As this TOD develops, it will be important to regularly coordinate with Nassau Inter County Express (NICE) bus to ensure that adequate bus service is being maintained. At a minimum, consideration should be given to providing bus shelters with service information displayed and a seating area. Additionally, it would be beneficial to have bus turnouts where possible.

The connectivity of the sidewalks, availability of the curb ramps, short block lengths, pedestrian signals activated by push buttons and minimal dead-ends directly impacts the community's ability to safely walk to the downtown destinations. As connectivity increases, travel distance decreases and route options increase. Proper design of pedestrian facilities is essential to promote pedestrian safety and walkability in the downtown. Pedestrian countdown signals with push buttons at intersections and on-street pedestrian warning signs at mid-block crosswalks have been installed at crosswalks along Post Avenue which enhances pedestrian safety. However, the push-button for the pedestrian signal at intersection of Post Avenue and Union Avenue should be relocated closer to the crosswalk, where it has higher visibility and is safer and more convenient for the pedestrian to use. Also, at few locations – like midblock crosswalk on Post Avenue between Butler Street and Scally Place, pedestrian visibility at the crosswalk is reduced due to adjacent on-street parking. Curb bulb-outs can be installed at some of these locations to increase the pedestrian's visibility, reduce the crossing distance and decrease the potential of pedestrian-vehicular conflicts.

Air Quality

The purpose of this air quality study was to assess whether the future development in accordance with the proposed zoning amendments would comply with the state and federal air quality requirements, and whether it complies with the 1990 Clean Air Act Amendments (CAAA) following the NYSDEC, the NYSDOT, and USEPA policies

and procedures. The analyses performed indicate that the development of the RWCDS would not result in any exceedances of applicable air quality standards. As such, no additional mitigation is required, beyond standard measures described above related to construction activities.

In addition, during the design process, emissions associated with the HVAC systems would adhere to local, state, and federal permitting requirements and incorporate any necessary air emissions controls.

The concept of the mixed-use, compact and walkable community, close to mass transit, such as encouraged by the proposed zoning amendments, in and of itself, is expected to reduce energy consumption and reduced greenhouse gas emissions. Building-related-energy and greenhouse gas related efficiencies will be addressed as the design of future development progresses. The final designs will be compliant with local and state building codes and will strive to incorporate energy conservation measures.

Noise and Vibration

Analyses of potential impacts due to the Proposed Action on construction, stationary, and mobile sources of noise were conducted. Stationary sources (such as heating, ventilation, and air conditioning [HVAC] equipment) are already present at existing buildings in the study area. The Proposed Action is anticipated to reduce commercial and industrial land uses and increase residential land uses. Generally, stationary sources associated with residential land uses are less intensive than commercial and industrial uses. Although no significant adverse noise impacts as a result of the Proposed Action were identified, certain measures may help minimize noise and vibration associated with development under the Proposed Action. These potential measures are identified for both potential future construction and operations within the Rezoning Areas.

The following measures are recommended during operations of potential future development within the Rezoning Areas.

- Developments to be constructed within the Rezoning Areas should incorporate noise compatible planning measures where feasible and appropriate. Examples of such measures are:
  - Acoustical Site Planning- Outdoor areas of recreational use such as patios, pools or balconies should be located on the side of building opposite of a noise source (such as a roadway or train tracks). This can also be applied to rooms within a building, where bedrooms are located on the side of building opposite of the noise source.
- The existing Village of Westbury Zoning Code specifies that non-residential uses cannot create noise that exceeds 50 dBA at residential property line between the hours of 10:00 PM and 7:00 AM on the following day. As the Proposed Action would increase the potential for mixed use development, these sound level requirements could be expanded to include a mix of receiver and emitter land

uses and both daytime and nighttime periods. This would enhance the noise environment for all parcels during the entire day.

- Noise generated by stationary source equipment should be designed to comply with the Village of Westbury Noise Ordinance and Zoning Code (as described in Section 3.8.1.2 of the main text) and should be located to maximize potential shielding from rooftops, parapet walls and other intervening structures. As needed, additional sound attenuation features should be incorporated into the mechanical design such as specifying low-noise equipment, adding sound attenuation packages to the equipment such as using quieter fans and adding acoustic absorption to the equipment enclosures.
- Potential future development projects including residential uses located near arterial roadways or the LIRR must provide attenuation to achieve the HUD recognized interior guidelines[1] or provide noise assessment to determine potential impact with respect to a site/use specific project and an appropriate level of attenuation. Potential future development projects may reference Table 77 of the main text to determine their potential for impact under the HUD guidelines. Examples of such attenuation measures include:
  - Elevate residential uses in the building above ground-floor retail or commercial space, to increase the distance between the residences and the roadways or train tracks.
  - Increase sound attenuating characteristics of the building façade by reducing window to wall ratio, using improved glazing and using denser wall materials. Overall wall sections should provide a high enough Sound Transmission Class (STC) to reduce interior sound to acceptable levels of 45 dBA Ldn.
- Potential future developments located sufficiently close to the LIRR such that vibration levels may approach or exceed the thresholds for human perception and annoyance should consider the adoption of mitigation measures. Such mitigation measures may include:
  - Elevate residential uses in the building to increase the distance between the residences and the train tracks.
  - Using vibration dampening bearings to isolate the building from vibration emanating from the tracks.

The following mitigation measures are recommended during operations of potential future development within the Rezoning Areas.

- Replacing back-up alarms with strobes, as allowed within OSHA regulations, to eliminate the annoying impulsive sound.
- Assuring that equipment is functioning properly and is equipped with mufflers and other noise-reducing features.
- Locating especially noisy equipment as far from sensitive receptors as possible.

[1] "The Noise Guidebook" U.S. Department of Housing and Urban Development. March 2009.

- Using quieter construction equipment and methods, as feasible, such as smaller backhoes and excavators.
- Maintaining equipment to avoid louder operation associated with mechanical issues.
- Using path noise control measures such as portable enclosures for small equipment (i.e. jackhammers and saws).
- Building portable noise walls around construction areas to reduce noise.
- Limiting the periods of time when construction may occur is a common approach to minimizing impact. Adhering to the time of day restrictions in the Village of Westbury Noise Code would minimize impact to existing residences.

Soils and Topography

Based on the soil characteristics and the planning and engineering limitations defined in the *Soil Survey*, the areas contain previously-disturbed, mostly Urban Land, and it is not anticipated that redevelopment within the Rezoning Areas would have significant adverse soil impacts. In addition, since the topography along the Rezoning Areas is relatively flat with gentle to moderate slopes existing topographic conditions would not be expected to limit the potential development of individual sites within either Rezoning Area.

In order to ensure that there would be no significant adverse impacts to soils or topography upon future (re)development of individual properties within the Rezoning Areas, the following measures will be employed:

- An on-site investigation shall be undertaken to augment the information available in the *Soil Survey*, to better define the site-specific soil properties for each such project, and to assist in identifying appropriate measures to minimize potential impacts with respect to soils and topography.
- Properties identified as having the potential for soil vapor intrusion are required to prepare a Phase I ESA and conduct a Tier 1 vapor encroachment screen, as described in Section 3.10.3 of this DGEIS.
- Properties proposed for redevelopment would be required to implement proper erosion and sedimentation controls, in accordance with Chapter 213 of the Village Code.
- Properties proposed for redevelopment would be required to have a dust control plan for implementing dust control measures during dry or windy periods. The appropriate methods of dust control would be determined by the surfaces affected (e.g., roadways or disturbed areas) and would include, the use of stone (or other appropriate materials) on construction entrances and, as necessary, the application of water or adhesive materials, limitation of time of exposure of disturbed areas, use of tarpaulins or similar materials for covering of stockpiles, and the installation vegetative cover as soon as possible after soil disturbance and exposure.

Hazardous Materials

During future redevelopment activities, it is assumed that the installation of USTs/ASTs, chemical storage, etc. will be conducted in accordance with all applicable local, state and federal regulations. In addition, as the Proposed Action discontinues two of the Village's industrial zone districts (Industry and Light Industry) adjacent to the LIRR Station and replaces the zoning in this area with a new mixed-use TOD zone (that does not permit industrial uses), the potential for future industrial facilities to be present that may utilize hazardous chemicals is eliminated. Thus, the Proposed Action will decrease the existing and future potential presence of hazardous materials, particularly within the Maple Union Triangle Rezoning Area, related to industrial facilities. This will decrease the potential for future adverse impacts to the environment. As such, impacts with respect to hazardous materials as the result of the Proposed Action will be limited to the exposure of those involved in redevelopment activities and future site occupants to hazardous materials which exist due to current and historic property usage.

At a minimum, a Phase I Environmental Site Assessment (ESA) should be completed for each site in the project area prior to redevelopment activities. Based on the existing site conditions of the Rezoning Areas, the Phase I ESA should include a Tier 1 vapor encroachment screen (VES) in accordance with ASTM E2600-10 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions. The Phase I ESA should be submitted to the Village for review. In the event that the Phase I ESA identifies the potential presence of contaminants in soil, groundwater and/or soil vapor at the site, a Phase II ESA is required to determine the presence or absence of contamination in subsurface soils, groundwater and soil vapor as it relates to potential exposure to on-site workers and site occupants as the result of redevelopment activities. The report summarizing the Phase II ESA activities and laboratory analytical results must also be submitted to the Village for review. During the Phase II ESA, if evidence of contamination is identified which warrants notification to the New York State Department of Environmental Conservation (NYSDEC) Spills division, the condition should be reported in accordance with prevailing regulations.

The Village may wish to engage an environmental consultant to peer review the received Phase I ESA and Phase II ESA to verify the findings and conclusions presented.

Remediation of identified contamination, which may be necessary to mitigate existing conditions and prevent exposure of future site occupants to impacted soil, groundwater and/or soil vapor must be conducted in accordance with all applicable standards and with oversight of required agencies. Identified LBP and asbestos must be handled in accordance with prevailing regulations to mitigate exposure of on-site workers and future site occupants, as well as impacts to the environment.

A site-specific Health and Safety Plan (HASP) and/or Construction HASP (CHASP) which includes a description of the known and potential contaminants and exposure

pathways must be prepared for all redevelopment activities. The HASP/CHASP should include mitigation measures to minimize the potential exposure of on-site workers.

Water Resources

The Rezoning Areas are located within Hydrogeologic Zone I. Among the Highest Priority Area-wide alternatives recommended in the 208 Study for Zone I, there are recommendations relevant to the Proposed Action:

- Minimize population density by encouraging large lot development, where possible, to protect the groundwater from future pollutant loading.[2]
- Restrict the use of inorganic, fast-acting fertilizers. Promote the use of low-maintenance lawns.
- Control stormwater runoff to minimize the transport of sediments, nutrients, metals, organic chemicals and bacteria to surface waters and groundwater.

By being protective of groundwater resources through sewering of future developments (and potential improvements to the sewer infrastructure, which is one of example of a public benefit to be considered by the Village), as well as management of stormwater runoff on a site-specific basis in accordance with the Village Code, future development in conformance with the Proposed Action is consistent with the 208 Study.

Based on discussions with Village representatives, there are no specific areas of concern with respect to flooding. However, the Village has adopted a flood damage prevention ordinance to minimize the potential for damages from flooding and erosion in the Village, based on its findings regarding flood damage prevention.

There are no natural surface water bodies or wetlands within or proximate to the Rezoning Areas, nor are the Rezoning Areas located within a SFHA. As such, no impacts to such features would result from potential development within the Rezoning Areas.

No significant adverse impacts to water resources were identified in the DGEIS. The following are measures to minimize potential impacts to groundwater and surface water resources:

- Redeveloped parcels within the Rezoning Areas must be connected to the existing NCDPW Sewer Collection District #3, discharging to the Cedar Creek WPCP.
- Properties to be redeveloped must connect to the municipal water purveyor. No on-site wells will be permitted.

[2] It is noted that at the time this recommendation was made, approximately 90 percent of the area located within Hydrogeologic Zone I was unsewered, and thus sewage effluent was be discharged into the ground through cesspools and septic systems.

- Parcels redeveloped within the Rezoning Areas are required to comply with Chapter 213, *Stormwater Management*, of the Village Code.
- Low-maintenance, native plant species be used to the maximum extent practicable in all new development to minimize the use of fertilizers, pesticides and other landscaping chemicals that may adversely impact groundwater or surface water quality.
- In accordance with Section 3.10 of this DGEIS, a Phase I Environmental Site Assessment (ESA) must be completed for each site prior to redevelopment activities. In the event that the Phase I ESA identifies the potential presence of contaminants in soil, groundwater and/or soil vapor at the site, a Phase II ESA should be required to determine the presence or absence of contamination in subsurface soils, groundwater and soil. If evidence of contamination is identified which warrants notification to the NYSDEC Spills division, the condition should be reported in accordance with prevailing regulations.

Use and Conservation of Energy

The concept of the proposed Maple Union TOD District zoning, which permits and encourages mixed-use, compact and walkable community, in and of itself, is expected to reduce energy consumption. The Proposed Action would not cause significant adverse impacts related to the use and conservation of energy; as such, no mitigation is required. The Proposed Action, by enabling the development of compact, walkable, TODs, provides for a more energy-efficient development pattern that is less reliant on automobile usage and less energy-intensive per housing unit than traditional single-family suburban development. Furthermore, the proposed zoning amendments would incorporate incentives for future projects to go beyond the minimum Village and New York State energy efficiency requirements to achieve LEED certification

Cumulative Impacts

In addition to impacts associated with the proposed action, cumulative impacts to area resources (both natural and manmade) may occur due to other ongoing, proposed, or future projects (and other actions).

The following planned projects have been identified as potentially introducing additional demands on shared resources in conjunction with the anticipated RWCDS under the Proposed Action:

- LIRR Third Track
- Other DRI Projects

The following is a summary of the DGEIS's cumulative impact analysis with regard to these two projects:

- There would be a cumulative impact on transportation and parking. The transportation and parking analysis presented in Section 3.6.2 incorporates a cumulative impact analysis that accounts for the RWCDS, the LIRR Third Track, and the proposed improvements at the Post and Union Avenue intersection.
- The development projected under the RWCDS is largely of mixed-use residential/commercial nature, such that noise levels are not expected to increase significantly over the existing industrial uses in the Maple Union Triangle Rezoning Area. While additional noise may be expected from more frequent train trips due to the LIRR Third Track project, there would be no additional significant adverse cumulative noise impacts due to the Proposed Action.
- No cumulative adverse impacts are anticipated with respect to land use or zoning, socioeconomics, air quality, community facilities and utilities, soils and topography, hazardous materials, water resources, use and conservation of energy, or aesthetics.

Unavoidable Adverse Impacts

The proposed modifications of existing zoning, including creation of the MU District and modification of parking, bulk and dimensional regulations, within the Post Avenue and Maple Union Triangle Rezoning Areas, would not have any physical short-term impacts, since they are only land use controls.

However, in accordance with the RWCDS within the Rezoning Areas, upon development/redevelopment of the Projected Development Sites, there would be several temporary construction-related impacts that cannot be completely mitigated. These impacts are associated with site preparation and development (including demolition, grading, excavation, installation of utilities and construction of building and parking facilities). It is anticipated that these impacts will cease upon completion of construction. Specific short-term impacts are identified below:

- Soils would be disturbed by grading, excavation, and mounding activities during construction and ultimate site development or redevelopment;
- Despite the use of extensive and strategically-placed erosion control devices at the specific properties, minor occurrences of erosion may occur;
- The visual quality of the area of development may be temporarily diminished by the presence and operation of construction equipment associated with the redevelopment properties;
- There may be temporary impacts to roadways due to the movement of construction vehicles associated with site development activities along both corridors and the surrounding roadway system;
- Slight increases in noise levels at the boundaries of the redevelopment properties may result from construction activities; and
- Temporary increases in noise levels and vibrations may result during demolition activities, as applicable, at the redevelopment properties.

It is anticipated that these impacts will be of short duration, which would cease upon completion of construction.

Several long-term impacts associated with future development/redevelopment of properties within the Rezoning Areas under the proposed zoning amendments have been identified. Mitigation measures have been proposed to reduce or eliminate most of these long-term adverse impacts. Those adverse long-term impacts, which cannot be fully mitigated, are set forth below:

- Redevelopment activities would potentially increase the area of impervious surface (buildings and pavement), which would increase runoff on the redeveloped properties. However, stormwater would be contained and recharged within property boundaries, pursuant to Chapter 213 of the Zoning Code;
- There would be an increase in the amount of potable water used within the two Rezoning Areas due to the changes in use and the potential for increased density;
- There would be an increase in sanitary sewage discharge within the two Rezoning Areas due to the changes in use and the potential for increased density;
- There would be additional solid waste generated within the two Rezoning Areas due to the changes in use and the potential for increased density;
- Redevelopment would result in an increase in the amount of energy used throughout the two Rezoning Areas; and
- Development/redevelopment within the Rezoning Areas would result in an increase in demand for community facilities within the Village due to the changes in use and the potential for increased density.

Alternatives

The No Action Alternative as analyzed in this DGEIS, represents the expected maximum development density if the Proposed Action were not to occur. The scenario was constructed with the following parameters:

- Projected Development Sites will be developed to the maximum density under current zoning parameters and current land use, except for industrial sites. Industrial projected development sites will be developed to 40% of the maximum density under current zoning parameters and current land use to reflect market demand conditions.
- Potential Development Sites are not going to be re-developed.
- The number of dwelling units in residential buildings is determined by dividing the total amount of residential floor area by the dwelling unit size of 800 SF and rounding to the nearest whole number.
- The estimate of new parking spaces for Projected Development Sites containing residential or commercial uses was determined by assuming 50% of the lot area is reserved for surface parking and dividing by a factor of 300 SF per space.

Under the No Action Alternative, it is anticipated that there will be almost 1.9 million SF of built floor area (an increase of 351,635 SF from the existing condition). Under the No Action scenario, the study area would be comprised of 733 residential units (an increase of 189 from the existing conditions), 685,201 SF of commercial uses (an increase of 89,653 SF from existing conditions), 449,647 SF of industrial uses (an increase of 125,083 SF from existing conditions), and 100,705 SF of community facility and other uses (no change from existing conditions).

The substantial increase in industrial square footage under No Action is due mainly to the underbuilt capacity of the existing industrially zoned lots. Based on market demand conditions pertaining to industrial uses, it is expected these parcels may be redeveloped as storage facilities similar to neighboring parcels. The modest increase in residential units suggests there are very few residential lots where the existing residential allowable density is less than 50% of the amount allowed under current zoning.

While adoption of the proposed amendments would not, in itself, have any impact on community character, the gradual build-out of new development reflected in the RWCDS would lead to beneficial impacts on community character. The No Action Alternative, however, would maintain the status quo with respect to zoning within the Rezoning Areas and, as such, would not benefit the greater Westbury community through a combination of improvements to the various aspects that comprise its character, including land use, visual characteristics and urban design, cultural resources, socioeconomic conditions, traffic, and noise, among other conditions described throughout this DGEIS.

Overall, the No Action Alternative would have a similar effect on community services to the Proposed Action, as the overall scale of development would be comparable. However, as described throughout this DGEIS, the No Action Alternative would not meet the Village's objectives to revitalize the Rezoning Areas, as supported by the *DRI Plan* and the proposed zoning legislation.

Irretrievable and Irreversible Commitment of Resources

An irretrievable or irreversible commitment of resources refers to impacts on or losses to resources that cannot be recovered of reversed. Both the Post Avenue Rezoning Area and the Maple Union Triangle Rezoning Area have been previously developed and have been previously committed to specific uses. Implementation of the Proposed Action would allow redevelopment of properties within these areas for different uses and/or at higher densities.

Certain portions of the Maple Union Triangle Rezoning Area are currently underutilized, haphazardly developed and/or unattractive. Implementation of the Proposed Action would commit these underutilized areas to new uses.

Any potential redevelopment of these sites would require a commitment of both natural and manmade resources as well as time. Certain additional resources related to the construction aspects of the development would be committed. These

resources include, but are not limited to, concrete, asphalt, lumber, paint, water and topsoil. Mechanical equipment resources would be committed to assist personnel in any of the potential construction activities. The operation of construction equipment would require electricity, water resources and fossil fuels.

Furthermore, the construction phase of the future projects under the proposed zoning amendments would require the commitment of labor, fiscal resources and time that would not be available for other projects. In addition, during the operational phase of any new development, electricity, natural gas, water resources and fossil fuels would be used for heating, cooling and other purposes.

Based on the foregoing, no significant irretrievable or irreversible commitment of resources is anticipated as a result of any revitalization efforts that may occur.

Growth Inducing Impacts

The zoning amendments proposed by the Village of Westbury have been developed to, among other things, encourage specific types of growth within the Village. As noted, the proposed zoning amendments, in part, create a new transit-oriented zoning district that promotes increased residential density, particularly around the LIRR station, which would enable additional residential growth to occur within the Village. This enhancement of growth potential and the guidance of growth to specific areas of the Village are the cornerstones of the proposed zoning amendments, as they would assist in achieving the Village's vision to be "Long Island's model transit-oriented, diverse, walkable, arts-centric downtown." This future development would, in turn, enhance the tax base and complement the surrounding uses as well as better utilize properties within each of the Rezoning Areas. In essence, the proposed action is expected to facilitate additional growth within the Village.

As such, the potential growth-inducing aspects of the proposed action are consistent with the Village's objectives for revitalization of the downtown and, particularly, along Post Avenue and the area around the LIRR station.

Conditions and Criteria Under Which Future Actions will be Undertaken or Approved including Requirements for Subsequent SEQRA Compliance

The proposed action does not entail specific development, but instead may facilitate or encourage development. In order for the decision-making process to appropriately account for uncertainties related to the potential impacts of future actions, the SEQRA regulations, at 6 NYCRR §617.10(c) and (d), set forth provisions for the establishment of conditions and criteria governing such future actions.

A draft version of the relevant conditions and criteria, which may undergo refinement in the Final GEIS (FGEIS) based on comments received during public review of the DGEIS is presented herein. Ultimately the conditions and criteria will be

promulgated in the Village Board of Trustees' Findings Statement adopted at the end of the current SEQRA process.

Once the Findings Statement has been adopted, along with the proposed zoning amendments, all future actions within the Village would be required to be further evaluated under SEQRA. This evaluation will focus on determining whether a given future action would contravene any of the conditions or criteria established in the Findings Statement (i.e., the final version of the draft conditions and criteria set forth below). Should any future action pose the potential for impacts that were not addressed or not adequately assessed in the GEIS, the need for supplemental SEQRA review would be indicated. Such supplemental SEQRA review may entail the preparation of an Environmental Assessment Form (EAF), or even a project-specific EIS if it is determined that future potential impacts may be significant and adverse.

Any future action that would contravene any of the conditions or criteria set forth be subject to the full requirements of SEQRA. Such supplemental SEQRA review would be required to appropriately address all relevant environmental parameters, and would not necessarily be limited to the parameters associated with the specific conditions/criteria that the future action would contravene.

Any future action under the proposed zoning amendments would involve a discretionary approval from the Village Board of Trustees, after a public hearing. These procedural requirements provide the opportunity for public review and due deliberation prior to decision-making, thereby creating a suitable framework for properly considering the SEQRA implications of any such future action.

The following is a summary (not a complete list) of the draft conditions and criteria that would apply if the Proposed Action, as described in this DGEIS, is approved by the Village. Except as otherwise noted, further review under SEQRA would not be needed for any future action that complies with the conditions and criteria set forth below.

- As long as any future action is in conformance with the standards for the approval of incentives and the relevant zoning criteria, further review under SEQRA with respect to land use, zoning and community character would not be necessary.
- Although significant impacts to community facilities are not expected to result from the incremental increase in potential development that could occur under the Proposed Action, as compared to what could occur under the existing zoning, this should be verified by reviewing each future project on a case-by-case basis.
- As a condition of development, an applicant must provide a letter of sewer availability.
- An applicant for development must demonstrate that water conservation measures would be implemented and provide a letter of water availability from the Westbury Water District.

- An applicant for development must demonstrate consultation with the Westbury Fire Department and the Nassau County Fire Marshal and their indication of no objection.
- As long as any future development undertaken pursuant to the proposed zoning advances the intended goals of contributing to the long-term vitality of the Village and provides a meaningful benefit to the community as specified in the proposed zoning legislation, further review under SEQRA with respect to socioeconomics would not be necessary.
- Any application for development that seeks relief from Village standards (existing and proposed) pertaining to architecture, building facades, landscaping, signage, siting of building, lighting, site furnishing, etc., or that substantially contravenes project-specific public input regarding aesthetic character/ design during the requisite public hearing process, should undergo further review pursuant to SEQRA in order to assess whether the project design entails a potentially significant aesthetic impact.
- The DGEIS analysis indicates that several areas have documented historic resources and/or archaeological sensitivity. Therefore, it shall be a condition of any future development pursuant to the proposed zoning that the potential to impact cultural resources be reviewed on a case-by-case basis, in accordance with the Cultural Sensitivity Map, included this DGEIS.
- For each site plan application submission to the Village following adoption of the zoning amendments, an EAF is required pursuant to proposed §248-360.A (8), including identification of the number of projected trips resulting from the proposed project during the weekday morning, weekday afternoon and Saturday mid-day peak-hour periods.
- Should an applicant meet the parking ratios set forth in the proposed zoning amendments, no further parking analysis is required. However, if an applicant requests a variance from the new zoning's parking ratio for a specific development, a parking study and demand analysis must be performed to justify such variance.
- If any future action is determined to pose the potential for contravening the National Ambient Air Quality Standards (NAAQS), the need for supplemental SEQRA review would be indicated.
- If any future action is determined to pose the potential for contravening the Village's noise ordinance either due to construction or operation, the need for supplemental SEQRA review would be indicated.
- Properties proposed for redevelopment are required to have a dust control plan for implementing dust control measures during dry or windy periods.
- As a condition of future development, the following must occur prior to site development with respect to hazardous materials:
    - A Phase I Environmental Site Assessment (ESA) should be completed for each site prior to redevelopment activities. The Phase I ESA should be completed

in accordance with American Society for Testing and Materials (ASTM) Practice E1527-13, inclusive of the United States Environmental Protection Agency (USEPA) "All Appropriate Inquiry" requirement amended in the Federal Register on December 30, 2013. The Phase I ESA must be submitted to the Village for review.

- Properties identified as having the potential for soil vapor intrusion are required to prepare a Phase I ESA and conduct a Tier 1 vapor encroachment screen.
- In the event that the Phase I ESA identifies the potential presence of contaminants in soil, groundwater and/or soil vapor at the site, a Phase II ESA should be required to determine the presence or absence of contamination in subsurface soils, groundwater and soil vapor as it relates to potential exposure to on-site workers and site occupants as the result of redevelopment activities.
- Remedial activities, if required, must be conducted in accordance with all applicable standards and with oversight of required agencies. The standards and agency involvement will be specific to the site conditions identified.
- Identified lead-based paint and asbestos must be handled and disposed in accordance with prevailing regulations to mitigate exposure of on-site workers and future site occupants, as well as impacts to the environment. Abatement of ACM will likely be required prior to any demolition activities. LBP abatement is unlikely to be required during demolition activities, but may be required during renovation activities.

› As long as any new construction within the two Rezoning Areas achieves the requisite compliance with the standards of these chapters, no further mitigation is necessary to ensure that significant impacts are avoided; and, therefore, no additional conditions or criteria are necessary with respect to Chapter 213, *Stormwater Management,* Chapter 127, *Flood Damage Prevention,* and the New York State Energy Code.

› The impact analyses in this DGEIS considers the cumulative effect of potential future development of the properties located in the Maple Union Triangle and Post Avenue Rezoning Areas, based on the RWCDS under the proposed zoning, as compared to the existing zoning. At such time that the magnitude of actual development in the future reaches the magnitude of the respective RWCDS analyzed for the Rezoning Areas, any further increase in proposed development would be required to undergo review pursuant to SEQRA in order to assess whether same entails potentially significant environmental impacts that either were not assessed or not adequately assessed in this DGEIS.

In the event that any of the above conditions are proposed to be exceeded by future development, additional SEQRA compliance would be necessary in accordance with 6 NYCRR §617.10(d)(2), (3), or (4), as would be appropriate given the actual development plan proposed and the associated potential environmental impacts associated therewith.

2

Introduction and Description of the Proposed Action

2.1 Introduction/Setting

Over the past 20 years, the 2.4-square-mile Incorporated Village of Westbury ("Village"), located in the heart of Nassau County, has undertaken various comprehensive planning initiatives focused on the revitalization of the Westbury downtown. In 2016, based on the Village's 1) cultural and social diversity, 2) long history of political stability and strong leadership, 3) commitment to housing and willingness to allow increased density in the core, and 4) presence along the Long Island Rail Road (LIRR) Expansion Project (also known as "Third Track"), the Long Island Regional Economic Development Council (LIREDC) nominated the Village of Westbury for New York State's Downtown Revitalization Initiative (DRI). DRI funds are intended to make a transformational impact on the downtown, and funding can support downtown revitalization through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses. As explained in more detail, below, in July 2016, the Village was awarded a DRI Grant in the amount of $10 million to improve the vitality of the downtown and leverage public and private investment to realize its vision and goals.

Upon its selection, the Village developed a Downtown Vision Plan and Strategic Investment Plan that were set forth in the *New York State Downtown Revitalization*

Initiative Strategic Investment Plan Village of Westbury (February 2017) (hereinafter "the *DRI Plan*") (Appendix A[3]).

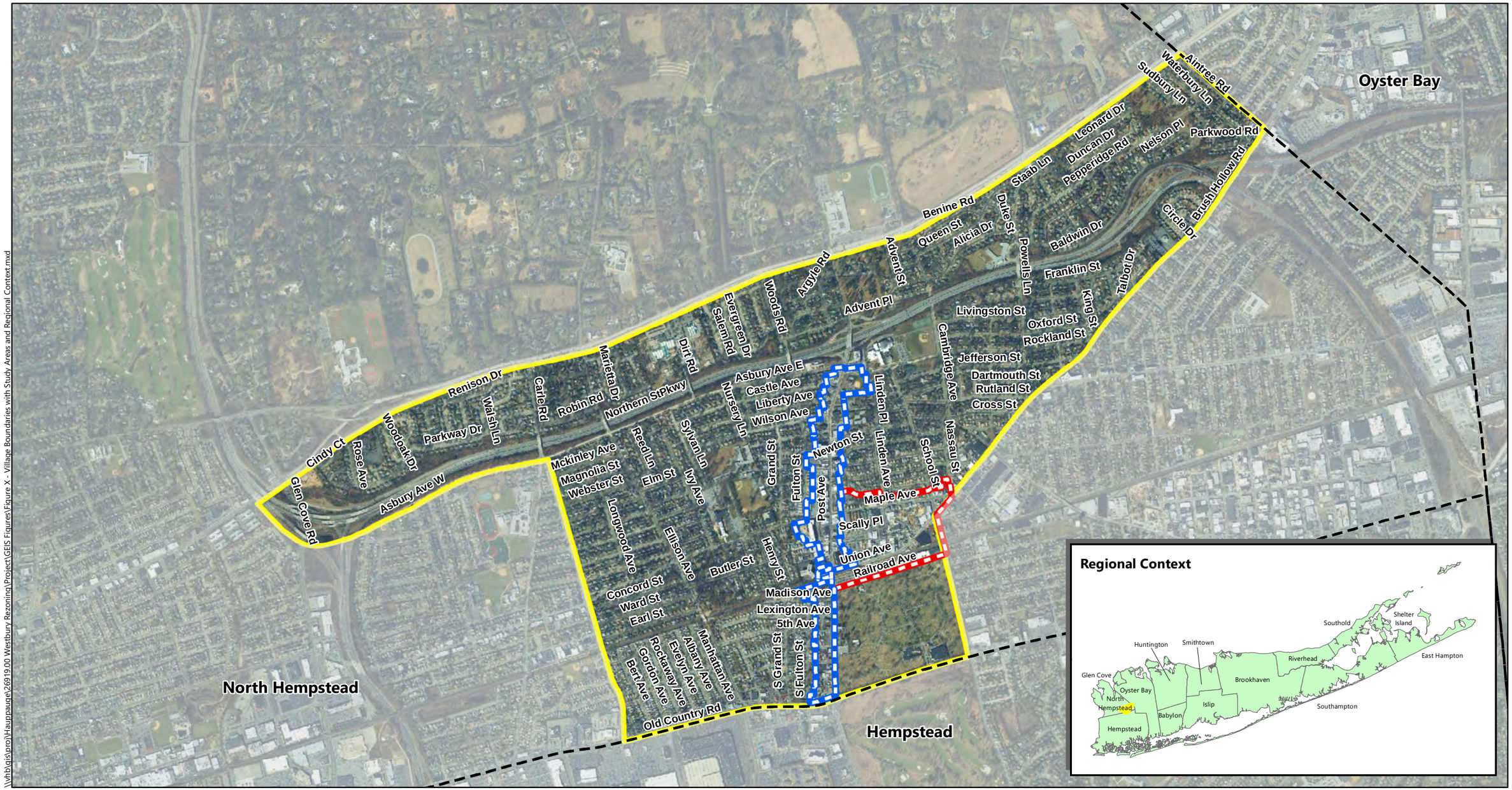
Based on the *DRI Plan*, the Proposed Action involves the adoption of amendments to the Zoning Code and Map of the Incorporated Village of Westbury, specifically to Chapter 248 (hereafter, "the zoning amendments"). These proposed amendments are intended to encourage economic development and enhance the quality of life of the Village through carefully applied zoning revisions to the areas and to create varying degrees of rezoning in two areas of the downtown of the Incorporated Village of Westbury, Nassau County, New York.

More specifically, the Proposed Action involves, in part, the amendment of the existing zoning code to effectively create new transit-oriented development (TOD) and mixed-use development opportunities in the Village of Westbury's central business district (Figure 1), as well as modify parking requirements and bulk and dimensional regulations to facilitate such development. The Project Area encompasses approximately 53 acres in the section of Post Avenue from Asbury Avenue East extending 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") (Figure 2), 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") (Figure 2) in the Village. 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 of the Post Avenue Rezoning 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 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.

[3] Also available at: https://www.villageofwestbury.org/vertical/Sites/%7B9CC594E0-0361-4F4F-A372-F1B738810B0F%7D/uploads/0_Westbury_DRI_FinalPlan_4.14.17.pdf

vhb | FIGURE 1



0 0.25 0.5 1 Miles

Post Avenue Rezoning Area

Maple Union Triangle Rezoning Area

Village of Westbury

Nassau County Civil Boundaries

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Village Boundaries with Study Areas and Regional Context

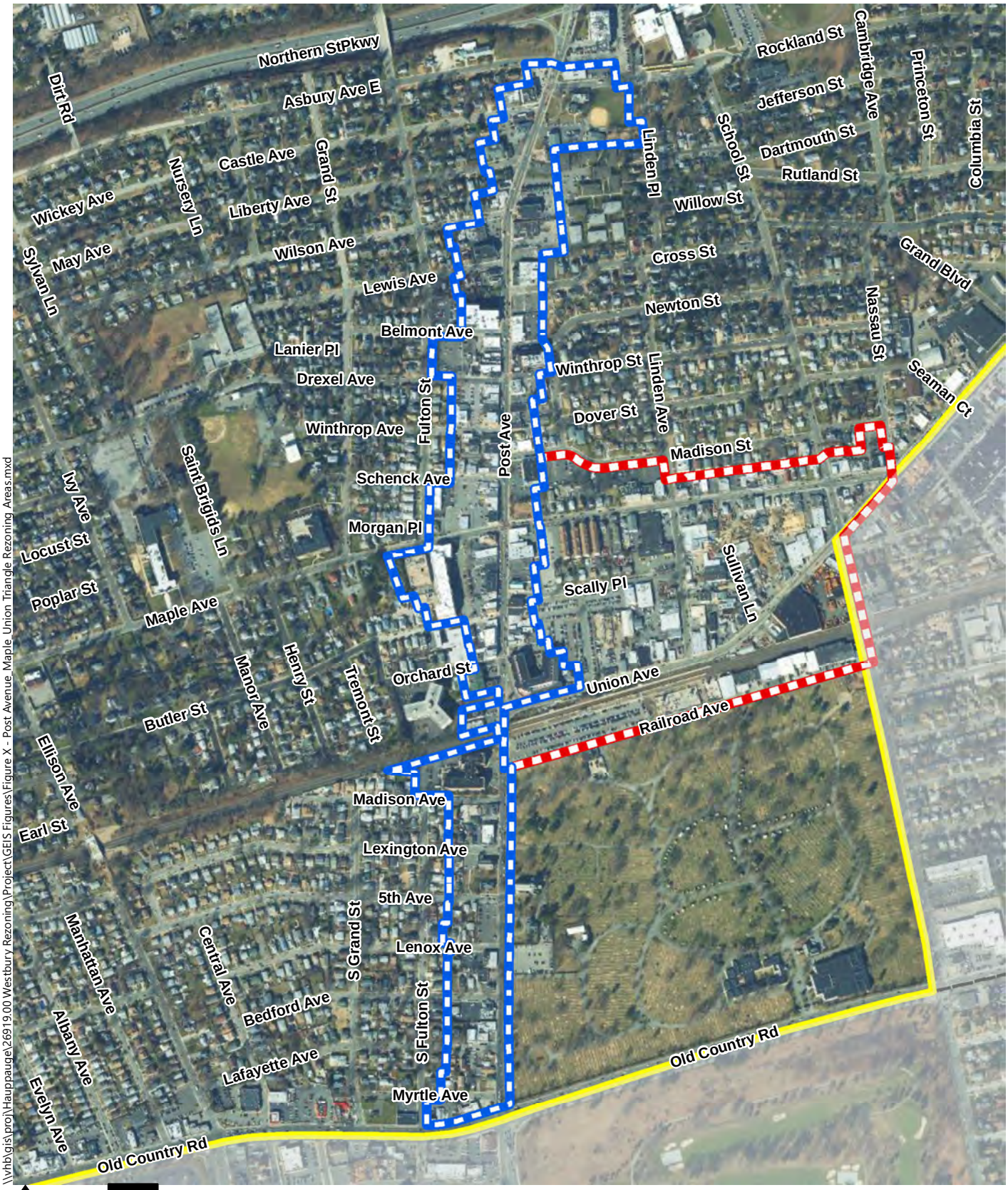
Incorporated Village of Westbury

Nassau County, New York

Sources: NYS Office of Information Techology Services, GIS Program Office

\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Village Boundaries with Study Areas and Regional Context.mxd

vhb | **FIGURE 2**



\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Post Avenue_Maple_Union Triangle Rezoning Areas.mxd

0 250 500 1000 Feet

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Post Avenue Rezoning Area

Maple Union Triangle Rezoning Area

Village of Westbury

Post Avenue and Maple Union Triangle Rezoning Areas

Incorporated Village of Westbury

Nassau County, New York

Sources: NYS Office of Information Techology Services, GIS Program Office.

The overall goal of the rezoning of the Maple Union Triangle is to foster mixed-use development that utilizes the principles of TOD due to the proximity to the Westbury LIRR station, which is located within the southern portion of the Maple Union Triangle. 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 three stories to a maximum of five stories, in certain cases, upon the realization of public benefits 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.

It is noted that in May 2017, the Board of Trustees enacted a moratorium to prevent new development which would be inconsistent with the Village's long-term development goals. The moratorium effectively placed a halt on all land use applications throughout the Rezoning Areas, although there are exceptions. This moratorium has been subject to renewal in two-month increments and is intended to remain in effect until the zoning revisions under consideration and analyzed in this GEIS are adopted. The moratorium is discussed in greater detail in Section 3.1.1.

2.2 SEQRA Process

Any action that requires a discretionary decision is subject to review under the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations and procedures at 6 NYCRR Part 617 pursuant to Sections 3-0301(1)(b), (2)(m) and 8-0113 of the New York State Environmental Conservation Law. Therefore, adoption of the proposed zoning amendments being considered by the Village are subject to SEQRA. According to §617.1(c) and (d):

> *[t]he basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time…It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision-making.*

In other words, the environmental review process provides a means for decision-makers to systematically consider both the beneficial and adverse environmental

effects of their actions; to evaluate reasonable alternatives; and to identify and, when practicable, mitigate significant adverse environmental impacts.

Based on Part 1 of the New York State Environmental Assessment Form (EAF) prepared by the Village, dated September 28, 2018 and circulated to potential involved agencies to determine lead agency status, the Proposed Action (adoption of the proposed zoning amendments) was preliminarily classified as Type I pursuant to 6 NYCRR §617.4(b)(1), which indicates that the adoption of a municipality's land use plan is a Type I action. In addition, the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district is also a Type I action.

Pursuant to §617.4(a), Type I actions are "those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions…[T]he fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS." Therefore, by resolution on November 1, 2018 the Village Board adopted a Positive Declaration pursuant to SEQRA, requiring the preparation of a Draft Environmental Impact Statement (DGEIS).[4] The Village Board's Positive Declaration Resolution is included as Appendix B.

This DGEIS was prepared in accordance with the SEQRA and its implementing regulations. According to the New York State Department of Environmental Conservation (NYSDEC) *SEQR Handbook*,[5] a "Generic" EIS, or GEIS, is typically used "to consider broad-based actions or related groups of actions that agencies may approve, fund, or directly undertake," including "programs or plans that have wide application or restrict the range of future alternative policies."

Also, because generic actions, like the Proposed Action, do not reflect a specific development proposal, certain special circumstances apply to Generic EISs in accordance with SEQRA regulations. Specifically, "Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance" (6 NYCRR 617.10(c)). These conditions and criteria are detailed in Chapter 9 of this DGEIS. In addition, SEQRA regulations provide an allowance for GEIS analyses to be based on conceptual information and hypothetical scenarios as alternatives that could occur under the generic action. A reasonable worst-case development scenario (RWCDS) examining two areas within the downtown, based on the Proposed Action, has been analyzed. The RWCDS is described in detail in Section 2.5.

At 6 NYCRR §617.10(d), the SEQRA regulations also set forth that:

[4] The Positive Declaration resolution (Appendix B) also establishes the Village Board as lead agency and officially classifies the Proposed Action as Type I.

[5] *The SEQR Handbook*, DRAFT 4th Edition. 2019. pp 149-151. Division of Environmental Permits - New York State Department of Environmental Conservation

When a final generic EIS has been filed under this part:

(1) No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement;

(2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;

(3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts;

(4) A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.

The foregoing are critical provisions of the SEQRA regulations pertaining to GEISs, as they establish the framework for future procedures under SEQRA, acknowledging the generic and predictive nature of a GEIS. Thus, the "conditions and criteria" (or "conditions and thresholds") defined in the GEIS and carried through to and finalized in the Findings Statement, become regulatory conditions for the evaluation of future proposed actions in the area encompassed by the proposed action. These "conditions and criteria" create the basis for determining whether further review of such actions is required under SEQRA; and, if so, whether such review would necessitate the preparation of a supplemental findings statement, an Environmental Assessment Form that may lead to the adoption of a project-specific negative declaration (determination of no significant impact), or a Supplemental GEIS.

Therefore, an applicant for future development under the proposed zoning, at a minimum, would be requested to provide certain site-specific information so that the Village can determine the level of environmental review that would be required (as described above).

The specific steps involved in preparation of a GEIS are as follows:

- **DGEIS:** A draft GEIS (DGEIS) is prepared for any generic action that could have a significant adverse impact on the environment. The lead agency reviews the DGEIS for adequacy and completeness for the purposes of public review and issues a Notice of Completion, accepting the DGEIS. The lead agency then publishes the DGEIS for public review. This document serves as the DGEIS for the Proposed Action.
- **Public Review of the DGEIS:** The lead agency will accept written comments for at least 30 days from the date of issuance of the Notice of Completion. The public review period may include a public hearing, at which any individual, group or

agency may comment on the DGEIS. All substantive comments received, either in writing or at a public hearing, will become part of the SEQRA record.

- **FGEIS:** The Final GEIS (FGEIS) is prepared after the public review period. This document includes a summary restatement of each substantive comment made on the DGEIS and a response to those comments, incorporating any revisions or further studies as necessary. Once the lead agency determines that the FGEIS is complete, it will issue a Notice of Completion, and will file the FGEIS.
- **Findings Statement:** The lead agency issues a statement of findings no earlier than 10 days after the Notice of Completion of the FGEIS is issued. The Findings Statement reflects the lead agency's conclusions about the significant adverse environmental impacts, potential alternatives and proposed mitigations measures associated with the proposed action, sets forth the conditions and criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance, provides a rationale for the decision, and certifies that the SEQR requirements have been met.

This DGEIS describes the study area's setting and existing conditions, analyzes the potential impacts associated with the proposed zoning amendments (based on the RWCDS) and proposes mitigation measures. Although in and of itself, the adoption of the zoning amendments has no environmental impacts, implementation of development under such zoning amendments would have both potential adverse and beneficial impacts. Thus, as stated above, the Proposed Action that is subject to this SEQRA review is enactment of amendments to the Village Code and Zoning Map.

This DGEIS examines the Proposed Action and its associated potential environmental impacts, and where appropriate, outlines proposed mitigation measures focused on addressing identified impacts. This DGEIS is organized as follows:

- Chapter 1: Executive Summary
- Chapter 2: Introduction and Description of the Proposed Action
- Chapter 3: Existing Conditions, Potential Impacts and Proposed Mitigation
- Chapter 4: Cumulative Impacts
- Chapter 5: Unavoidable Adverse Impacts
- Chapter 6: Alternatives
- Chapter 7: Irretrievable and Irreversible Commitment of Resources
- Chapter 8: Growth-Inducing Impacts
- Chapter 9: Conditions and Criteria under which Future Actions will be Undertaken or Approved including Requirement for Subsequent SEQRA Compliance.

2.3 History of the Planning Process

2.3.1 Prior or Related Planning Initiatives

Pages 6 – 10 of the *DRI Plan* (Appendix A) summarize prior planning initiatives undertaken by the Village or those involving the Village (both local and regional). The following is a listing and brief description of each initiative/study culminating in a discussion of the *DRI Plan*.

- 2003 Village Comprehensive Plan (see detailed description in Section 3.1.1 of this DGEIS)
- HR&A's *Long Island's Future: Economic Implications of Today's Choices* (2015) – economic development strategies and the need for infill housing on Long Island (including transit-oriented development in Westbury)
- Vision Long Island's *Westbury Downtown Revitalization Strategies: Retail, Marketing and Placemaking* (2016) – recommendations for downtown revitalization, placemaking strategies, walkability, enhanced character of downtown
- LTL Architect's *Parking PLUS* (2014) – conceptual parking design for new parking garage (outside of project study area)
- RPA's *Housing Data Profiles* (2015) - explores average wages on Long Island as compared to housing costs
- Recent Village Revitalization Efforts
  - Downtown residential construction
  - Façade improvements
  - Construction of The Space performing arts venue
  - Creation of Piazza Ernesto Strada public space
- Long Island Regional Economic Development Council's *Strategic Economic Development Plan Update* (2016) – creation of an "Opportunity Economy" for all Long Island regardless of race, ethnicity, community, educational level or industry sector
- MTA/LIRR Expansion Project (Third Track) (Ongoing) – addition of third track for 9.8-mile stretch between Floral Park and Hicksville. Upgrades to tracks, station improvements and parking enhancements, including facilities in Westbury. Westbury improvements include:
  - South Parking Lot Plan (parking garage)
  - North Parking Lot Plan (parking garage)
  - Elimination of School Street Grade Crossing
  - Station and Platform Improvements
  - Pocket Park/Pedestrian Plaza North of Station

- Post Avenue Bridge Project (2017) – replacement and modernization of the railroad bridge on Post Avenue to increase truck clearance. The new bridge accommodates the Third Track project.

2.3.2 Summary of DRI Plan and Project 1.1: Rezone the Downtown

The *DRI Plan*, which was developed subsequent to the Village's DRI application and nomination by the LIREDC (Appendix A), provides information regarding Westbury's vision for its downtown, as well as outlines a strategic investment plan, which cites projects to be undertaken. The Downtown Vision Plan includes a profile and assessment of the downtown, the community's vision, goals and strategies, an action plan, management structure and a discussion of public involvement. The Strategic Investment Plan restates the community's vision and provides profiles of priority, as well as other intended projects. This section summarizes the Village's vision, goals and strategies and provides an overview of the Strategic Investment Plan. Finally, Project 1.1: Rezone the Downtown, from which the Proposed Action was derived, is described.

2.3.2.1 Vision, Goals and Strategies

Westbury's *DRI Plan* Vision Statement is as follows:

Westbury will be Long Island's model transit-oriented, diverse, walkable, arts-centric downtown.

The vision and goals were developed by the Local Planning Committee (LPC), which is composed of local and regional leaders, stakeholders and community representatives, based upon LPC meetings, brainstorming sessions and community engagement and feedback. The LPC was established to provide a broad community perspective to guide the DRI planning process in development a vision and Strategic Investment Plan that reflects diverse community viewpoints (*DRI Plan*, page ii).

The vision and goals "clearly articulate the purpose and desired outcomes of the *DRI Plan* and the corresponding recommendations of investments" (*DRI Plan*, page vi).

The LPC identified four goal areas and set forth strategies to support each of the goals (*DRI Plan*, page 35).

- *Transit-Oriented: Create a downtown that supports a vibrant mix of uses within proximity to the LIRR Station.*
  - Foster transit-oriented development that allows for increased density, mixed-use development in the Maple Union area.
  - Improve pedestrian and visual connections between the train station and downtown.
  - Establish a southern anchor that creates jobs and/or attracts visitors.
  - Attract new job generating and residential uses near the train station.
- *Diversity: Retain the existing diverse population and attract new residents.*

- Encourage the development of diverse housing options.
- Establish a retail mix that supports diversity in the community.
- Ensure parking capacity meets the needs of residents, commuters, and visitors.
- Facilitate improvements to key community assets.

› *Walkability: Increase pedestrian activity throughout the downtown.*

- Enhance the pedestrian experience through streetscape improvements.
- Ensure the pedestrian environment is safe and easy to navigate.
- Attract new amenities that encourage residents and visitors to come downtown.

› *Art-Centric: Enhance the cultural profile of Westbury.*

- Support the sustainability and growth of existing cultural assets.
- Introduce visible symbols of the cultural activity in Westbury.
- Increase opportunities for the community to participate in culture.

2.3.2.2 Strategic Investment Plan

The *DRI Plan* identified 40 potential projects to support the four goal areas and strategies. These projects were refined and assessed again using specific evaluation criteria, including supporting diversity, addressing key geographic target areas, building on past and current revitalization efforts, expanding economic and activity and tax revenue, limiting ongoing municipal administrative and financial obligations and adhering to the DRI goals. Out of all the projects, 12 were selected for funding and are summarized below, by goal.

› Goal 1: Transit-Oriented

- Project 1 – Rezone the Downtown
- Project 2 – Construct Residential Units Around New LIRR Parking Garage on Scally Place
- Project 3 – Develop Open Space in the Maple Union Area
- Project 4 – Make improvements to the Post and Union Avenue Intersection
- Goal 2: Diversity
- Project 1 – Make Upgrades to the Westbury Recreation and Community Center
- Project 2 – Launch a Retail Capital Improvement Grant Program for Targeted Businesses
- Project 3 – Develop the Madison Street Municipal Parking Lot for Additional Parking and Residential Units

› Goal 3: Walkability

- Project 1 – Implement Streetscape Improvements on Post Avenue and in the Piazza Ernesto Strada

- Goal 4: Arts-Centric
  - Project 1 – Commission and Install Public Art
  - Project 2 – Establish the Westbury Military Historical Collection Exhibit
  - Project 3 – Secure a Permanent Space for the Westbury Arts Council
  - Project 4 – Promote the Cultural, Entertainments, and Retail Amenities

2.3.2.3 Project 1.1: Rezone the Downtown

The focus of this DGEIS is Project 1.1: Rezone the Downtown, which falls under Goal 1 – Transit-Oriented Projects. Pages 56 through 61 of the *DRI Plan* discuss Project 1.1, including the strategies addressed (including all four Village goals) and the anticipated benefits and beneficiaries (Section 2.6, below), as well as the evaluation metrics.

The expected outcome of the implementation of this project is that it "will have a transformative impact on the area directly adjacent to the LIRR Station and catalyze increased residential density that will spur further economic and business growth along Post Avenue" (*DRI Plan*, page 56).

The proposed zoning amendments are discussed in Sections 2.4 and 3.2; however, the strategies addressed by the rezoning are set forth on pages 56 – 57 of the *DRI Plan* (Appendix A), as follows.

<u>Goal 1: Transit-Oriented</u>

- Foster transit-oriented development that allows for increased density, mixed-use development in the Maple Union area.
- Improve pedestrian and visual connections between the LIRR Station and downtown.
- Establish a southern anchor that creates jobs and/or attracts visitors.
- Attract new job generating and residential uses near the LIRR Station.

<u>Goal 2: Diversity</u>

- Encourage the development of diverse housing options.
- Establish a retail mix that supports diversity in the community.

<u>Goal 3: Walkability</u>

- Enhance the pedestrian experience through streetscape improvements.
- Attract new amenities that encourage residents and visitors to come downtown.

valuation metrics include: square feet (SF) of development, dollars of private investment in the downtown, SF of open space in the downtown, increase in aggregate annual retail sales in the downtown, and LIRR ridership.

2.4 Overview of the Proposed Action

The proposed amendments to the Village's zoning code (Appendix C) specifically implement Project 1.1, as described above and address the goals as set forth above. There is one major change to the zoning code, as well as other proposed adjustments to the other sections of the Code, including the Village's Business Districts. The major amendment to the Code is the addition of a new zoning district, entitled "Maple Union TOD District" ("MU District"). Section 248-347, *Legislative intent, purpose and findings*, is extensive and comprehensive in its discussion of how the Village arrived at the new proposed TOD District and the reasons it is located in the Maple Union area.

Recognizing that the Maple Union Triangle is currently underutilized, and presents an opportunity to uplift and transform the area into a new and vibrant part of the community, the proposed zoning, in large part, has been created to fulfill Westbury's vision for itself as Long Island's model transit-oriented, diverse, walkable, arts-centric downtown.

As noted in the *DRI Plan* and in the legislative findings of the proposed Maple Union TOD District,

> *will expand the boundaries of the downtown into the [Maple Union Area]. The project will allow the Village to grow rationally through medium-density, mixed-use development, while maintaining the single-family, low-density housing in the surrounding neighborhoods. Next, the rezoning will improve the connection between the LIRR Station and downtown by creating a vibrant, new neighborhood adjacent to the LIRR Station. Increased residential density will expand the consumer base for retailers along Post Avenue. The project will catalyze the development of new commercial spaces that will create jobs and open spaces that will meet community needs… The rezoning will allow the private market to address the demand for new multi-family housing that is evident in the real estate market analysis and public engagement findings… [t]he new development will generate significant positive fiscal impacts in the Village, region and State.* (page 57)

The primary purpose of the MU District is to facilitate in the Maple Union Area, the envisioned vibrant transit-oriented redevelopment incorporating a mix of new housing options, together with new retail, office, personal service, and/or other compatible uses that contribute to the enhancement and long-term sustainability of the community. The regulations in the proposed MU District are designed to: build upon the strengths of Westbury and its downtown area, including its proximity to the Westbury LIRR train station; infuse new energy and activity to enhance Westbury's downtown; make all of Westbury more sustainable for the future; and foster and improve the existing aesthetic appearance of the Maple Union Area.

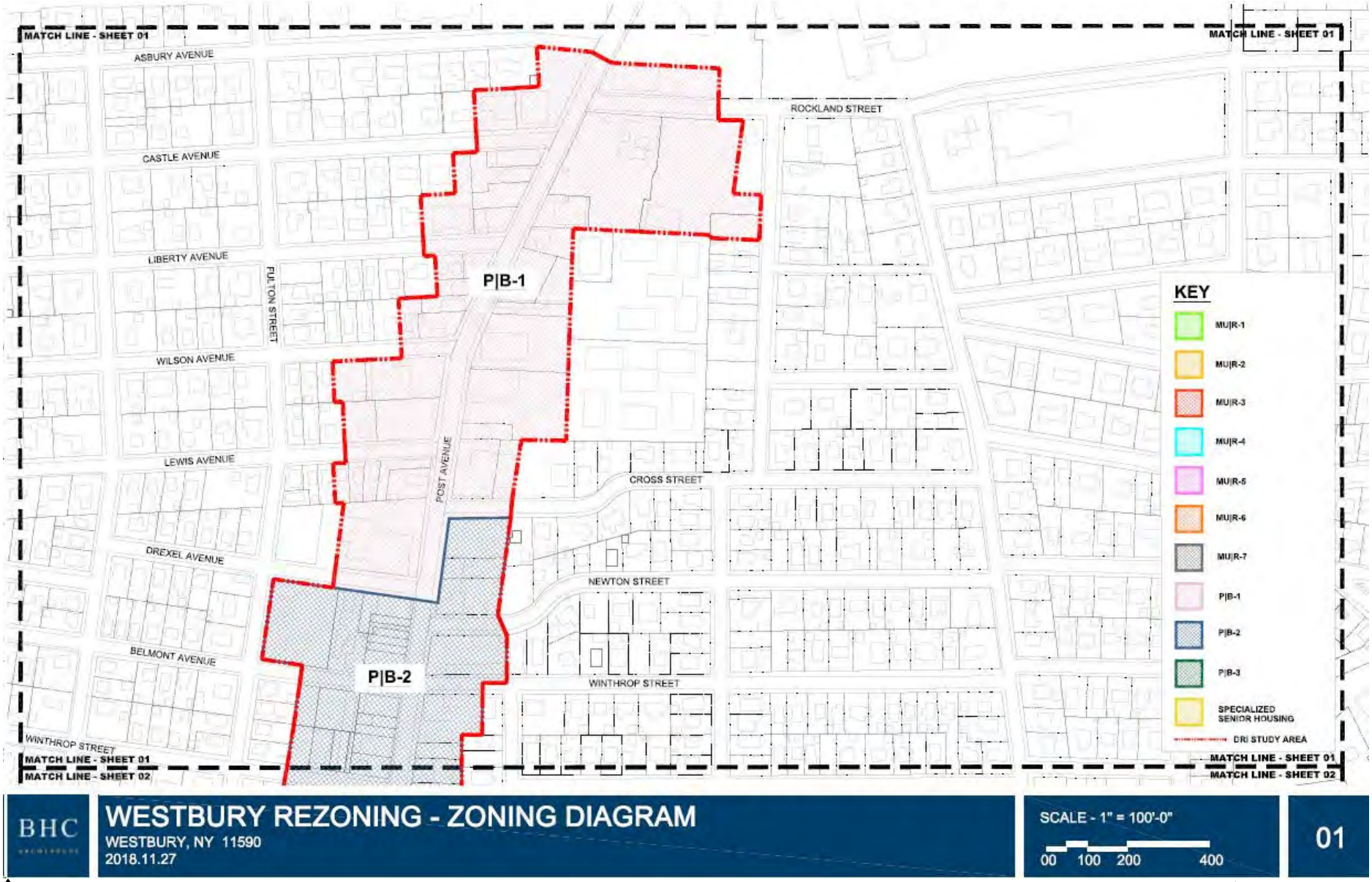
The purposes of the proposed MU District are myriad and would be accomplished in two ways, either through development in direct accordance with the proposed zoning, or through incentives directed toward property developers who may wish to

increase density, while addressing the Village's aspirations for the downtown. The predominant purposes of the proposed MU District are as follows:

- Foster reasonable and prudent transit-oriented development that allows for increased density, mixed-use development in the Maple Union area.
- Improve pedestrian and visual connections between the train station and downtown.
- Attract new residential and job-creating uses near the train station.
- Retain the existing diverse population and attract new residents.
- Encourage the development of diverse housing options.
- Establish a retail mix that supports and complements the existing business district and promotes the sustainability and diversity of the community.
- Ensure parking capacity meets the needs of residents, commuters and visitors.
- Facilitate improvements to key community assets.
- Increase pedestrian activity throughout the downtown.
- Enhance the pedestrian experience through streetscape improvements.
- Ensure the pedestrian environment is safe and easy to navigate.
- Attract new public benefits that encourage residents and visitors to come downtown.
- Enhance the cultural profile of the Village of Westbury.
- Support the sustainability and growth of existing cultural assets.
- Increase opportunities for the community to participate in culture.

The Maple Union TOD District is proposed to be comprised of seven subdistricts: MU-R1, MU-R2, MU-R3, MU-R4, MU-R5, MU-R6 and MU-R7, as reflected on the updated Zoning Map (Appendix C and Figure 3). Note that the Proposed Zoning Map Amendments contained in Appendix C and Figure 3 are for illustrative purposes. Should the zoning amendments be approved by the Village, the official zoning map of the Village would be amended. Each subdistrict has a slightly different focus, which is described in Section 3.1.2. Details of the permitted uses, bulk requirements, requirements for affordable housing and application procedures, among other items, are discussed in that section. However, the development bonus provisions are summarized below since they are the crux of the what the Village wants to accomplish through the proposed rezoning.

FIGURE 3



BHC

WESTBURY REZONING - ZONING DIAGRAM

WESTBURY, NY 11590

2018.11.27

SCALE - 1" = 100'-0"

00 100 200 400

01

\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Proposed Zoning Map.mxd

SEE SCALE ABOVE

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

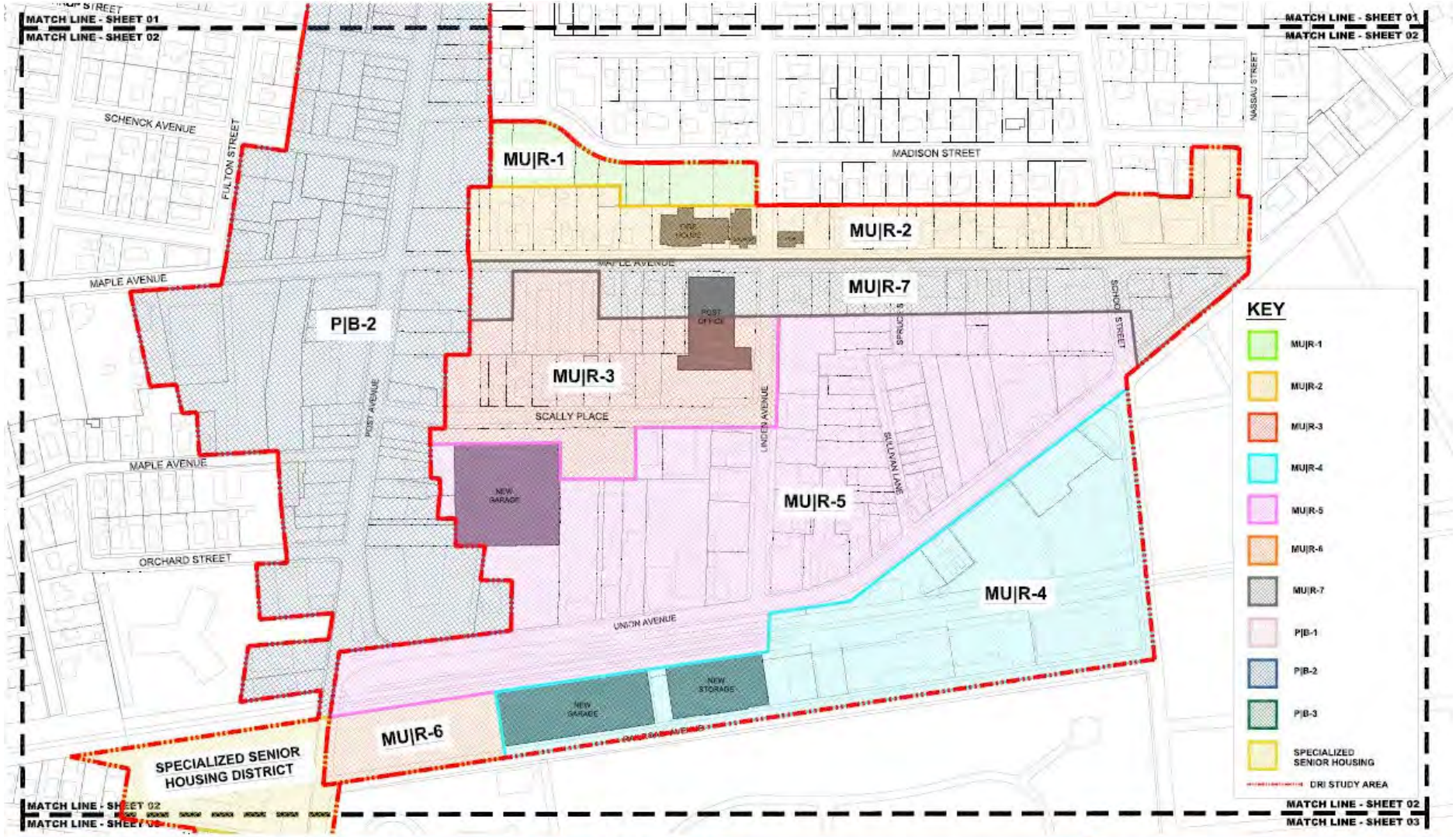
Proposed Zoning Map Amendments

Incorporated Village of Westbury

Nassau County, New York

Source(s): BHC Artchitects

vhb **FIGURE 3**



BHC

WESTBURY REZONING - ZONING DIAGRAM

WESTBURY, NY 11590
2018.11.27

SCALE - 1" = 100'-0"
00 100 200 400

02

\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Proposed Zoning Map.mxd

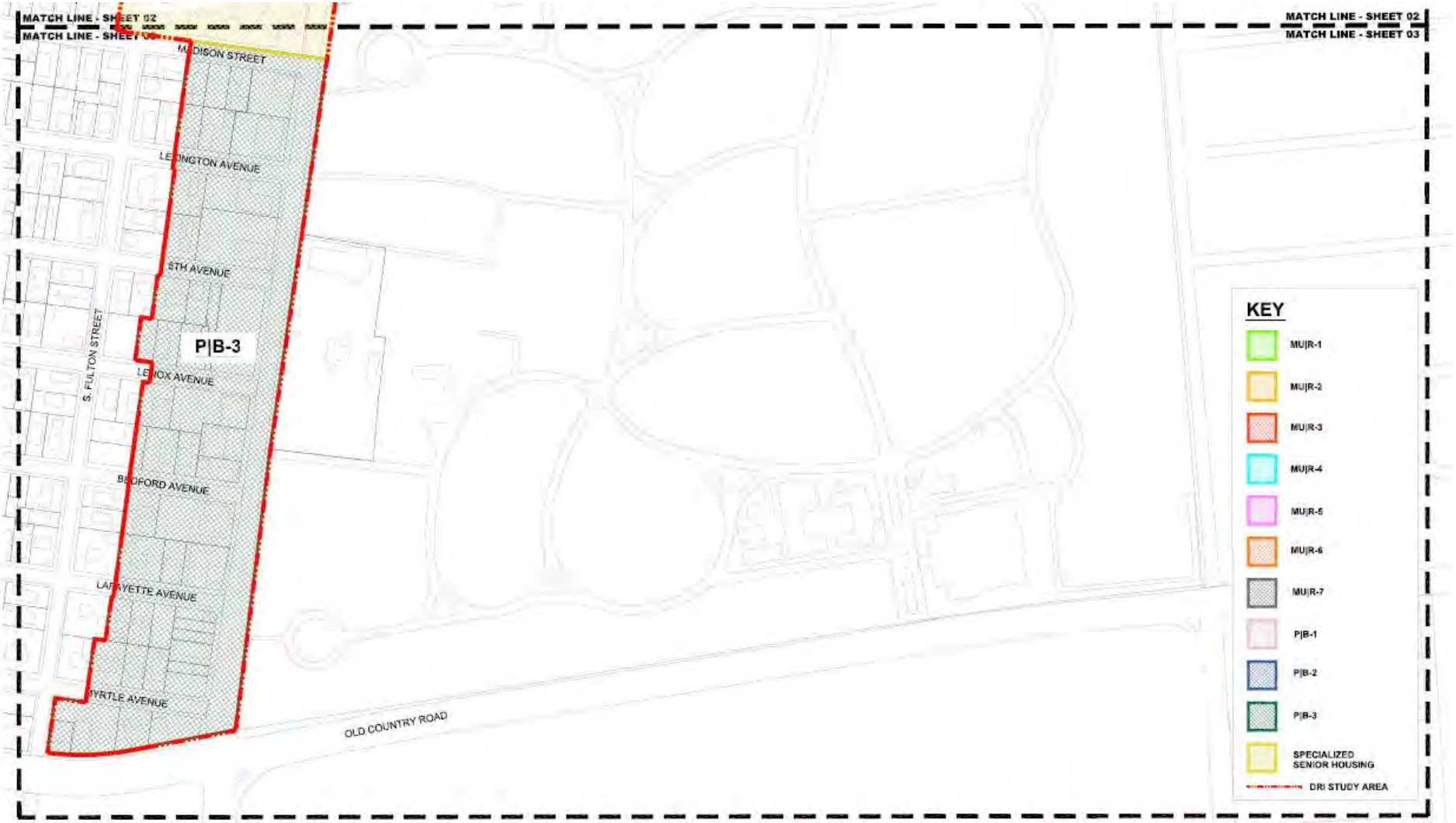
SEE SCALE ABOVE

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Proposed Zoning Map Amendments
Incorporated Village of Westbury
Nassau County, New York

Source(s): BHC Artchitects

vhb | **FIGURE 3**



BHC

WESTBURY REZONING - ZONING DIAGRAM

WESTBURY, NY 11590
2018.11.27

SCALE - 1" = 100'-0"
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03

\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Proposed Zoning Map.mxd

SEE SCALE ABOVE

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Proposed Zoning Map Amendments
Incorporated Village of Westbury
Nassau County, New York

Source(s): BHC Artchitects

The intent of the development bonus provisions is to meet the Village's goals, as described above, to improve the working, shopping and living environment of the Maple Union TOD District through, for example:

- Providing, encouraging the retention and development of attractive and useful open space;
- Improving pedestrian circulation;
- Encouraging a mix of land uses and housing types;
- Encouraging use of nearby mass transportation facilities;
- Improving traffic circulation and parking;
- Arranging and designing buildings to provide light and air to streets and other properties and to enhancing aesthetic views;
- Encouraging the development of attractive, pedestrian-oriented retail areas;
- Encouraging the provision and use of both passive and active recreation areas;
- Preserving and/or increasing the quantity and quality of landscaping;
- Encouraging creative and superior architectural design; and
- Improve the Village infrastructure.

The following list provides examples of public benefits that may be provided by applicants for development in the MU District, which could meet the objectives listed above, and which as a result, could allow applicants to increase development density, subject to approval by the Board of Trustees:

- Off-site improvements to parks, open space, transit facilities, and streetscape within the Maple Union TOD District;
- Provision for social or cultural public benefits;
- Affordable housing units in excess of that required by § 699 of the General Municipal Law;
- Inclusion of micro-units;
- Inclusion of age-restricted units;
- Inclusion of veteran preferential units;
- Water and sewer system improvements;
- Additional off-street parking made available for public use;
- Public street crosswalks;
- Additional open space, enhancement of existing open space, and ecological restoration;
- Private or public recreational opportunities;
- Pedestrian or vehicular connector;
- Off-street passenger loading (for hotels, apartment, condominium, or housing cooperative buildings, etc.);
- Sidewalk canopy;

- Interior freight loading;
- Leadership in Energy and Environmental Design (LEED) certifications or similar standards;
- Subsurface, concourse or bridge connections to other buildings;
- Additional setback at grade, allowing for sidewalk widening or plaza with landscaping and/or unique paving design;
- Unique landscaping;
- Shared transportation;
- Cash contribution in lieu of the above; and
- Transfer of land to the Village to achieve the above goals.

Procedurally, an applicant for development in the MU District is required to prepare a Full Environmental Assessment Form, in conformance with the New York State Environmental Quality Review Act ("SEQRA" – Article 8 of the Environmental Conservation Law) and the SEQRA implementing regulations at 6 NYCRR Part 617. In addition, the applicant must submit an analysis and statement prepared by a qualified environmental/planning professional evaluating consistency of the proposed action with the conditions and criteria set forth in the adopted Findings Statement for the Proposed Zoning Amendments to the Village of Westbury Code, and either demonstrating such consistency or identifying any supplemental SEQRA analysis the applicant would be required to perform.

Along with the Full EAF and statement from the applicant's qualified environmental/planning professional, the Village would review the following information (required to be submitted with the application for development, as outlined in §248-360.A) to determine compliance with Findings Statement and the conditions and criteria set forth therein for future development outlined in the Village's GEIS:

- written narrative statement describing the nature of the proposed project, how it is designed to serve the purposes of this Article, the site's relationship to immediately adjoining properties and the surrounding neighborhood, the availability and adequacy of community facilities and utilities to serve the site, and the safety and capacity of the public roadways in the area of the site in relation to the anticipated traffic generation from the site;
- written statement of the proposed method of ownership and maintenance of all common utilities, common facilities, and areas of open space within the proposed development;
- written statement of the method that will be used to ensure compliance with any affordable, workforce, age-restricted, or veterans housing and eligibility requirements for same;
- preliminary development concept or site plan for the proposed project;
- preliminary rendering of architectural treatments expected to be implemented on completion of the project; and

- zoning analysis reflecting the proposal as an "as of right" build or indicating any proposed bonus zoning sought.
- written description of the plan for private recycling, sanitation, waste and rubbish disposal to be completed.

The proposed zoning amendments also notes that the *DRI Plan* recognized that certain aspects of the Village's existing zoning in its downtown core outside the Maple Union Area, including on Post Avenue, can be enhanced and made consistent in certain respects with the new zoning envisioned for the Maple Union Area. For example, other significant amendments to the Code involve sidewalk widenings and build-to zones, particularly along Post Avenue. In the B-1, B-2 and B-4 zoning districts, new buildings to be constructed must be set back from the property line to sufficiently allow for sidewalk widths of between 12 feet and 20 feet. The developer of said building(s) are responsible for constructing the sidewalks to the specifications promulgated by the Department of Buildings.

In addition to the new MU District and modifications to zoning in the Business Districts that effect Post Avenue, including the phasing out of the B-3 zoning district, and the discontinuation of two industrial districts (Article XXIII, Light Industrial District and Article XXIV Industrial Districts), with the existing requirements only pertaining to existing legal non-conforming uses as of the date the zoning amendments become effective.

The proposed zoning amendments also limit the location of adult uses to within a portion of the proposed MU District, which location is almost identical to that under the existing code.

In addition, the proposed zoning amendments refine the section regarding non-conforming uses and add parking requirements for multiple dwellings throughout the Village.

The details and impacts of the proposed Maple Union TOD District, as well as other amendments to the Code, from a land use, zoning and community character perspective are discussed in Section 3.1.2 of this DGEIS. The conditions and criteria for future SEQR actions are included in Section 9.0.

The complete text of the proposed zoning amendments and the proposed updated zoning map are included in Appendix C.

2.5 Description of Reasonable Worst-Case Development Scenario

2.5.1 Introduction

The creation of the Reasonable Worst-Case Development Scenario (RWCDS) analysis began with an existing conditions assessment of current lot acreage, lot coverage, gross square footage, stories, and floor area ratio (FAR), and then estimated the total expected development density for the proposed Maple Union Triangle and Post Avenue Rezoning Areas over a 15-year build-out (With Action Scenario). The total projected development under proposed rezoning was then compared to the existing density and the expected development if the proposed amendments do not occur (No Action Scenario) (Appendix D).

As described in detail in Section 2.4, above, the Proposed Action involves, in part, the amendment of the existing zoning code to create a new zoning district (Maple Union TOD District) to permit new TOD and mixed-use development opportunities in the Village's central business district and adjacent areas, including use and density controls, as well as modify parking requirements and bulk and dimensional regulations to facilitate such development. The Proposed Action affects the Village's current B-1, B-2, B-3, B-4, as well as the Industrial and Light Industrial zoning districts.

2.5.2 Analysis Build Year

Market analysis research conducted at the outset of the rezoning effort suggests a substantial and supportable demand for new rental and owner-occupied housing within the Village. This analysis anticipates a full build analysis year of 2033. A 15-year period was selected for the following reasons:

- Given the potential amount of density, time required for new development approvals and permitting, it is anticipated that it would take longer than 10 years for the full extent of development to occur under the Proposed Action.
- Initial years would be devoted to planning and enactment. It is anticipated that the zoning would be enacted by the end of 2019. It is further anticipated that planning, approvals, and negotiations would occur in the subsequent two years (from 2020 until 2021). The remaining 12 years (from 2022 until 2033) would comprise the period in which individual developments would be constructed as sites are assembled and market demand is met by the completion of new projects.

2.5.3 Project Area and Existing Conditions

A map of the Post Avenue Rezoning Area and the Maple Union Triangle Rezoning Area is included in Attachment A of DGEIS Appendix D. For ease of reference, the Post Avenue Rezoning Area is divided into 3 zones coded P|B-1, P|B-2, and P|B-3. In

addition, the Maple Union Triangle is divided into 16 blocks coded MU-01 through MU-16. Included in Attachment B of DGEIS Appendix D is a list of affected tax lots and their respective zones and blocks.

Inventories of existing conditions for the Maple Union Triangle and Post Avenue Rezoning Area are found in Attachments C and D, respectively, of DGEIS Appendix D. The existing conditions analysis includes an inventory of the total built square footage broken down by use type. This was completed by identifying the properties in each Rezoning Area using Geographic Information Systems (GIS) and compiling data for each property from the Nassau County Department of Assessment. The total acreage recorded consists only of the lot acreage covered by the properties in the Rezoning Areas and does not account for land that is not on a tax lot (including roads and railway tracks).

2.5.4 Development Site Criteria

In projecting the amount and location of new development that would occur in the proposed Rezoning Areas with implementation of the Proposed Action, several factors have been considered in identifying likely development sites. For generic actions that create a broad range of development opportunities, new development can be expected to occur on selected sites rather than all sites within the proposed rezoning areas.

The selection of development sites began with the following baseline criteria:

- Lots located in zoning areas where a substantial increase (more than 50%) in permitted FAR is proposed
- Underutilized lots (defined as vacant or lots constructed to less than or equal to half of the current allowed zoning SF)
- Lots with potential for assemblage based on ownership data
- Lots located in areas where changes in use would be permitted.

The resulting initial list of development sites was further refined to exclude sites that would be very unlikely to be redeveloped as a result of the proposed zoning amendments for the following reasons (unless otherwise indicated through conversations with the Village of Westbury or property owners):

- Lots where construction and/or renovation activity was recently completed (since 2010)
- Lots containing essential municipal uses that cannot be relocated effectively, including utilities, sewage, or transportation
- Multi-story, multi-unit residential buildings including senior housing.

To produce a reasonable, conservative estimate of future growth, the resulting list of development sites was divided into Projected Development Sites and Potential Development Sites. The Projected Development Sites are considered more likely to be developed within the 15-year analysis period for the Proposed Action (by the

2033 analysis year), while Potential Development Sites are considered less likely to be developed over the same period.

Projected Development Sites are anticipated to develop to the maximum developable square footage pursuant to current zoning in the future without the Proposed Action. However, Potential Development Sites are unlikely to be developed for various reasons including but not limited to assemblage difficulty, ownership considerations, active or special use, and recent renovation/construction.

Projected Development Sites (likely to be developed by 2033) include:

- Lots that would experience a large increase in permitted density in the future with the Proposed Action compared to existing zoning (current zoning SF is equal to or less than half of the Proposed Action zoning SF density)
- Lots that are vacant
- Lots that are large or have potential for assemblage
- Lots located in areas where a change in land use now allows residential development
- Lots that remain under 50% underbuilt.

Potential Development Sites (unlikely to be developed by 2033) include:

- Lots that would experience lesser increases in permitted density in the future with the Proposed Action compared to existing zoning (current zoning SF is more than half of the Proposed Action zoning SF density)
- Lots with institutional uses, active and continuing through the build year (e.g. U.S. Post Office, houses of worships, organizational clubs and halls) unless there are known development plans.
- Lots containing government-owned properties unless there are known development or disposition plans
- Lots with long-standing commercial tenants or active businesses
- Lots with difficulty in assemblage due to ownership, shape, size, or encumbrances

In total, 144 lots within the Rezoning Areas were classified as Projected Development Sites, while 170 lots were classified as Potential Development Sites.

One should note that the criteria for Projected and Potential sites are not exclusive. This DGEIS assesses potential impacts from additional development on all Projected Development Sites. Development is not anticipated for Potential Development Sites in the foreseeable future, thus these sites are not included in the impact analysis. The following table summarizes the results of the scenario analysis.

Table 1 2033 RWCDS No-Action and With-Action Land Uses

Land Use	Existing Conditions	No Action	With Action	No Action to With Action Increment
Residential				
Maple Union Residential SF (Units)	127,637 (122)	193,330 (217)	1,453,131 (1,618)	+1,259,802 (+1,401)
Post Avenue Residential SF (Units)	369,538 (422)	440,744 (516)	440,744 (516)	0
Total Residential SF (Units)	**497,175 (544)**	**634,074 (733)**	**1,893,875 (2,134)**	**+1,259,802 (+1,401)**
Commercial (Retail and Office)				
Maple Union Commercial SF	183,831	228,476	176,195	-52,281
Post Avenue Commercial SF	411,717	456,725	456,725	0
Total Commercial SF	**595,548**	**685,201**	**632,920**	**-52,281**
Industrial				
Maple Union Industrial SF	307,606	432,689	145,138	-287,551
Post Avenue Industrial SF	16,958	16,958	16,958	0
Total Industrial SF	**324,564**	**449,647**	**162,096**	**-287,551**
Community Facility and Other				
Maple Union Community Fac. and Other SF	46,753	46,753	46,753	0
Post Avenue Community Fac. and Other SF	53,592	53,592	53,592	0
Total Community Facility and Other SF	**100,705**	**100,705**	**100,705**	**0**
TOTAL FLOOR AREA	**1,517,992**	**1,869,627**	**2,789,596**	**+919,969**

2.5.5 No Action Scenario

The No Action scenario represents the expected development density if the Proposed Action does not occur. The scenario was constructed with the following parameters:

- Projected Development Sites will be developed to the maximum density under current zoning parameters and current land use, except for industrial sites. Industrial projected development sites will be developed to 40% of the maximum density under current zoning parameters and current land use to reflect market demand conditions.
- Potential Development Sites will not be re-developed.
- The number of dwelling units in residential buildings is determined by dividing the total amount of residential floor area by the dwelling unit size of 800 SF and rounding to the nearest whole number.
- The estimate of new parking spaces in Projected Development Sites containing residential or commercial uses was determined by assuming 50% of the lot area is reserved for surface parking and dividing by a factor of 300 SF per space.

As shown in Table 2, in the future without the Proposed Action (No Action), it is anticipated that there would be almost 1.9 million SF built floor area (an increase of 351,635 SF from the existing conditions). Under the No Action scenario, the study area would comprise of 733 residential units (an increase of 189 from the existing conditions), 685,201 SF of commercial uses (an increase of 89,653 SF from existing conditions), 449,647 SF of industrial uses (an increase of 125,083 SF from existing conditions), and 100,705 SF of community facility and other uses (no change from existing conditions).

The large increase in industrial SF is due mainly to the underbuilt capacity of the current industrially zoned lots. Based on market demand conditions pertaining to industrial property, it is expected these might be redeveloped as storage facilities similar to neighboring parcels. The modest increase in residential units suggests there are very few residential lots where the existing residential allowable density is less than 50% of the amount allowed under current zoning.

Additional calculations and metrics for Post Avenue and the Maple Union Triangle are found in Attachments E and F of Appendix D of the DGEIS.

Table 2 Comparison of No Action with Existing Conditions

Land Use	No Action	Increment Change from Existing Conditions
Residential SF (Units)	634,074 (733)	136,899 (189)
Maple Union	*193,330 (217)*	*65,693 (95)*
Post Avenue	*440,744 (516)*	*71,206 (94)*
Commercial SF	685,201	89,653
Maple Union	*228,476*	*44,645*
Post Avenue	*456,725*	*45,008*
Industrial SF	449,647	125,083
Maple Union	*432,689*	*125,083*
Post Avenue	*16,958*	*0*
Comm. Facility and Other SF	100,705	0
Maple Union	*46,753*	*0*
Post Avenue	*53,952*	*0*
Total Floor Area	**1,869,627**	**351,635**

2.5.6 With Action Scenario

The With Action scenario represents the expected development density if the Proposed Action occurs. The scenario was constructed with the following parameters:

- Projected Development Sites will be developed to the maximum density under proposed zoning parameters and proposed land use.
- Potential Development Sites are not going to be re-developed.
- The number of dwelling units in residential buildings is determined by dividing the total amount of residential floor area by the dwelling unit size of 800 SF and rounding to the nearest whole number. The average floor size in zoning districts MU-R4, MU-R5, and MU-R6 is 770. This smaller average floor size reflects the likelihood that developers will include microunits[6] as up to 20% of total units in these rezoning districts.
- The estimate of new parking spaces in Projected Development Sites containing residential or commercial uses was determined by assuming 50% of the lot area is reserved for surface parking and dividing by a factor of 300 SF per space.

The Proposed Action would allow for the development of new residential uses and higher densities at the Projected Development Sites. In the future with the Proposed Action (With Action Scenario), it is anticipated that there would be a total of 2.8

[6] A microunit is defined in the proposed zoning amendments as being between 350 SF and 550 SF in size.

million SF of built floor area (an increase of 1.3 million SF from the existing conditions and 919,969 SF from the No Action Scenario) (Table 3).

As expected, the With Action Scenario generates a significant amount of new housing units in the Maple Union Triangle. The Rezoning Area would comprise 2,134 residential units (an increase of 1,590 from the existing conditions and an increase of 1,401 from the No Action Scenario).

In addition, the With Action Scenario contains 632,920 SF of commercial uses (an increase of 37,372 SF from existing conditions and a decrease of 52,281 from the No Action), 162,096 SF of industrial uses (a decrease of 162,468 SF from existing conditions and a decrease of 287,551 SF from No Action), and 100,705 SF of community facility, (no change from either existing conditions or the No Action).

The large incremental decrease in industrial SF in the With Action Scenario is due mainly to the conversion of industrial zoned lots to residential. Moreover, the reduction in commercial SF is due to the expected conversion of office/retail lots to residential as well as new lot coverage limitations on the ground floor footprint of retail/office. All the current community facility SF is on properties identified as Potential Development sites and is not expected to be redeveloped.

Based on the analysis, there is very little incremental change from the No Action to the With Action in the Post Avenue Rezoning Area since the rezoning elements with this area are mainly connected to aesthetics and setback controls.

Additional calculations and metrics for Post Avenue and the Maple Union Triangle Rezoning Areas are found in Attachments G and H of Appendix D in the DGEIS.

Table 3 Comparison of With Action with Existing Conditions and No Action

Land Use	With Action	Increment Change from Existing Conditions	Increment Change from No Action
Residential SF (Units)	1,893,875 (2,134)	1,396,700 (1,590)	1,259,802 (1,401)
Maple Union	*1,453,131 (1,618)*	*1,325,494 (1,496)*	*1,259,802 (1,401)*
Post Avenue	*440,744 (516)*	*71,206 (94)*	*0 (0)*
Commercial SF	632,920	37,372	-52,281
Maple Union	*176,195*	*-7,636*	*-52,281*
Post Avenue	*456,725*	*45,008*	*0*
Industrial SF	162,096	-162,468	-287,551
Maple Union	*145,138*	*-162,468*	*-287,551*
Post Avenue	*16,958*	*0*	*0*
Comm. Facility SF and Other	100,705	0	0
Maple Union	*46,753*	*0*	*0*
Post Avenue	*53,592*	*0*	*0*
Total Floor Area	**2,789,596**	**1,271,604**	**919,969**

2.6 Purpose, Need, and Benefits

2.6.1 Overview

As part of the larger DRI, the purpose of the proposed zoning amendments for the Post Avenue Rezoning Area and Maple Union Triangle Rezoning Area is to

> *promote transit-oriented development, allow for a mix of residential and commercial uses, and encourage increased density near the LIRR Station* (*DRI Plan*, page 56)

The proposed zoning amendments would address overall goals and strategies established by the Village in the *DRI Plan*. According to Page 57 of the *DRI Plan*, implementation of the Proposed Action would

> *expand the boundaries of the downtown into the Maple Union area. The project will allow the Village to grow rationally through medium density, mixed-use development in the downtown, while maintaining single family, low-density housing in the surrounding neighborhoods. Next, the rezoning will improve the connection between the LIRR Station and downtown by creating a vibrant, new neighborhood adjacent to the LIRR Station. Increased residential density that results from the rezoning will expand the consumer base for retailers along Post Avenue. The project will also catalyze the development of new commercial spaces that will create jobs and open spaces that will meet community needs…The rezoning will*

allow the private market to address the demand for new multi-family housing that is evident in the real estate market analysis and public engagement findings.

2.6.2 Need

The zoning code in the Village was enacted in the 1930s and has remained largely unchanged since. The 1.4-mile stretch of Post Avenue between Northern State Parkway and the LIRR Station encompasses the commercial core, which includes most office and retail uses. The commercial corridor abruptly terminates at the LIRR Station with a cemetery on the east side of Post Avenue that stretches from the LIRR Station to Old Country Road.

The northern end of Post Avenue has an eclectic character, with little consistency in architectural features. Many residential buildings have been adapted to commercial uses, creating an uneven street wall with large distances between buildings as well as between building entrances and the street line. The size and bulk of the buildings are significantly larger than the rest of the corridor, and accommodate national chain stores, an auto service station and a small-format grocery store. This area, as well as Maple Avenue and Old Country Road, are zoned for business, which also allows residential development.

The area north and east of the LIRR Station is zoned for industrial use. This zoning district does not allow for residential development. Development is limited through a maximum lot coverage ratio of 65 percent in the area. As a result, nearly all of these properties are designated for industrial use, including surface parking or open uses related to construction, contracting or the automotive service sector.

Single-family housing is the most common type of residential land use in the Village, with a growing market for multifamily residential. Additionally, there is a relatively small number of parcels in the Village that contain mixed residential and commercial uses— located exclusively along the Post Avenue corridor.

Finally, Westbury is at the epicenter of one of the largest regional investments in decades, the proposed LIRR Expansion Project, which would add a third track along the 9.8-mile corridor between the Floral Park and Hicksville stations. The additional track is expected to improve service reliability, catalyze additional ridership, expand the labor pool accessible to the region to include New York City, and reduce adverse environmental impacts.

2.6.3 Benefits

The Proposed Action would utilize both Euclidean zoning[7] and design controls that identify, among other things, desired setbacks, height restrictions, parking requirements and total development area. As stated in the *DRI Plan*, the benefits for

[7] Euclidean Zoning is a system of zoning whereby a town or community is divided into areas in which specific uses of land are permitted (https://www.merriam-webster.com/legal/Euclidean%20zoning).

the new zoning code as it pertains to two key areas - the Maple Union Triangle Rezoning Area and Post Avenue Rezoning Area - are highlighted below:

- Within the Maple Union area, allowing for medium-density, mixed-use residential development;
- Within the Maple Union area, provide opportunities for new ground floor commercial uses;
- Within Post Avenue, careful relaxation of parking ratios to encourage new or expanded commercial and residential uses;
- Within Post Avenue, increase the opportunities for contextual, mixed-use residential development;
- In both areas, maintain a consistent street wall and encourage wider sidewalks;
- In both areas, increase opportunities for open space and other public benefits.

Within the Maple Union Rezoning Area, allowing for medium-density, mixed-use, transit-oriented development

The Proposed Action converts the Village's industrial zone district adjacent to the LIRR Station into a new mixed-use residential zone. To capitalize on LIRR Station improvements, the Proposed Action facilitates TOD by allowing for the higher density in zones most proximate to the train station. The zoning density gradually tiers down in zones further away from the transit hub.

In most of the new zones created by the Proposed Action, the lot coverage ratio and total floor area allowances are increased to allow for more medium-density and mixed-use residential development. This in turn would allow for and encourage residential housing development that includes multifamily housing, micro-units, and other housing options. Essentially, the Proposed Action would allow for residential development that responds to Westbury's growing population and continued demand for new housing.

Within Post Avenue, continue to allow for contextual, mixed-use residential development

The Proposed Action, for the most part, maintains existing zoning along Post Avenue that continues to allow for contextual, mixed-use residential development. In combination with the new street wall requirements, the distinctive character of the Village's downtown corridor would be maintained with a more walkable environment through sidewalk widening and setback requirements.

Careful relaxation of parking ratios to encourage new commercial and residential uses

The parking ratio for residential developments would be amended to better align with the Rezoning Area's TOD. A reduction to 300 SF per parking space and 1.1 spaces per dwelling unit would allow for more compact development and greater utilization of space. Moreover, the Proposed Action's relaxation of parking ratios for retail and restaurant would also serve to lessen burdens on current commercial development.

Provide opportunities for new ground floor commercial uses

In addition to relaxing parking requirements for retail and restaurants, the Proposed Action adds specificity to ground floor commercial uses and development in the Maple Union Triangle. This would encourage a more diverse retail and restaurant mix along Post Avenue, which is predominantly comprised of small, locally-owned, service-oriented retailers. The Proposed Action relaxes current parking ratio requirements and presents opportunities to adjust the retail mix to support its growing population and complement the large, nationally-owned retailers in the region.

Maintain a consistent street wall and encourage wider sidewalks

The Proposed Action creates new build to zones that maintain consistent street walls throughout the Rezoning Area. Along Post Avenue, Maple Avenue, and Union Avenue, design guidelines would encourage the widening of sidewalks for future developments. This in turn would contribute to a more-pedestrian-friendly and walkable downtown. In addition, wider sidewalks and street wall façade would facilitate the Village's planned streetscape improvements to lighting, crosswalk upgrades/signals and benches, bike racks and tress, and would further enhance the downtown experience for visitors and residents alike.

Increase opportunities for open space, new roads and other public realm amenities

The Proposed Action creates opportunities for open space and other public realm benefits through developer bonuses on height, density, and FAR. The Proposed Action creates a mechanism for the Village and developers to collaborate on open space, new roads, and public realm benefits including streetscape and community facilities.

Socioeconomic benefits

The following provides a summary of the socioeconomic benefits of the Proposed Action:

- The RWCDS assumes a higher mix of microunits, studios and one-bedroom units in comparison to two-bedroom and three-bedroom units. This would suggest that the development scenario would contain a higher proportion of younger adults (including college and graduate students) and seniors.

- The variety of potential housing types (e.g., apartments, including microunits, townhouses, condominiums, etc.), the requirement for affordable along with market-rate units, and the location of much of the new development near the LIRR station, etc., would attract a range of people (as noted above), which would allow Westbury to maintain its population diversity, one of the community's defining characteristics.
- The project is expected to generate a total of 280 full-time-equivalent permanent jobs and 4,892 temporary construction jobs, including direct, indirect and induced jobs. Direct permanent jobs total 212, while total direct temporary construction jobs total 2,567 jobs (in person-years).
- New construction and the addition of new commercial space in the Rezoning Areas would generate significant economic output, through direct investment and ongoing business activity. Overall, the project is expected to generate over $88 million annually in economic output and $686 million during construction.
- The Proposed Action would increase commercial investment in the immediate study area, drawing direct investment through building construction and increased commercial activity. Direct investment in the Rezoning Areas could total over $436 million, based on the RWCDS and construction cost estimates in Nassau County.

Finally, as indicated in the *DRI Plan*, and as captured by the proposed zoning amendments,

> *Overall, this project would attract hundreds of millions of dollars of private investment in Westbury and the State of New York. In addition, new development would generate significant positive fiscal impacts in the Village, region, and State* (*DRI Plan*, page 57).

2.7 Required Permits and Approvals

The following table identifies permits and approvals required for implementation of the Proposed Action. The Village Board of Trustees is the entity responsible for adoption of the amendments of the zoning chapter of the Village Code. Subsequent to the code and map amendments, other bodies at the Village, County, and State levels, as well as regional entities would also have a role in the implementation program recommended in the *DRI Plan* as reflected in the proposed zoning amendments including site-specific reviews and review and approval of individual development projects. The approvals noted with an asterisk (*) in the table below would be required for actual development that would occur in accordance with future zoning and development actions.

Table 4 List of Required Permits and Approvals

Agency	Approval/Permit
Village of Westbury Board of Trustees	Zoning Code and Map Amendments; Subdivision and Site Plan Approvals*; Special Use Permits*
Village of Westbury Village Clerk, Building Department	Roadway Improvements and Curb Cuts on Village Roads,* 239-f Referral*
Town of North Hempstead	Roadway Improvements and Curb Cuts on Town Roads*
Nassau County Planning Commission	239-m Referral (Proposed Action), (Future Actions)*
Nassau County Department of Public Works	Sewer Connections/Extensions*; Roadway Improvements and Curb Cuts on County Roads (239-f)*
Nassau County Department of Health	Water Supply and Sewer Connection*
New York State Department of State	Funding (Downtown Revitalization Initiative)
New York State Department of Environmental Conservation	SPDES General Permits for Stormwater Discharges from Construction Activities and MS4 Permits*
Westbury Water District	Water Supply/Extensions*
LIPA c/o PSEG LI	Utility Connections/Upgrades*
National Grid	Utility Connections/Upgrades*
MTA – Long Island Rail Road	Right-of-Way/Easements*

3

Existing Conditions, Probable Impacts of the Proposed Action and Proposed Mitigation Measures

3.1 Zoning, Land Use and Community Character

This section of the DGEIS describes the existing zoning and land uses within the Rezoning Areas including the areas identified in the RWCDS as likely to be developed/redeveloped pursuant to the Proposed Action. Relevant land use (comprehensive) plans are discussed herein, including the *DRI Plan* and 2003 Village Comprehensive Plan and policies. The *DRI Plan* is discussed in detail in Section 2.3 and attached as Appendix A of this DGEIS. This section also examines established community character.

This section of the DGEIS provides a synopsis of the proposed zoning amendments, and potential development that could take place in the Village (i.e., the RWCDS). In addition to examining the potential new land uses, the DGEIS describes uses that would be removed or displaced as a result of the zoning amendments. The DGEIS assesses the impacts and compatibility of the proposed zoning amendments on land use, zoning and community character.

Finally, the Proposed Action is generally framed as mitigation, in the sense that it advances the Village's land use planning goals and objectives (as identified in the *DRI Plan*).

3.1.1 Existing Conditions

3.1.1.1 Zoning

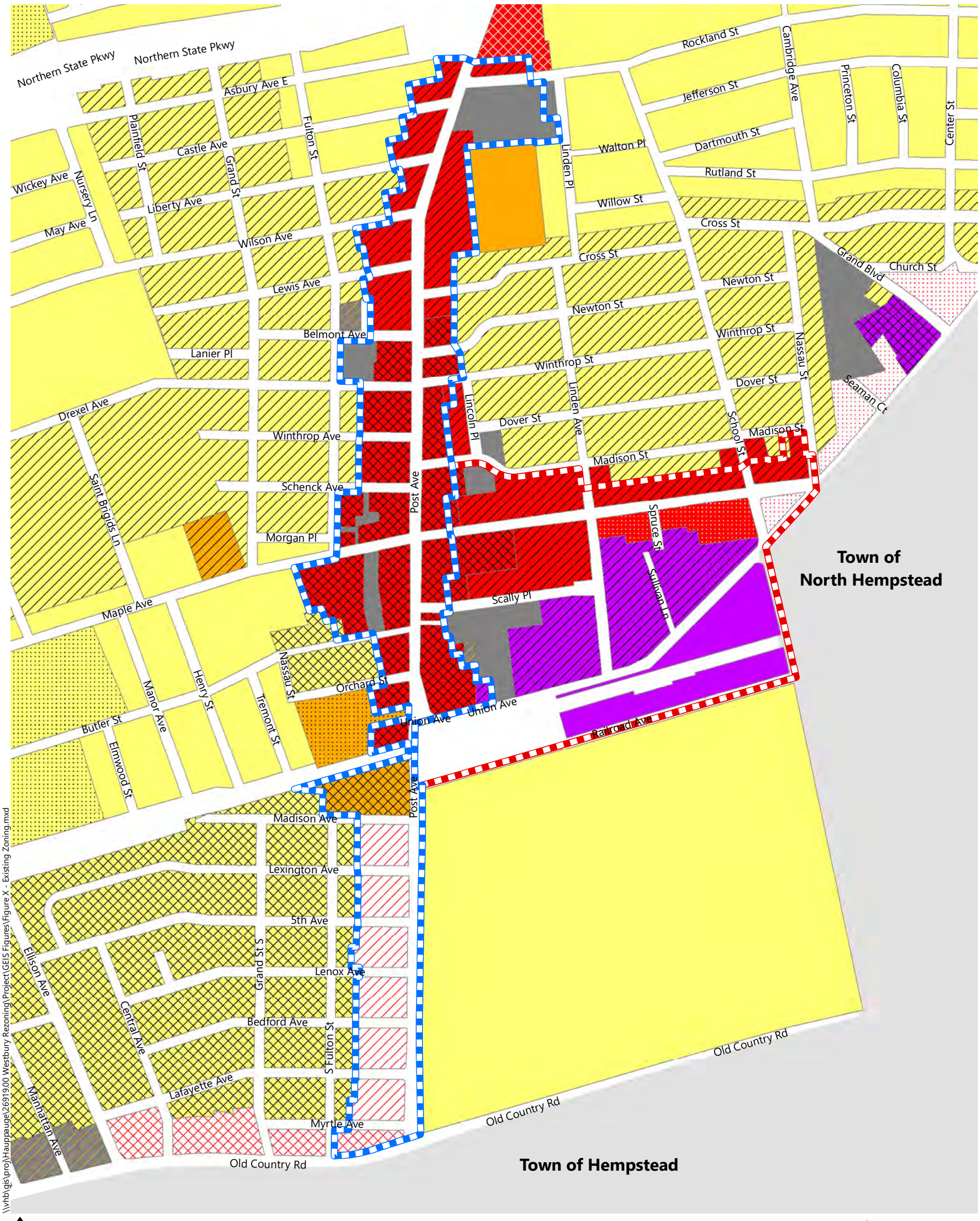
The Village's zoning regulations are set forth within Chapter 248 of the Village Code (hereinafter the "Zoning Code"). The Zoning Code sets forth use and dimensional restrictions within 23 zoning districts as well as general requirements for development, including off-street parking and loading, that are applicable throughout the Village.

Figure 4 shows the existing zoning districts within and surrounding the Rezoning Areas, and a discussion of the permitted uses within those zoning districts follows. Not all of the Village's 23 zoning districts are included within the Rezoning Areas, but it is noted that the Village contains a range of residential and commercial zoning districts, including higher density residential districts, which permit apartment buildings and multifamily condominium buildings.

Post Avenue Rezoning Area

The Post Avenue Rezoning Area contains the Business B-1 district at its northern end along both sides of the corridor, terminating at Belmont Avenue. South of Belmont Avenue, zoning shifts to the Business B-2 district through the remainder of the primary downtown corridor leading up to the LIRR right-of-way. South of the LIRR right-of-way, on the west side of the corridor, is the Specialized Senior Housing Facility district, followed by the Business B-4 district south of Madison Avenue and finally the Business B-5 district south of Myrtle Avenue along the west side of the corridor. The general pattern of zoning from north-to-south along the Post Avenue corridor is a transition from permitted mixed-use commercial/residential buildings in the B-1 and B-2 districts north of the LIRR right-of-way (ROW) to only allowing commercial uses south of the LIRR ROW. There are only minor variations in dimensional requirements between the B-1, B-2 and B-4 districts; although it should be noted that there is no minimum front yard requirement in the centrally-located B-2 district, while the B-1 and B-4 districts require a minimum 20-foot front yard. The B-5 district, which is only present at the southern extreme of the Post Avenue Rezoning Area, is oriented more toward highway uses, consistent with its location abutting Old Country Road. Further, there are parcels in this Rezoning Area that are not within the above-mentioned zoning districts. Specifically, the western edge of the Post Avenue Rezoning Area north of Butler Street includes a small area within the Residence C district. Additionally, the eastern edge of the Post Avenue Rezoning Area north of Union Avenue includes a small area within the Light Industrial district. Properties which contain municipal uses, including the Westbury Recreation Center and Community Center municipal parking lots, are not designated by zoning.

FIGURE 4



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Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Existing Zoning
Incorporated Village of Westbury
Nassau County, New York

- Post Avenue Rezoning Area
- Maple Union Triangle Rezoning Area

Zoning

- Apartment A
- Apartment AAA
- Apartment AAAA
- Business B-1
- Business B-2
- Business B-3
- Business B-4
- Business B-5
- Business B-6
- Business Office
- Industrial
- Light Industrial
- Planned Industrial
- Residence A
- Residence AA
- Residence B
- Residence C
- Specialized Senior Housing
- Residence Parking
- Village Property - No Zoning Designation

Sources: Village of Westbury;
NYSITS GIS Program Office, 2018;

Maple Union Triangle Rezoning Area

The Maple Union Triangle Rezoning Area contains both industrial and commercial zoning districts with heavier industrial zones oriented toward the LIRR ROW. Specifically, the southeastern portion of the Maple Union Triangle Rezoning area, south of Union Avenue and the LIRR ROW, is within the Industrial district, containing the least restrictive zoning regulations in the Village with regard to use. The area generally bounded by Union Avenue to the south, the Village parking lot to the west, and Scally Place/southern terminus of Spruce Street to the north, is within the Light Industrial district. The remainder of the Maple Union Triangle Rezoning Area primarily contains B-1, B-2 and B-3 districts. The B-1 district is present along the north side of Maple Avenue and between Scally Place, Linden Avenue and Maple Avenue. The B-2 District is present along the western edge of the Maple Union Triangle Rezoning Area. The B-3 district is present on the south side of Maple Avenue, east of Linden Avenue and west of School Street. Small areas also contain the B-6 District (triangle between Maple Avenue, School Street and Union Avenue), the Residence Parking District (north of the Horizon apartments near the corner of Union Avenue and Post Avenue), and the Residence B District (near the corner of Nassau Street and Madison Street). The Village parking lots within the Maple Union Triangle Rezoning Area are not designated by zoning.

Use Restrictions

Following is a description of the permitted uses, special uses (i.e., uses requiring issuance of a special permit from the Board of Trustees) and permitted accessory uses in each of the zoning districts within the Rezoning Areas. The Business Districts (i.e., B-1 through B-6) are grouped together to avoid repetition.

<u>Business Districts (B-1 through B-6):</u>

Permitted Uses: Retail store or shop, but excluding an automobile dealer, gasoline service station, auto body shop, public garage or amusement center (B-1, B-2, B-3, B-4, B-5, B-6);

Barber, hair dresser, tailor, dressmaker, shoe repair or other personal service shop; real estate broker; bank or other financial institution except collateral loan broker "pawn broker" and check-cashing business;[8] personal service office; office of a medical doctor, dentist, optometrist, optician, podiatrist, chiropractor or other professional licensed healthcare provider; office of an attorney, insurance agent, securities dealer, travel agent, architect, landscape architect, surveyor, engineer, accountant or tax preparer (B-1, B-2, B-3, B-4, B-5, B-6);

[8] Pursuant to L.L. No. 6-1998, collateral loan broker "pawn broker" and check-cashing businesses are permitted in Business B-5 Districts only.

Office (other than an office of the type hereinabove set forth) (B-1, B-2 [2nd or 3rd floors only], B-3, B-4, B-5, B-6);

Restaurant (B-1, B-2, B-3, B-4, B-5, B-6);

Fast-food restaurant (B-5)

Multifamily dwelling (B-1, B-2, B-3 [all 2nd or 3rd floor only])

Motor vehicle rental and/or sales establishment, auto body shop, gasoline service station subject to § 248-186 of this ordinance, public garage or battery and tire sales and/or service establishment, excluding the storage of junked cars or car parts (B-5, B-6)

Funeral parlor (B-1, B-2, B-3, B-4, B-5, B-6)

Laundromat, hand laundry and/or dry-cleaning establishment, employing facilities for not more than 1,000 pounds of dry goods per day (B-2, B-3, B-4, B-5, B-6)

Telephone or telegraph business (B-1, B-2 [2nd or 3rd floors only] B-3, B-4, B-5, B-6)

Public library, public art gallery or public museum (B-1, B-2, B-3, B-4, B-5, B-6)

Municipal use (B-1, B-2, B-3, B-4, B-5, B-6)

Canopies (B-1, B-2)

Under-building parking (B-1, B-3, B-4, B-5, B-6)

Tattoo studio and body-piercing studio (B-5)

Special Uses: Cabaret and/or bar (B-2, B-3, B-5)

Membership club (B-1, B-2 [2nd or 3rd floors only], B-3)

Hotel or motel (B-5, B-6)

Indoor theater (B-1, B-2, B-3, B-4, B-5, B-6)

Church or other place of worship (B-1, B-2, B-3, B-4, B-5, B-6)

Accessory Uses: Signage (B-1, B-2, B-3, B-4, B-5, B-6)

<u>Industrial Districts:</u>

The use regulations for Industrial Districts at § 248-216(A) lists prohibited uses rather than permitted uses. All uses not included on the list of prohibited uses are presumed to be permitted in Industrial Districts. The prohibited uses in Industrial Districts are primarily related to storage and manufacturing processes involving dangerous or noxious chemicals, but also include religious uses; collateral loan

broker, pawn broker or check-cashing business; residential structures or uses; open-air, drive-in and automobile theaters; and tattoo and body piercing studios.

Light Industrial Districts:

Similar to the use regulations in Industrial Districts, the use regulations for Light Industrial Districts at § 248-208 list prohibited uses rather than permitted uses. All uses that are prohibited in Industrial Districts are also prohibited in Light Industrial Districts. In addition, there are several other prohibitions on uses that may be considered slightly less noxious or offensive than those prohibited in Industrial Districts, including: adult uses; bag-cleaning establishments; burlap manufacture; carpet-cleaning establishments; central station power plants; dismantling of motor vehicles and the storage and sale of used parts; dry cleaning at wholesale; iron, steel, brass or copper foundries; paper and pulp manufacture; perfume and extract manufacture; planting works; power forging, riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass or copper, except as a necessary incident of manufacture of which these processes form a minor part and which are carried on without objectionable noise outside the plant; residential structures or uses; sausage manufacture; open-air, drive-in and automobile theaters; tourist camps; any other trade or use that is noxious or offensive by reason of odor, dust, smoke, gas or noise; and crushing machines.

Specialized Senior Housing Facility District:

Special Uses: Specialized senior housing facilities (defined at § 248-2(B) as: "any building(s) providing efficiency, one- or two-bedroom units with common dining and recreational facilities for persons at least 65 years old. In the case of a couple, only one must be at least 65 years old…"

Residence B Districts:

Permitted Uses: Detached single-family dwellings; parks; farms, provided that there shall be no display of products other than in growth and no advertising on the premises; horticultural nurseries; schools (public or parochial); public libraries, public art galleries, public museums, municipal fire houses and municipal recreational uses; day school uses for children of school and preschool ages on a ploy of not less than one acre; ground floor offices of a doctor, dentist, teacher, musical or other professional person residing on the premises (subject to several restrictions); and customary home occupations, such as dressmaking or millinery, a chiropractor, accountant or architect, conducted by resident occupants only (subject to several restrictions)

Special Uses: Religious uses; clubs, except one the chief activity of which is one customarily carried on as a gainful business

Accessory Uses: Customary accessory uses incidental to a permitted use (subject to several restrictions); private parking garages; fences (subject to several restrictions)

Residence C Districts:

Permitted Uses: Detached single-family dwelling; park; farm; horticultural nursery; public or parochial schools; public library; public art gallery; public museum; municipal firehouse; municipal recreational use; day school; home professional office; customary home occupations detached two-family dwelling; hospital or sanitarium other than those for infectious or contagious diseases, or insanity or mental diseases, or those treating alcohol or drug addiction; telephone exchange

Special Uses: Religious uses; non-commercial clubs

Accessory Uses: Customary accessory uses incidental to a permitted use (subject to several restrictions); private parking garages; fences (subject to several restrictions)

Residence Parking Districts:

Permitted Uses: Any principal use permitted in a residence district as regulated in the least restrictive adjoining Residence A, B or C District; ground-level parking of motor vehicles for or without compensation; multiple-level parking or motor vehicles to the extent and under the conditions that may be authorized by the Board of Trustees; and storage of motor vehicles only under conditions that may be authorized by the Board of Trustees

Dimensional Requirements

The dimensional requirements for each of the existing zoning districts within the Rezoning Areas are presented in Table 5 through Table 15, below. Aside from a requirement that there be a landscaped buffer strip at least five feet in width along any property line, there are no dimensional requirements in Residence Parking Districts and thus a table is not provided for that district.

Table 5 Business B-1 District Dimensional Requirements (Existing Zoning)

Dimension	Min. front yard	Min. side and rear yards	Max. height	Max. building coverage	Max. floor area ratio (FAR)	Min. unit size (studio)	Min. unit size (1-BR)	Min. unit size (2-BR)	Min. unit size (each additional BR)
Requirement	20 ft.	10 ft. / 20 ft. when adjoining a residential zone	3 stories / 40 ft.	35% of lot area	0.70	500 SF	600 SF	750 SF	100 SF

Table 6 Business B-2 District Dimensional Requirements (Existing Zoning)

Dimension	Min. side yard	Min. rear yard	Max. height	Min. unit size (studio)	Min. unit size (1-BR)	Min. unit size (2-BR)	Min. unit size (each additional BR)
Requirement	20 ft. (only when adjoining a residential zone, otherwise not required)	10 ft. / 20 ft. when adjoining a residential zone	3 stories / 40 ft.	500 SF	600 SF	750 SF	100 SF

Table 7 Business B-3 District Dimensional Requirements (Existing Zoning)

Dimension	Min. front yard	Min. side and rear yards	Max. height	Max. FAR	Min. unit size (studio)	Min. unit size (1-BR)	Min. unit size (2-BR)	Min. unit size (each additional BR)
Requirement	20 ft.	10 ft. / 20 ft. when adjoining a residential zone	3 stories / 40 feet	0.50	500 SF	600 SF	750 SF	100 SF

Table 8 Business B-4 District Dimensional Requirements (Existing Zoning)

Dimension	Min. front yard	Min. side and rear yards	Max. height	Max. FAR
Requirement	20 ft.	10 ft. / 20 ft. when adjoining a residential zone	3 stories / 40 feet	0.50

Table 9 Business B-5 District Dimensional Requirements (Existing Zoning)

Dimension	Min. side yard	Min. rear yard	Max. height	Max. FAR
Requirement	20 ft. (only when adjoining a residential zone, otherwise not required)	10 ft. / 20 ft. when adjoining a residential zone	3 stories / 40 ft.	0.60

Table 10 Business B-6 District Dimensional Requirements (Existing Zoning)

Dimension	Min. front yard	Min. side and rear yards	Max. height	Max. FAR
Requirement	20 ft.	10 ft. / 20 ft. when adjoining a residential zone	3 stories / 40 ft.	0.50

Table 11 Light Industrial District Dimensional Requirements (Existing Zoning)

Dimension	Max. height	Max. building coverage
Requirement	35 ft.	65% of lot area

Table 12 Industrial District Dimensional Requirements (Existing Zoning)

Dimension	Max. height	Max. building coverage
Requirement	35 ft.	65% of lot area

Table 13 Specialized Senior Housing Facility District Dimensional Requirements (Existing Zoning)

Dimension	Min. lot size	Max. residential density	Min. lot width	Min. lot depth	Min. front yard	Min. rear yard	Min. side yard	Max. height	Min. unit size	Min. outdoor recreational open space	Max. building coverage
Requirement	2 acres	62 units per acre	100 ft.	400 ft.	55 ft.	75 ft.	25 ft. each	5 stories / 58 ft.	320 SF (single occupancy) / 200 SF per occupant (double occupancy)	5% of lot area	25% of lot area

Table 14 Residence B Dimensional Requirements (Existing Zoning)

Dimension	Min. lot size	Max. building area	Min. front yard	Max. pavement of front yard	Min. rear yard	Min. side yard	Max. height	Min. height	Min. floor area	Min. lot width
Requirement	6,000 SF	30% of lot area	30 ft.	40%	25 ft.	8 ft. (single)/ 18 ft. (combined)	30 ft.	20 ft.	1,000 SF	60 ft.

Table 15 Residence C Dimensional Requirements (Existing Zoning)

Dimension	Min. lot size	Max. building area	Min. front yard	Max. pavement of front yard	Min. rear yard	Min. side yard	Max. height	Min. height	Min. floor area	Min. lot width
Requirement – 2 family	7,500 SF	25% of lot area	25 ft.	40%	25 ft.	10 ft (single) /30 ft. (combined)	30 ft.	20 ft.	1,300 SF	75 ft.
Requirement – 1 family	4,000 SF	40% of lot area	25 ft.	40%	30 ft.	5 ft (single)/ 13 ft. (combined)	30 ft.	20 ft.	900 SF	40 ft.

Table 16 Schedule of Off-Street Parking Requirements (Existing Zoning)

Use	Minimum Required Off-Street Parking (spaces)
Single and two-family dwellings	2 per dwelling unit (DU)
Multifamily dwellings	1 per DU plus ½ per bedroom
Specialized senior housing facility	0.6 per DU
Retail or service business	1 per 200 SF of GFA on the ground floor and 1 per 250 SF of GFA on other floors
Business or professional office, financial institution	1 per employee, but not less than 1 per 250 SF of GFA
Restaurant	1 per 50 SF of GFA, or 1 per 3 seats, whichever requirement is greater, and, in addition thereto, where counter service is provided, such additional parking as may be required by the reviewing authority
Cabaret or bar	1 per 50 SF of GFA, or 1 per each 3 seats, whichever requirement is greater and, in addition thereto, where counter service is provided, such additional parking as may be required by the reviewing authority
Theater, auditorium, stadium or other place of public assembly, including a place of worship	1 per 3 fixed seats or 1 per 50 SF of GFA, whichever requirement is greater
Light industry and manufacturing	1 per person employed on the maximum shift, or 1 per 300 SF of GFA, whichever requirement is greater
Wholesale or other similar commercial use	1 per person employed on the maximum shift, or 1 per 800 SF of GFA, whichever requirement is greater
Warehousing, storage or utility use	1 per person employed on the maximum shift, or 1 per 2,500 SF of GFA, whichever requirement is greater

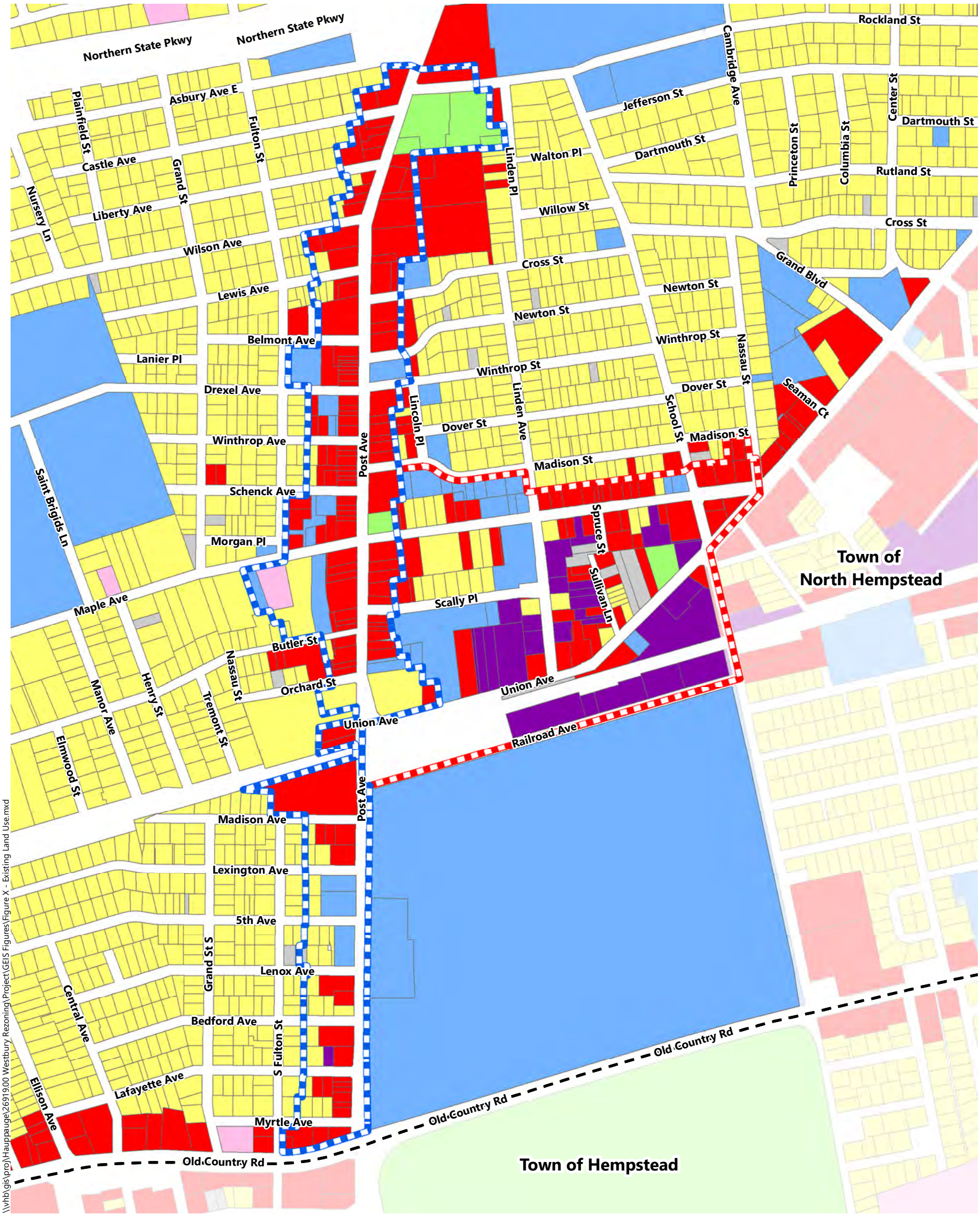
2017 Limited Land Use Moratorium of the Village of Westbury

In May 2017, the Board of Trustees enacted a moratorium to prevent new development which would be inconsistent with the Village's long-term development goals. This moratorium, which has been subject to renewal in two-month increments, is intended to remain in effect until the zoning revisions under consideration are adopted. The moratorium effectively places a halt on all land use applications throughout the Rezoning Areas, including, but not limited to: building permits, demolition permits, conversions of use, special use permits, site plan review, subdivision applications, variance applications or other matter before the ZBA, and all pending applications which have not received final approvals, authorization or permits from the Village. Exemptions to the moratorium are allowed in the case of interior renovations, applications for sign permits, electrical permits, or plumbing permits unless associated with the redevelopment of a property within the Rezoning Areas. The moratorium also grants the Board of Trustees discretion to provide relief from the moratorium's restrictions in cases of extraordinary hardship or circumstances which would deprive a property owner of the reasonable use of his or her land.

3.1.1.2 Land Use

To document existing land uses and community character within the Rezoning Areas, VHB conducted a field survey on March 18, 2019. Photographs from this field survey are presented in Appendix E of this DGEIS, and key photographs are included within the text to support the narrative. Additionally, relevant descriptions from the *DRI Plan* are referenced. Data maintained by Nassau County have been used to create a map (Figure 5) showing existing land uses within, and in the immediate vicinity of, the Rezoning Areas. These data have also been compiled to assess the RWCDS (Table 1 in Section 2.5 and Appendix D). Table 17 below, presents a summary of the existing land uses within the Rezoning Areas.

FIGURE 5



\\vhb\gis\proj\Hauppauge\2691900 Westbury Rezoning\Project\GEIS Figures\Figure X - Existing Land Use.mxd

0 250 500 1000 Feet

Post Avenue Rezoning Area

Maple Union Triangle Rezoning Area

Land Uses

- Commercial
- Community Services and Facilities
- Industrial
- Utilities
- Recreation and Open Space
- Residential
- Vacant

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Existing Land Use

Incorporated Village of Westbury
Nassau County, New York

Sources: Village of Westbury;
NYSITS GIS Program Office, 2018;

Table 17 Existing Land Use Summary

Land Use	Existing Conditions
Residential	
Maple Union Residential SF (Units)	127,637 SF (122 units)
Post Avenue Residential SF (Units)	369,538 SF (422 units)
Total Residential SF (Units)	**497,175 SF (544 units)**
Commercial (Retail and Office)	
Maple Union Commercial SF	183,831 SF
Post Avenue Commercial SF	411,717 SF
Total Commercial SF	**595,548 SF**
Industrial	
Maple Union Industrial SF	307,606 SF
Post Avenue Industrial SF	16,958 SF
Total Industrial SF	**324,564 SF**
Community Facility and Other	
Maple Union Community Fac. and Other SF	46,753 SF
Post Avenue Community Fac. and Other SF	53,592 SF
Total Community Fac. and Other SF	100,705 SF
Total Floor Area	***1,517,992 SF***

As shown in Table 17, existing residential development in the Post Avenue Rezoning Area exceeds that in the Maple Union Triangle Rezoning Area, both in terms of total floor area and the number of residential units. Similarly, there is far more commercial development in the Post Avenue Rezoning Area, reflecting its prominence as the Village's "main street." As expected, the Maple Union Triangle Area contains the vast majority of existing industrial uses. Community facilities and other land uses are split almost evenly between the two Rezoning Areas. Attachments A, C and D, of the

RWCDS in Appendix D of this DGEIS provide a breakdown of existing land uses by dividing the Rezoning Areas into geographic "blocks." These blocks are discussed in further detail in the "potential impacts" discussion in Section 3.1.2, below.

As seen in the land use data and reflected in Figure 5, the Village is primarily a residential community with commercial uses concentrated along Post Avenue and Old Country Road and industrial uses concentrated in the Maple Union Triangle. According to the *DRI Plan*,

> *[s]ingle family housing is the most common type of residential land use in the Village. However, in the past decade, 400 multifamily residential (condominium and apartment) units have been developed in or adjacent to the DRI study area, which contribute to a total of more than 800 multi-family residential units in the Village. Additionally, there is a relatively small number of parcels in the Village that contain mixed residential and commercial uses—located exclusively along the Post Avenue corridor* (pp. 12-14).

A more detailed description of existing land uses in both Rezoning Areas is presented below.

Post Avenue Rezoning Area

The Post Avenue corridor is a compact and walkable downtown main street. As described in the *DRI Plan,* "the retail environment is predominantly comprised of locally-owned, service-oriented retailers, with a number of doctors' offices and hair and nail salons" (p. iii). More specifically, as summarized in the *DRI Plan*, data from the Westbury Business Improvement District (BID) indicates that,

> *more than 50% of ground floor retail spaces in the BID are dedicated to service-oriented businesses including medical offices, professional services such as lawyers, real estate brokerage firms, insurance sales, and retail services such as hair and nail salons and dry cleaners. These businesses are likely to serve clients by appointment and do not encourage foot traffic on Post Avenue.*
>
> *Approximately 20% of ground floor establishments are dedicated to food and beverage services, including one midsize grocery store on Post Avenue. Slightly less than 20% of businesses are retail stores selling dry goods, clothing, and shoes* (p. 26).

Post Avenue Rezoning Area – Residential

There are approximately 422 multifamily residential units in the Post Avenue Rezoning Area. These units are typically found in single-use, multi-story buildings, and to a lesser extent, on the upper floors of mixed-use multi-story buildings.

Three-story apartment building with ground floor commercial space at intersection of Post and Lewis Avenues.

Six-story condominium building along Maple Avenue, west of Post Avenue.

Two-story mixed use building with apartments on the second floor along Post Avenue, south of Maple Avenue.

Three-story apartment building at the intersection of Post Avenue and Orchard Street.

Three-to-five-story condominium building at the intersection of Post and Union Avenues.

Seven-story condominium building at 135 Post Avenue (west of Post Avenue Rezoning Area).

Post Avenue Rezoning Area – Commercial

There are approximately 411,717 SF of commercial floor area in the Post Avenue Rezoning Area. As mentioned above, the ground floor commercial spaces consist of approximately 50% service-oriented businesses (e.g., business offices, medical offices, personal services), with approximately 20% food and beverage and 20% dry retail uses. Commercial uses are found in single-use buildings with on-site parking as well as in mixed-use buildings utilizing shared on- and off-street parking.

Grocery store on Post Avenue, north of Cross Street.

Office building and various commercial uses along Post Avenue, south of Cross Street.

The Space at Westbury Theater, on Post Avenue between Winthrop Street and Newton Street.

Various commercial uses along Post Avenue, south of Winthrop Avenue.

Pharmacy building on Post Avenue, south of Madison Street.

Post Avenue Rezoning Area – Industrial

There is only approximately 16,958 SF of industrial space throughout the Post Avenue Rezoning Area. These uses include scattered small light industrial shops that do not directly front on Post Avenue but are accessible via side streets.

Post Avenue Rezoning Area – Community Facility and Other

The main community facilities that are located in the Post Avenue Rezoning Area include the Westbury Community and Recreation Center at the northern end of the corridor, and Piazza Ernesto Strada, on the northeast corner of Post and Maple Avenues.

Village of Westbury Community and Recreation Center.

Piazza Ernesto Strada.

Maple Union Triangle Rezoning Area

As described in the *DRI Plan*, this area is "currently occupied by surface parking, construction, automotive, and other light industrial uses" (p. iii). The industrial uses are most prevalent in the southeastern portion of the Maple Union Triangle Rezoning Area, while along Maple Avenue and Scally Place, there are residential, commercial and community facility uses. The result of this land use pattern is a disjointed neighborhood where conflicting land uses are in close proximity with no effective buffer to limit spillovers (e.g., noise, truck traffic, air quality) from the industrial area into the residential/commercial area.

Maple Union Triangle Rezoning Area – Residential

Residential uses are scattered throughout the Maple Union Triangle, and are generally inconsistent with the otherwise industrial nature of the area. Particularly, there are residences located along Union Avenue (multi-family), Scally Place (single-family), Maple Avenue (single- and multi-family) and Sullivan Lane (single-family).

Residences along the north side of Scally Place.

Residences along the north side of Union Avenue, east of Linden Avenue.

Residences along the east side of Sullivan Lane.

Maple Union Triangle Rezoning Area – Commercial

There are approximately 183,831 SF of commercial floor area in the Maple Union Triangle Rezoning Area. These uses are most prominent along School Street and Maple Avenue, east of Linden Avenue, where there are delis, small offices and retail and service shops. Other commercial uses are interspersed throughout the area among industrial and residential uses.

Commercial uses along the south side of Maple Avenue, east of Linden Avenue.

Strip commercial center on the west side of School Street, south of Maple Avenue.

Maple Union Triangle Rezoning Area – Industrial

Industrial land uses are the most common use by floor area in the Maple Union Triangle, comprising approximately 307,606 SF of building area. The industrial land uses are concentrated for the most part in the southeastern portion of the Maple Union Triangle. These uses generally consist of distribution warehouses, storage facilities, automobile repair shops, and outdoor construction yards. In some instances, these uses are directly adjacent to residences.

Storage facility along the north side of Railroad Avenue.

Warehouses along the north side of Railroad Avenue.

Outdoor construction yard along Spruce Street.

Mingling of industrial and residential uses along Sullivan Lane.

Maple Union Triangle Rezoning Area – Community Facilities and Other

The community facilities that are present in the Maple Union Triangle include churches, a post office, the Westbury Military Historical Collection (which is housed in the rededicated VFW Post #945 building) and the Westbury Fire Department. These uses are primarily situated along Maple Avenue.

Bethel A.M.E. Church on Maple Avenue.

Fraternal organization and Fire Department buildings along the north side of Maple Avenue, west of Linden Avenue.

3.1.1.3 Relevant Land Use Plans

Village of Westbury Comprehensive Plan (2003)

The Village of Westbury *Comprehensive Plan* (the "*2003 Comprehensive Plan'*) was adopted in 2003 with a mission to "identify and address land use related issues in the Village and provide recommendations for future growth and change" (Introduction). The *2003 Comprehensive Plan* was the Village's first comprehensive planning effort since the adoption of its previous Master Plan in 1963 and responded to changes that had occurred in the Village during the previous 40 years – slowing population growth, a predominantly built-up community with stable residential neighborhoods and little room for growth. It was intended to "[address] issues such as redevelopment and zoning adjustments, which are more in character with the potential changes which may occur in the Village" (Introduction). The four major components of the *2003 Comprehensive Plan* are: (1) analysis of demographic and social conditions; (2) Village-wide planning goals and objectives; (3) planning proposals for specific areas; and, (4) implementation mechanisms and a schedule that will provide assistance to guide future planning actions in the Village.

The *2003 Comprehensive Plan* identifies an existing land use pattern that generally remains relevant:

> *…mostly residential neighborhoods, with business and industrial uses concentrated along major arterial roads. The downtown, or main business center, is located along Post Avenue, with secondary spines along Old Country Road and parts of Maple Avenue. A mixture of light industrial and commercial uses is concentrated along Union Avenue towards its intersection with Post Avenue… Potential changes in the Village will be primarily restricted to redevelopment, opportunities for which will arise as the housing stock ages, or if significant growth pressures are observed (pp. II-1 and II-2).*

Regarding socioeconomic conditions, the *2003 Comprehensive Plan* notes that the Village's population grew quickly as Long Island suburbanized between 1950 and 1970, after which there has been a slower, steady population decline, leveling off around the year 2000. The population of the Village is noted as being "significantly more diverse than the population of Nassau County", with a higher percentage of minority residents than throughout the County (p. II-4). It is also noted in the *2003 Comprehensive Plan* that the Village's mean household income at the time was about 16% less than that of Nassau County overall.

With regard to the housing stock, in 2003, the Village had a slightly higher percentage of rental units (22.5%) than Nassau County (19.2%), though vacancy rates were similar in the Village and the County (1.6% and 2.3%, respectively) (p. II-6). As many of the houses age, the need for additional renovations or replacements will become greater (p. II-7). Of note, with regard to the makeup of the Village's housing stock, the *2003 Comprehensive Plan* states,

> *The Nassau County Comprehensive Plan anticipates a greater number of smaller households in the future including young and older singles, couples without children at home, and single-parent families as well as traditional two parent households with smaller number of children (similar to national trends) indicating the need for a diversified housing stock. In Westbury's case, most existing residential units are detached single-family homes. However, among the single-family homes there exists a mixture of old and new housing with varying sizes and densities which may be able to satisfy the needs of smaller families that may be looking to move to the area (p. II-8).*

Within the *2003 Comprehensive Plan*, several areas are identified as being subject to changes in land use due to "reasons that could include change of ownership, pressures from surrounding land uses or inconsistency between existing zoning and use" (p. II-11). Of these areas subject to change, the following are within the Study Areas:

- Post Avenue Business Area
- Scally Place Residential Area
- Sullivan Lane Residential Area
- Union Avenue Business Area

The *2003 Comprehensive Plan* goes on to identify specific strategies to address the identified issues within these and other areas. In addition to the areas subject to change described above, the *2003 Comprehensive Plan* lists several Village-wide issues pertaining to land use and zoning, housing and neighborhoods, the downtown, open space, traffic corridors and community facilities. In light of these issues, several Village-wide planning goals are set forth.

Finally, implementation methods, including zoning amendments, acquisitions and physical improvements, as well as tools for achieving the recommended strategies,

including urban renewal, capital budget, business improvement district, community development block grant and private development are described.

The relevant area-specific and Village-wide issues, planning goals and recommended strategies are described in Section 3.1.2, below, along with the consistency of the Proposed Action therewith.

DRI Plan (2017)

Refer to Section 2.3.2 of this DGEIS for a discussion of the relevant goals of the *DRI Plan*. The Proposed Action is a direct result of the *DRI Plan* and is one of the key projects identified therein to achieve the vision for the future of the Village.

3.1.1.4 Community Character

Community character encompasses a number of different categories of potential environmental impacts that may affect the surrounding community identity, including: land use, visual characteristics and urban design, cultural resources, socioeconomic conditions, traffic, and noise. However, not all these elements affect community character in all cases; a neighborhood usually draws its distinctive character from a few determining elements. This section examines the existing character, and later in this chapter, the effects of the Proposed Action on the community's character are examined.

The character of the Rezoning Areas can be succinctly described as a compact, walkable downtown main street for the Post Avenue Rezoning Area, and as a hodgepodge of industrial and residential uses without a coherent identity in the Maple Union Triangle Rezoning Area. The Post Avenue Rezoning Area is at the center of the Village's cultural life, with amenities such as the Westbury Community and Recreation Center, The Space at Westbury Theater and Piazza Ernesto Strada. Meanwhile, the Maple Union Triangle Rezoning Area, while more focused on industrial activity, is not without a cultural life of its own, as features such as the former VFW Post #945 (now owned by the Village with plans to create a local museum), several local fraternal or religiously oriented clubs or societies, and the Bethel A.M.E. church are located within this area.

Both Rezoning Areas are largely built-up with virtually no undeveloped land remaining. They share the advantage of being easily accessible by major roadways and the LIRR, and are within walking distance of the surrounding residential neighborhoods. As a mixed-use corridor, the Post Avenue Rezoning Area is activated at different times of day and week by different uses (e.g., nighttime and weekend activity due to the presence of restaurants and bars) while the Maple Union Triangle is primarily active during normal working hours and during the day on weekends.

The visual character of each Rezoning Area, discussed in more detail in Section 3.4.1 of this DGEIS, is not cohesive. The Post Avenue Rezoning Area features buildings of various architectural styles and heights ranging from one-to-six stories. There is limited vegetation along the corridor including sparse street trees, and pedestrian

amenities such as benches are infrequent. Some older buildings are showing their age in poor physical condition while others provide a sense of history in a positive manner. The newer buildings tend to be larger in scale. As described in the *DRI Plan*,

> *Post Avenue presents an eclectic character, with little consistency in architectural style. Differences in building form have created an uneven street wall… The pedestrian environment on Post Avenue includes several other challenges associated with safe and east navigation. Many sidewalks are narrow and offer limited amenities such as trees, benches, and bike racks. Some areas also lack crosswalks or pedestrian signals (p. iv).*

Meanwhile, the industrial nature of the Maple Union Triangle leaves much to be desired in terms of aesthetic quality. Many of the non-industrial buildings are clearly aging and are dwarfed by surrounding warehouses and other industrial structures.

In terms of noise and traffic (which are linked), both Rezoning Areas are subject to frequent train passes and heavy vehicular traffic on the main arteries. Large trucks frequently move in and out of the warehouses along Union Avenue and construction vehicles on the interior of the Maple Union Triangle Rezoning Area (between Spruce Street and Sullivan Lane) operate in close proximity to residential uses.

South of the LIRR tracks, the Post Avenue Rezoning Area becomes less densely developed, eventually transitioning to a commercial highway corridor as it meets Old Country Road. The reduced density is accompanied by lower noise levels and more open space as the Cemetery of the Holy Rood and St. Brigid Catholic Church occupy the entirety of the east side of Post Avenue between Railroad Avenue and Old Country Road.

Socioeconomic characteristics are discussed in detail in Section 3.3.1 of this DGEIS, though it is noted here that the Village is younger, less wealthy, and more ethnically diverse than Nassau County which are significant contributors to the character of the Village and what makes it distinct from other surrounding downtowns.

3.1.2 Probable Impacts of the Proposed Action

3.1.2.1 Zoning

The Proposed Action includes amendments to the Zoning Code to achieve the Village's goals described in the *DRI Plan*. As briefly discussed in Section 2.4 the proposed zoning amendments include the creation of a new MU District in the Maple Union Triangle Rezoning Area to encourage the transition from a mostly industrial area to an area that accommodates transit-oriented development that would leverage the LIRR Expansion Project investment, better connect the LIRR Station to the downtown, and add residential density to support additional commercial activity. Creation of the MU District and its placement on parcels within the Maple Union Triangle would prompt the discontinuation of the Light Industrial and Industrial Districts.

The proposed zoning amendments also entail minor revisions to the Business districts in the Post Avenue Rezoning Area to allow for increased sidewalk width to allow for increased pedestrian amenities, streetscape/street furniture and public landscaping (see Appendix C).

The proposed zoning amendments would also affect several miscellaneous Zoning Code sections to create consistency throughout the Zoning Code with the proposed amendments to the Rezoning Areas. These amendments would include changes to: the restrictions on adult use locations; the regulations for nonconforming uses; exceptions to zoning regulations; requirements for courts, setbacks, garages, gasoline service stations, parking, and signs; and regulations for conflicts with other zoning provisions; and requirements for site development plans.

Following is a discussion of the proposed zoning amendments and an analysis of their potential impacts.

MU District

The proposed MU District regulations includes three key components: (1) establishment of seven sub-districts with use and dimensional requirements; (2) incentive zoning procedures; and (3) affordable workforce housing requirements. Each of these components is discussed below.

The MU District includes seven sub-districts with varying degrees of use and dimensional regulations: MU-R1, MU-R2, MU-R3, MU-R4, MU-R5, MU-R6 and MU-R7 (Figure 3). These sub-districts would replace the existing zoning districts in the Maple Union Triangle Rezoning Area described in Section 2.4 and shown on Figure 4, which includes an uncoordinated mix of industrial and business districts. The Light Industrial and Industrial districts would be discontinued in the Zoning Code, and remain only for reference pertaining to pre-existing legal non-conforming uses. The MU District would allow for a coordinated mix of TODs at densities that would support the Village's goals for downtown revitalization (e.g., increased economic activity, housing options, types and sizes, walkability, elimination of incompatible uses, aesthetic enhancement) without overwhelming the surrounding single-family residential areas with excessive building heights, large increases in traffic, or other potentially significant adverse impacts discussed throughout this DGEIS. Generally, the sub-districts would be arranged such that the highest intensity of development would be permitted in the area immediately surrounding the LIRR ROW with gradual decreases in permitted intensity moving north toward the single-family residential neighborhood.

Dimensional Regulations

The proposed dimensional regulations for the MU District, as shown in Table 18, below, set forth restrictions on minimum plot area per dwelling unit (i.e., density); minimum plot width for dwellings; maximum building coverage; maximum building height (with and without development bonuses); minimum yard dimensions; and minimum floor area for dwellings.

Table 18 MU District Schedule of Regulations

District	Classifications (Refer to Article XXXIX for uses and other regulations)	Minimum Plot Area (square feet) per Dwelling Unit	Minimum Plot width for Dwellings (feet)	Maximum Building Coverage of Plot (%)	Maximum Height of Building Without Bonuses		Maximum Height of Building With Bonuses		Minimum Yard Dimensions			Minimum Floor Area for Dwellings (square feet of clear floor area)
					(stories)	(feet)	(stories)	(feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	
MU-RI	Multiple dwelling residential (See § 248-351 for uses etc.)	1480	100	30[1]	3	40	3	40	0	10 feet[2]	0	Micro 350 Studio 550 One bedroom 750 Two bedroom 950 Three bedroom 1150
MU-R2	Mixed use Multiple dwelling residential (See § 248-352 for uses etc.)	1110	100	40[1]	3	40	3	40	0	10 feet[2]	10 feet[2]	Micro 350 Studio 550 One bedroom 750 Two bedroom 950 Three bedroom 1150
MU-R3	Multiple dwelling residential (See § 248-353 for uses etc.)	740	100	40[1]	3	40	4	50	0	0	0	Micro 350 Studio 550 One bedroom 750 Two bedroom 950 Three bedroom 1150
MU-R4	Mixed use Multiple dwelling residential (See § 248-354 for uses etc.)	430	100	50[1]	3	40	5	65	0	0	0	Micro 350 Studio 550 One bedroom 750 Two bedroom 950 Three bedroom 1150
MU-R5	Mixed use Multiple dwelling residential (See § 248-355 for uses etc.)	430	100	50[1]	3	40	5	65	0	0	0	Micro 350 Studio 550 One bedroom 750 Two bedroom 950 Three bedroom 1150
MU-R6	Mixed use Multiple dwelling residential (See § 248-356 for uses etc.)	430	100	50[1]	3	40	5	65	0	0	0	Micro 350 Studio 550 One bedroom 750 Two bedroom 950 Three bedroom 1150
MU-R7	Mixed use Multiple dwelling residential (See § 248-357 for uses etc.)	740	100	40[1]	3	40	4	50	0	0	0	Micro 350 Studio 550 One bedroom 750 Two bedroom 950 Three bedroom 1150

[1] Variances for maximum building coverage of plot may be granted at the discretion of the Board of Trustees as a development bonus (See § 248-359).

[2] Increased to twenty (20) feet if adjoining residential district.

MU-R1 Sub-District

The MU-R1 sub-district would be located in the northwestern portion of the Maple Union Triangle Rezoning Area, on the south side of Madison Street, west of Linden Avenue. Current zoning in the proposed MU-R1 sub-district includes a 50-foot sliver of B-2 at the western edge in the Rite-Aid Pharmacy parking lot, and a 150-foot un-zoned municipal parcel, with B-1 zoning stretching to Linden Avenue. The Village parking lot south of the intersection of Madison Street and Lincoln Avenue does not have a zoning designation. The MU-R1 sub-district would be the most restrictive of the sub-districts, allowing only attached housing and townhouses as principal uses, while only allowing places of worship or cellular towers/antennas with a special use permit; no commercial uses would be permitted in this subdistrict (including on the ground floor of attached housing and townhouses).[9]

As shown in the MU District zoning table above, the MU-R1 sub-district would be the least dense in the MU District, requiring 1,480 SF of plot area per dwelling unit (i.e., up to 29 units per acre) and a maximum 30% allowable lot area coverage. No height bonuses would be permitted beyond the as-of-right three stories / 40 feet in the MU-R1 sub-district.

These use and dimensional restrictions would ensure future development along this stretch that is contextual with the single-family neighborhood on the north side of Madison Street.

MU-R2 Sub-District

The MU-R2 sub-district would be located in the northern portion of the Maple Union Triangle Rezoning Area, along the north side of Maple Avenue, west of Nassau Street. Current zoning in the proposed MU-R2 sub-district is predominantly B-1, with a sliver of Residence B in a parking area on the south side of Madison Street, west of Nassau Street. The MU-R2 sub-district is intended to function as a mixed-use district providing both commercial and residential development along Maple Avenue. To this end, in addition to the attached housing and townhouses in the MU-R1 sub-district, MU-R2 would allow multiple dwellings as principal uses, with the requirement that all new buildings with multiple dwellings provide at least 50% of their minimum required finished ground floor area for commercial use fronting on a street. The permitted commercial uses, which would include a wide range of retail, service and small food/beverage uses, would only be permitted on the ground floor of new buildings. Additionally, MU-R2 would allow bars, larger restaurants, cabarets, cigar bars, hotels, religious uses, cellular towers/antennas and other uses with a special use permit at the discretion of the Board of Trustees.

As shown in the MU District zoning table above, the MU-R2 sub-district would require a minimum plot area of 1,110 SF per dwelling unit (i.e., up to 39 units per

[9] Ground floor commercial space is prohibited in all attached housing and townhouses in all MU sub-districts. It is only permitted in buildings with multiple dwellings on the upper floors.

acre) and a maximum building coverage of 40%. No height bonuses would be permitted beyond the as-of-right three stories / 40 feet in the MU-R2 sub-district.

These regulations are designed to ensure that future development along Maple Avenue takes the form of a walkable downtown main street, similar to current conditions, but with added flexibility to accommodate modern real estate demands.

MU-R3 Sub-District

The MU-R3 sub-district would be located in the western portion of the Maple Union Triangle Rezoning Area, generally along Scally Place, west of Linden Avenue, with limited frontage on Maple Avenue as well. Current zoning in the proposed MU-R3 sub-district includes B-1 and B-2 districts; while the portion of the proposed sub-district fronting the south side of Scally Place contains a Village parking lot without a zoning designation. This sub-district would allow only residential uses (i.e., attached housing, townhouses, multiple dwellings) and would not permit special uses other than places of worship or cellular towers/antennas. Multiple dwelling uses would be required to provide a ground floor area of at least 50% of the area of the second floor, with such finished ground floor area required to front on a street.

As shown in Table 18, the MU District zoning table above, the MU-R3 sub-district would require a minimum plot area of 740 SF per dwelling unit (i.e., up to 58 units per acre) and a maximum building coverage of 40%. The incentive zoning program would allow height increases from the as-of-right three stories / 40 feet to four stories / 50 feet, in exchange for public benefits.

These regulations are intended to allow development that is contextual with the existing townhouses along the south side of Maple Avenue, and to provide additional residential capacity to support businesses along Post and Maple Avenues.

MU-R4 Sub-District

The MU-R4 sub-district would be located in the southern and southeastern portions of the Maple Union Triangle Rezoning Area, between Union Avenue and the LIRR ROW and between Railroad Avenue and the LIRR ROW. Current zoning in the proposed MU-R4 sub-district includes the Industrial district, which would be entirely replaced by the new zoning. No new development under the Industrial district would be permitted; however, pre-existing legal non-conforming uses would be allowed to continue. Permitted uses within this sub-district would be the same as in the MU-R2 sub-district: attached housing and townhouses, multiple dwellings and a range of ground-floor commercial uses on up to 50% of the minimum finished ground floor area of multiple dwelling buildings provided that the commercial uses front on a street. In addition to the MU-R2 uses, the MU-R4 sub-district would permit adult uses, subject to additional restrictions. Special use permit uses in the MU-R4 sub-district would be the same as in the MU-R2 sub-district (i.e., bars, larger restaurants, cabarets, cigar bars, hotels, religious uses, cellular towers/antennas and other uses at the discretion of the Board of Trustees). As the MU-R4 sub-district

would replace the existing Industrial district, it would foster the transition of this area away from industrial uses toward mixed-use TODs with increased density.

As shown in the MU District zoning table above, the MU-R4 sub-district would require a minimum plot area of 430 SF per dwelling unit (i.e., approximately 101 units per acre) and a maximum building coverage of 50%. The incentive zoning program would allow height increases from the as-of-right three stories / 40 feet to five stories / 65 feet, in exchange for the provision of public benefits.

MU-R5 Sub-District

The MU-R5 sub-district would cover the central portion of the proposed Maple Union TOD District, situated between the LIRR ROW and Maple Avenue in areas currently zoned Light Industrial, B-3 and Residence Parking, including the Village's northern LIRR commuter lot (and garage under construction) which does not have a zoning designation. This new zoning would prohibit new development under the former regulations of the Light Industrial and B-3 districts, while allowing pre-existing legal non-conforming uses in these districts to continue. Permitted uses within this sub-district would be the same as in the MU-R2 sub-district: attached housing and townhouses, multiple dwellings and a range of ground-floor commercial uses on up to 50% of the minimum finished ground floor area of multiple dwelling buildings provided that the commercial uses front on a street. In addition, the MU-R5 sub-district would allow bars, larger restaurants, cabarets, cigar bars, hotels, religious uses, cellular towers/antennas and other uses with a special use permit at the discretion of the Board of Trustees.

As shown in the MU District zoning table above, the MU-R5 sub-district would require a minimum plot area of 430 SF per dwelling unit (i.e., up to 101 units per acre) and a maximum building coverage of 50%. The incentive zoning program would allow height increases from the as-of-right three stories / 40 feet to five stories / 65 feet, in exchange for the provision of public benefits.

MU-R6 Sub-District

The MU-R6 sub-district would be confined to the southwest corner of the Maple Union Triangle Rezoning Area, bounded by Post Avenue, the LIRR ROW, Railroad Avenue and the future Village parking garage in the southern commuter parking lot. This area currently does not have a Village zoning designation. Principal permitted use regulations would be the same as in the MU-R2 sub-district, allowing for a mix of residential and commercial buildings; however, up to 100% of the minimum finished ground floor are of multiple dwelling buildings would be allowed for commercial uses, provided that all commercial uses front on a street. Special use permitted uses would allow bars, larger restaurants, cabarets, cigar bars, hotels, religious uses, cellular towers/antennas and other uses with a special permit at the discretion of the Board of Trustees.

As shown in the table above, the MU-R6 sub-district would require a minimum plot area of 430 SF per dwelling unit (i.e., up to 101 units per acre) and a maximum

building coverage of 40%. The incentive zoning program would allow height increases from the as-of-right three stories / 40 feet to five stories / 65 feet, in exchange for the provision of public benefits.

MU-R7 Sub-District

The MU-R7 sub-district would be situated along the south side of Maple Avenue in an area currently zoned B-1, B-2, B-3 and B-6. Principal permitted use regulations would be the same as in the MU-R2 sub-district, allowing for a mix of residential uses, as well as mixed-use multiple dwelling buildings requiring 50% of the minimum ground finished ground floor area to be commercial use fronting on a street, with residences above. Special use permit uses would allow bars, larger restaurants, cabarets, cigar bars, hotels, religious uses, cellular towers/antennas and other uses with a special permit at the discretion of the Board of Trustees. The MU-R7 sub-district is intended to complement the MU-R2 sub-district to form a mixed-use corridor along Maple Avenue.

As shown in the MU District zoning table above, the MU-R7 sub-district would require a minimum plot area of 740 SF per dwelling unit (i.e., up to 58 units per acre) and a maximum building coverage of 40%. The incentive zoning program would allow height increases from the as-of-right three stories / 40 feet to four stories / 50 feet, in exchange for the provision of public benefits.

Incentive Zoning Procedures

Another key component of the MU District is the inclusion of incentive zoning procedures. Such procedures would encourage developers to provide certain specified "public benefits" in exchange for "development bonuses." The incentive zoning procedures would serve as a tool for the Board of Trustees to use its broad discretion, with public input, to allow case-by-case density, height and plot coverage bonuses in the MU District, upon a determination that the public benefits to be provided would provide long-term benefits of greater value to the community than that of the potential impacts of the development bonuses granted.

The proposed zoning amendments, at § 248-359(B) set forth a non-exhaustive list of public benefits that the Board of Trustees would consider generally appropriate for the granting of development bonuses:

- Affordable housing units in excess of that required by § 699 of the General Municipal Law;
- Inclusion of microunits of no less than 350 square feet of clear floor area;
- Inclusion of Age-restricted units;
- Inclusion of Veteran preferential units;
- Off-site improvements to parks, open space, transit facilities, and streetscape within the Maple Union TOD District;
- Provision for social or cultural public benefits;
- Water and sewer system improvements;

- Additional off-street parking made available for public use;
- Public street crosswalks;
- Additional open space, enhancement of existing open space, and ecological restoration;
- Private or public recreational opportunities;
- Pedestrian or vehicular connector;
- Off-street passenger loading (for hotels, apartment, condominium, or housing cooperative buildings, etc.);
- Sidewalk canopy;
- Interior freight loading;
- Leadership in Energy and Environmental Design (LEED) certifications or similar standards;
- Subsurface, concourse or bridge connections to other buildings;
- Additional setback at grade, allowing for sidewalk widening or plaza with landscaping and/or unique paving design;
- Unique landscaping;
- Shared transportation;
- Cash contribution in lieu of the above; and
- Transfer of land to the Village to achieve the above goals.

Affordable Workforce Housing Requirements

Additionally, the proposed MU District regulations would include requirements for affordable workforce housing. These requirements would codify within the Zoning Code the requirements of § 699-b of the New York State General Municipal Law – the *Long Island Workforce Housing Act*. They would mandate that residential or mixed-use developments containing five or more residential units be required to set aside at least 10% of such units for "affordable workforce housing," which is defined as "housing for individuals or families at or below 80% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development." Consistent with the Long Island Workforce Housing Act, the proposed regulations would allow developers who are unable to provide the required affordable workforce housing on-site to make alternate provisions in the form of units built on other properties within the Village jurisdiction or payment of a fee (in accordance with GML § 699) to fund affordable workforce housing. Covenants and restrictions running with the land would be placed on all affordable workforce housing units to ensure that these units would remain affordable in perpetuity.

Miscellaneous Zoning Code Updates Related to MU District

As mentioned above, the proposed zoning amendments would also affect several miscellaneous Zoning Code sections to create consistency throughout the Zoning Code with the proposed amendments to the Rezoning Areas, including:

- The permitted location of adult uses would be updated from the Industrial District (which would be discontinued under the Proposed Action) to the MU-R4 subdistrict of the MU District. Since the MU-R4 sub-district is geographically identical to the existing Industrial District, this update would not shift the physical area where adult uses are permitted. A provision would also be added prohibiting adult uses within 400 feet of a place of worship or public or private school.
- The regulations for nonconforming uses would be updated to allow for the restoration of nonconforming uses provided less than 50% of the building square footage is not abandoned or destroyed. The current regulations set the limit at 50% of the structural value. Other minor language modifications are proposed, none of which would substantially alter the regulatory intent of the nonconforming use provisions; namely, to prevent the expansion of preexisting nonconforming uses.
- The language granting exceptions to the zoning conformity requirements for certain irregular lots would be updated to specify that same language is not applicable to the proposed MU District.
- The language that sets forth the dimensional requirements for courts would be updated to specify that same language is not applicable to the proposed MU District.
- The language permitting average building setbacks to prevail would be amended to exclude the B-1, B-2, B-4, and MU Districts. This amendment would ensure that future development in the Rezoning Areas meets the codified setback requirements for side and rear yards.
- The language regulating requirements for garages would be updated to exclude the proposed MU District.
- The language regulating gasoline service stations would be updated to prohibit such uses in the proposed MU District.
- The language requiring conformity with site development plan or special use permits for nonresidential uses between the hours of 10:00 p.m. and 7:00 a.m. would be updated to include such uses in the proposed MU District.
- The schedule of off-street parking requirements would be updated to revise the parking requirements for multiple dwellings (currently called 'multifamily dwellings') from 1 space for each dwelling unit plus 0.5 space per bedroom, to: 0.5 space per micro unit and studio unit; 1 space per one-bedroom unit; 1 space per bedroom per two-bedroom unit and 1 space per each additional bedroom thereafter; in no case shall any attached housing, townhouse or multiple dwelling residential unit have less than 1.1 spaces per unit across the entire building. See discussion regarding parking in Section 3.6.2 of this DGEIS.

- The parking requirements for retail or service buildings would be revised from 1 space for each 200 SF of gross floor area to 1 space for each 250 SF of gross floor area. This change would effectively reduce the retail and service facility parking requirements by 1 space for every 1,000 SF of gross floor area. See discussion regarding parking in Section 3.6.2 of this DGEIS.
- The parking requirements for restaurants would be revised from 1 space for each 50 SF of gross floor area, or 1 space for each 3 seats, to 1 space for each 100 SF of gross floor area or 1 space for each 5 seats. The reduced parking requirements for restaurants are intended to provide flexibility for developers in anticipation of the increased walkability of the downtown area. See discussion regarding parking in Section 3.6.2 of this DGEIS.
- The language regulating site development plans would be amended to exclude development within the proposed MU District.
- The language regulating signs would be amended to specify that the provisions for development in the MU District shall prevail in the event of any inconsistency with the existing signage regulations.

Zoning Amendments Affecting the Post Avenue Rezoning Area

While the proposed action involves wholesale changes to the zoning regulations in the Maple Union Triangle Rezoning Area, the changes proposed for the Post Avenue Rezoning Area are more limited. The Post Avenue Rezoning Area is the Village's existing primary business corridor and is primarily zoned for business uses (B-1, B-2, B-4, B-5), as well as Specialized Senior Housing Facility. These zoning classifications would not change under the proposed action. Rather, the B-1, B-2 and B-4 dimensional regulations would be updated to include a requirement that,

> *[a]ny new Building constructed shall set back from the property line sufficiently to allow for a sidewalk width of a minimum of twelve (12) feet and not greater than twenty (20) feet as measured from the face of the curb.*

This additional requirement is intended to tie new building developments along Post Avenue to improved pedestrian amenities and enhanced streetscapes. The current zoning requirements include no minimum front yard setback, requiring only that buildings in the B-1 and B-4 districts provide a front yard of "not less than 20 feet." The B-2 district currently has neither a minimum, nor a maximum, front yard requirement. Therefore, the addition of this sidewalk widening requirement would ensure that adequate space for pedestrian movement and streetscape amenities, including, for example, street furniture and street trees, is provided as business and residential activity increases in the general downtown area.

3.1.2.2 Land Use

As previously discussed, one of the principal goals of the Proposed Action is to implement zoning amendments that would enable the transformation of the Maple Union Triangle Rezoning Area from an uncoordinated mix of industrial, commercial and residential uses to an extension of the Village's downtown characterized by

TODs and public amenities. The transformation of the Maple Union Triangle Rezoning Area would lead to increased vitality along the existing downtown Post Avenue corridor, such that the two areas would co-exist to form one harmonious downtown area.

Section 2.5 of this DGEIS describes the expected RWCDS under the Proposed Action. The RWCDS is a theoretical analysis that applies the proposed zoning regulations to existing sites within the Rezoning Areas to determine what the potential impact of the Proposed Action would be in the year 2033 (i.e., 15 years from the baseline conditions in 2018) (Appendix D). The RWCDS reflects the fact that many sites in the Rezoning Areas are unlikely to be redeveloped under the Proposed Action due to a number of factors, including the nature of existing land uses (e.g., institutional, municipal, multifamily residential [including senior housing], recent [post-2010] construction or renovation). Thus, the increase in development under the RWCDS includes only sites that are considered Projected Development Sites, as described in Section 2.5. The remaining lots are considered to have either no future increased development potential or are Potential Development Sites that may have future increased development potential, but not within the 15-year RWCDS analysis period.

The RWCDS anticipates that most of the Projected Development Sites would be in the Maple Union Triangle Rezoning Area, with scattered Projected Development Sites in the Post Avenue Rezoning Area, mainly south of the LIRR ROW in the PB-3 block. It is important to note that the Projected and Potential Development Sites were chosen for analysis purposes only; no specific projects are currently proposed. Ultimately, it is possible that some of these sites would not undergo future development, while others that are not classified as such under the RWCDS presented in this analysis, would be developed under the new zoning. The RWCDS presents the best estimate of future conditions, in the aggregate, given existing conditions.

Maple Union Triangle Rezoning Area

There are no Projected Development Sites in the proposed MU-R1 sub-district, reflecting this block's existing development with municipal, Westbury Fire Department and community organization parking lots. Nearly all of the MU-R5 sub-district is expected to be redeveloped, as well as significant portions of the other sub-districts in the Maple Union Triangle Rezoning Area. Table 3 in Section 2.5 of this DGEIS, presents a comparison of the RWCDS with existing conditions and the No Action Alternative (which is discussed more fully in Section 6 of this DGEIS). It is noted that redevelopment of properties within the Maple Union Triangle is expected to occur under the No Action alternative to the year 2033 build-out based on the existing zoning of the area; however, such development would consist of more industrial and commercial space and fewer residential units in this area (see discussion below).

The most significant land use impact anticipated under the proposed action would be the gradual reduction of industrial uses in the Maple Union Triangle Rezoning

Area. It is expected that 162,468± SF of existing industrial development would be eliminated from the Maple Union Triangle Rezoning Area by 2033. It is also expected that 7,636± SF of existing commercial development would be eliminated from the Maple Union Triangle Rezoning Area by 2033. The losses of existing industrial and commercial development would be accompanied by a substantial increase in residential development in the Maple Union Triangle Rezoning Area of 1,325,494± SF (1,496± additional residential units).

As discussed in the Zoning subsection above, the proposed zoning amendments would allow ground-floor commercial uses in each of the MU sub-districts except for MU-R1 (south of Madison Street and west of Linden Avenue) and MU-R3 (south of Maple Avenue, west of Linden Avenue, and along Scally Place), where only residential uses would be allowed. While a net reduction in commercial use in the Maple Union Triangle Rezoning area is expected, the proposed minimum ground floor commercial space requirements in the MU-R2 and MU-R7 sub-districts would ensure that any new development along Maple Avenue (and the small portions of School Street, Union Avenue and Nassau Street) in these two sub-districts, would include commercial uses on the street frontage to foster an active, vibrant downtown extension.

Residential development in the Maple Union Triangle Rezoning Area would be permitted in several forms: attached housing, townhouses and multiple dwellings (i.e., apartments, including microunits, and condominiums). The MU District regulations are notable in that they would not permit typical single-family residential uses found elsewhere in the Village and throughout Long Island. This is an intentional, crucial aspect of the proposed zoning amendments, as the Village is trying to meet demand for compact TODs close to the LIRR station and the Post Avenue corridor.

In addition, as shown in Table 3 in Section 2.5 of this DGEIS, no changes are anticipated in the amount of community facility and other land use types in the Maple Union Triangle Rezoning Area. Uses such as the Westbury Fire Department, U.S. Post Office, and religious and community organization uses (including places of worship), municipal parking, etc., would remain under the RWCDS.

Post Avenue Rezoning Area

As shown on Table 3, future anticipated land use changes in the Post Avenue Rezoning Area under the RWCDS are expected to be significantly less widespread than in the Maple Union Triangle Rezoning Area. Overall, as compared to existing conditions, it is expected that there would be an increase in the Post Avenue Rezoning Area of 71,206± SF (94 units) of residential development; a 45,008±-SF increase in commercial development; and no changes in industrial, community facilities and other land use types. Most of the anticipated new commercial and residential development is expected to occur on existing underdeveloped sites south of the LIRR ROW, in the B-4 district. However, all of this future development in the RWCDS is accounted for under the No Action Alternative, indicating that the

Proposed Action would not directly lead to increased development in the Post Avenue Rezoning Area. However, it should be noted that there is a potential for increased residential development in the Maple Union Triangle Rezoning Area to induce demand for commercial uses along Post Avenue through increased population and pedestrian activity. This induced demand could lead to infill development of existing vacancies along Post Avenue as well as redevelopment of existing buildings within the zoning parameters. Since no changes to permitted uses or dimensional requirements (aside from minimum and maximum sidewalk widths) are proposed along Post Avenue, future redevelopment under the RWCDS, in terms of total SF and residential units, would be the same as under the No Action Alternative.

Conclusion

When considering the RWCDS, it is important to note that the numbers given above represent net changes from 2018 existing conditions in 2033. However, as required and as noted above, this DGEIS also evaluates a No Action Alternative (see Section 2.5), which projects the anticipated future build-out of sites within the Rezoning Areas in 2033 under existing zoning regulations. The No Action Alternative scenario recognizes that there is existing unbuilt development potential on many sites throughout the Rezoning Areas. As such, a comparison of the future No Action scenario with the RWCDS yields a larger potential decrease in industrial development in the Maple Union Triangle Rezoning Area (-287,551± SF vs. -162,468± SF); a larger potential decrease in commercial development in the Maple Union Triangle Rezoning Area (-52,281± SF vs. -7,636± SF); and a smaller potential increase in residential development in the Maple Union Triangle Rezoning Area (+1,401± units vs. +1,496± units). There is no difference between the No Action Alternative and the RWCDS for each land use type in the Post Avenue Rezoning Area, reflecting the fact that the only proposed zoning amendments directly affecting the Post Avenue Rezoning Area would be the introduction of minimum and maximum sidewalks widths in the B-1, B-2 and B-4 districts.

The anticipated land use changes for the Rezoning Areas described above represent beneficial land use impacts, as these land use changes would be the future realization of the Village's long-term planning goals documented in the 2003 Comprehensive Plan and the *DRI Plan*, which was the impetus of the Proposed Action. See the subsection below for further discussion of the consistency of the Proposed Action with the 2003 Comprehensive Plan, and Section 2.3 for a discussion of the Proposed Action with respect to the *DRI Plan*.

3.1.2.3 Relevant Land Use Plans

As discussed above, the 2003 Comprehensive Plan identifies both Village-wide and area-specific issues, and goals and recommendations pertaining to these issues. The consistency of the Proposed Action with the relevant goals and recommendations is described below.

Village-Wide Issues & Goals:

- Land Use and Zoning Issues
  - There are a number of areas in the Village where the existing land uses are inconsistent with the underlying zoning.
  - There are a number of situations in the Village where the zoning districts which border each other allow conflicting land uses to locate in close proximity with insufficient buffers between them
- Land Use and Zoning Goals
  - Maintain and reinforce the existing land use pattern in the Village. Keep commercial and industrial development located predominantly along or near major traffic corridors, but strengthen buffers separating these uses from residential neighborhoods
  - Eliminate, where feasible, the inconsistencies that are present between some existing land uses and zoning.

As evidenced by the *DRI Plan*, the Village's land use and zoning goals have somewhat evolved over the years. It is no longer a priority for the Village to maintain industrial zoning in its existing location, as the land in the Maple Union Triangle Rezoning Area could be put to better use under a mixed-use zoning scheme more in line with current real estate trends and its proximity to the LIRR station. Under the Proposed Action, the existing commercial zoning along Post Avenue would be maintained, consistent with this goal. Furthermore, within the new MU District, the proposed sub-districts would be arranged such that there would be a gradual reduction of new building intensity closer to the surrounding residential neighborhoods. Existing industrial uses that would be rendered non-conforming by the new MU District zoning would be allowed to continue as pre-existing legal non-conforming uses. However, over time, the RWCDS predicts that, based on the proposed zoning amendments, industrial land uses in the Maple Union Triangle Rezoning Area would decrease by approximately 53%, in terms of total building SF. This is consistent with the Village's goal of eliminating inconsistencies between existing land uses and zoning.

- Housing and Neighborhoods Issues
  - There is relatively little diversity of form or lot size within Westbury's housing stock. Nearly all existing development comprises single and two family homes on small lots. There are some apartment buildings, but few alternate forms of housing such as cluster housing.

- There is very little vacant land available in the Village for new housing developments. A number of Westbury's neighborhoods are older with an established neighborhood fabric and aging housing stock. These neighborhoods face the possibility of redevelopment that could be inappropriate to the established neighborhood character.

› Housing and Neighborhoods Goals

- Adopt new regulatory measures such as zoning for senior housing and cluster zoning to encourage diversification of the existing housing stock in the Village.
- Preserve and enhance the fabric of existing neighborhoods through the rehabilitation of existing housing stock and providing opportunities for new construction that is compatible with the area.

The Proposed Action is consistent with these housing and neighborhoods goals in that it would enable housing stock diversification by allowing attached housing, townhomes and multiple dwelling units in the new MU District. Furthermore, the proposed incentive zoning provisions would include incentives for the provision of affordable workforce housing units in excess of the existing requirements, micro-units, age-restricted units, and veteran preferential units.

› Downtown Issues

- The downtown traditionally played a role of a center for Westbury's residents. Changes in of economic activity in the past few decades, primarily due to the growth of regional commercial centers and a change in shopping habits, has resulted in a change over that time in the economic activity in this center along Post Avenue.
- A number of vacant properties or redevelopment opportunities at strategic locations, such as the commuter parking lot along Railroad avenue, provide the opportunity to recreate a new vibrancy within the downtown. A failure to ensure appropriate new developments at these locations could result in the damaging of the physical and economic well-being of the downtown.
- Existing perceptions of parking shortages for shoppers and the real threat of commuter parking overflow into downtown parking areas can be detrimental to the ongoing downtown improvement efforts.

› Downtown Goals

- Continue on-going efforts aimed at aesthetic and economic improvements along the Post Avenue business corridor that will help re-establish it and strengthen it as a special place in Westbury.
- Increase public awareness of the Post Avenue business area by improving 'gateways' at key Post Avenue intersections.
- Retain and encourage commercial and mixed-use development along Post Avenue that helps re-establish the downtown area as a village center and

that does not compete with existing regional commercial uses along Old Country Road.

- Retain the walkability along Post Avenue and improve pedestrian links with the adjacent residential neighborhoods that will help avoid additional vehicular traffic in the downtown area.
- Improve parking conditions in the downtown area by creating a consolidated parking plan along with appropriate signage providing information about various parking locations. Also, improve commuter parking conditions to reduce overflow into the surrounding areas.

The downtown goals listed above align with those expressed in the *DRI Plan*. The Proposed Action, through implementation of mixed-use zoning in the Maple Union Triangle Rezoning Area, incentive zoning provisions, and sidewalk widening and build-to provisions in the Post Avenue Rezoning Area, is intended to meet the Village's goals for a thriving, walkable downtown.

› Open Space Goals

- Preserve existing open space; where development of major properties occurs, encourage designs which enable the preservation or creation of permanent open space.

One of the aims of the Proposed Action is to facilitate the creation of more open space in the Village. Among the public benefits the proposed zoning would incentivize are, *off-site improvements to parks, open space, transit facilities, and streetscape within the Maple Union TOD District; additional open space, enhancement of existing open space, and ecological restoration; and private or public recreational opportunities.* As such, the Proposed Action is consistent with this goal.

› Community Facilities Goals

- Continue to improve existing community facilities such as parks, and initiate strategies to provide equal community resources such as library facilities to all Village residents.

The Proposed Action would comport with this community facilities goal through the public benefits incentives described above, as well as through a requirement for projects in the MU District to include within their applications to the Board of Trustees, "a written narrative statement describing… the availability and adequacy of community facilities and utilities to serve the site…" See Section 3.2.2 of this DGEIS for detailed analysis on the potential impacts of the Proposed Action on community facilities.

<u>Area-Specific Issues & Strategies:</u>

› Post Avenue Business Area

- Post Avenue lies hidden from major regional roadways that pass within close proximity, although there is substantial traffic that uses it as a thoroughfare to other destinations

- The corridor offers a blend of stores and businesses that are unique in size and type and differ from uses located along Old Country Road. If there were to be a change in the mix towards chain stores and auto-oriented uses that may be in direct competition with other commercial areas in close vicinity, the Post Avenue business area could lose some of its existing vitality.
- A number of key areas including the LIRR parking lot, the triangular piece northwest of the LIRR overpass, the Scally Place parking area and vacant parcels along the corridor are strategically located and can help define the physical character of the downtown. Traffic issues in a number of areas including perceived congestion on the bridge over the Northern State Parkway and overflow of commuter parking into visitor parking areas may work against attempts to attract visitors to the area.

› Post Avenue Business Area Strategies

- *Provide regional visibility to Post Avenue businesses by improving* 'gateways' at key Post Avenue intersections with Old Country Road, Northern State Parkway and Jericho Turnpike.
- Promote development with LIRR of a tiered commuter parking garage in the area between Railroad Avenue and the LIRR platform to reduce commuter parking from overflowing into other parts of the Village. The existing grade differential between the rail tracks and the parking area allow for an appropriately designed tiered structure that will not be overwhelming in appearance from the rail station. This new structure should be designed to help create an attractive edge along Post Avenue and Railroad Avenue.
- Ensure that new development and redevelopment helps to strengthen the shopping edge along Post Avenue by supplementing existing businesses instead of competing with them. Additionally, work on promoting a unique identity for the Post Avenue business area with the realization that this area offers an alternate form of shopping experience with a village center identity compared to Old Country Road and the larger malls in close vicinity.
- Create a consolidated parking plan for the downtown area that identifies the location of all parking areas as well as defining safe pedestrian connections between the business areas, parking lots and residential neighborhoods that are within walking proximity.

The Proposed Action, and the *DRI Plan* in general, are consistent with these Post Avenue Business Area strategies. As discussed in Section 2.3 of this DGEIS, the Proposed Action is one element of the *DRI Plan's* strategic investment projects. Taken together, these projects would strengthen the Post Avenue Business Area, through, among other projects, rezoning of the Maple Union Triangle Rezoning Area (to include development bonus incentives for public benefits), construction of new parking garages surrounding the LIRR station, and enhancements to the Post/Union Avenue intersection.

- Union Avenue Corridor
  - Inconsistency between existing land uses and underlying zoning in a number of areas along Union Avenue, south of Church Street, especially along Sullivan Lane where a number of multifamily residences are concentrated in an area that is zoned Light Industrial.
  - Lack of aesthetic appeal in the area immediately north of the LIRR rail station that acts as a gateway to funnel pedestrians to and from the station, as well as bringing vehicles into the southern end of Westbury's downtown.
  - A mixture of land use and physical characteristics results in a lack of coherence along the southern end of the corridor that is detracting to the corridor's aesthetic appearance.
- Union Avenue Corridor Strategies
  - Encourage redevelopment with non-residential uses in the areas where there are existing residences to eliminate conflicting land use situations.
  - Promote light industrial uses in the area, especially since this is the only area in the Village zoned for such use. Also, this location is appropriate for light industrial uses as there is direct access to regional highways off Union Avenue. However, ensure that new development or redevelopment along this portion enhances the physical characteristics of the corridor.
  - Continue to promote aesthetic improvements along this corridor, especially at the southern end to emphasize the gateway to Downtown.

While these strategies are generally focused on eliminating incongruent land uses near Union Avenue with a focus on maintaining industrial uses, the Village's goals for this area have evolved since 2003, as evidenced by the *DRI Plan* (see Section 2.3 of this DGEIS). Changing real estate trends have led the Village to envision this area becoming a mixed-use TOD hub that can complement the existing Post Avenue downtown area. Under the proposed zoning, existing industrial and light industrial uses would be allowed to continue as legal pre-existing non-conforming uses; however, the expectation is that over time, the area would transition to mixed-use residential and commercial uses. Incentives for public benefits, including aesthetic improvements, would further the Village's goal of emphasizing the gateway to the downtown.

- Scally Place Residential Area
  - The residences are isolated in this location within a mix of commercial and light industrial uses, the impact of which includes lack of substantial 24-hour population that can affect security in the area.
  - High traffic movement along Scally Place due to the presence of the commuter parking can further deteriorate the remaining residential quality along the street.
  - Pressure from adjacent uses may cause a change in use in one or more residential properties, thereby further isolating the remaining residences.

- Scally Place Residential Area Strategies
  - Change the zoning of all seven residential properties to a business zone to encourage conversion to office or business use. This area is adjacent to Post Avenue and can act as an extension of the downtown. Additionally, the presence of the commuter parking lot on the south side of Scally Place ensure that this area has high visibility that can benefit commercial or business uses.

The Scally Place Residential Area is located within the proposed MU-R3 sub-district. This sub-district would permit attached housing, townhouses, and multiple dwellings as principal permitted uses. While this does not align with the recommended strategy from the *2003 Comprehensive Plan* to rezone the area for business use, it is in keeping with the more current *DRI Plan* (see Section 2.3 of this DGEIS) and reflects changes on both the local and regional levels. Since 2003, TOD development, including multifamily development, has become more accepted as the need for these kinds of developments on Long Island have become more acute. Rather than seeking to eliminate the residential uses in favor of commercial and industrial uses, the proposed zoning would allow the Scally Place Residential Area to remain in residential use, whether through continuation of the existing residences or through future redevelopment pursuant to the MU District regulations. By keeping the area in residential use, a sense of residential community within the mixed-use area would be maintained. Furthermore, these residential uses would provide population support to the surrounding commercial districts within the downtown.

The above discussion demonstrates that the Proposed Action is consistent with the Village's land use planning goals. Although the Proposed Action is not consistent with the entirety of the relevant portions of the *2003 Comprehensive Plan*, it is important to note that the Village's vision for the Rezoning Areas has evolved in the intervening years, as documented in the *DRI Plan* and summarized in Section 2.3 of this DGEIS.

3.1.2.4 Community Character

As discussed above, the elements of community character include some combination of land use, visual characteristics and urban design, cultural resources, socioeconomic conditions, traffic, and noise, among other conditions. The Proposed Action is a Village initiative intended to improve upon the community character of the Village. Adoption of the proposed zoning amendments would not, in itself, have any impact on community character. However, the gradual build-out of new development reflected in the RWCDS (see Section 2.5 of this DGEIS) would lead to beneficial impacts on community character.

As noted above, the Post Avenue Rezoning Area is the Village's primary business district, in the vein of a traditional, walkable, downtown main street corridor; while the Maple Union Triangle Rezoning Area has a character of conflicting residential and industrial uses. The RWCDS is expected to ultimately lead to significant beneficial changes in the character of the Maple Union Triangle Rezoning Area by

fostering the introduction of mixed-use TODs to the area to complement and support the existing Post Avenue downtown area. This shift in land use would lead to long-term beneficial impacts with respect to visual characteristics and urban design, cultural resources, socioeconomic conditions, traffic, noise and air quality. Detailed discussions regarding these topics are presented throughout this DGEIS.

Overall, the Proposed Action would not result in significant adverse impacts to community character, but would benefit the greater Westbury community through a combination of improvements to the various aspects that comprise its character.

3.1.3 Proposed Mitigation Measures

The above analysis has demonstrated that the Proposed Action would have beneficial impacts to the land use, zoning and community character of the Village. The Proposed Action is intended to implement new zoning that is in keeping with the Village's long-term planning goals as outlined in the *2003 Comprehensive Plan* and further developed in the *DRI Plan*, and would eliminate uncoordinated zoning in the Maple Union Triangle Rezoning Area. Overall, it is expected that the proposed zoning amendments would foster changes to the land use and community character of the Maple Union Triangle Rezoning Area consisting of a transition from the intermingling of industrial and residential uses to mixed-use TODs that complement and support the existing downtown area along the Post Avenue corridor. These land use changes are expected to lead to enhanced community character through the creation of a more livable area where residents would be within walking distance of public transportation, increased open space, and a more robust commercial sector as industrial uses are gradually replaced. As only beneficial impacts are anticipated, no mitigation measures are proposed.

3.2 Community Facilities and Infrastructure/Utilities

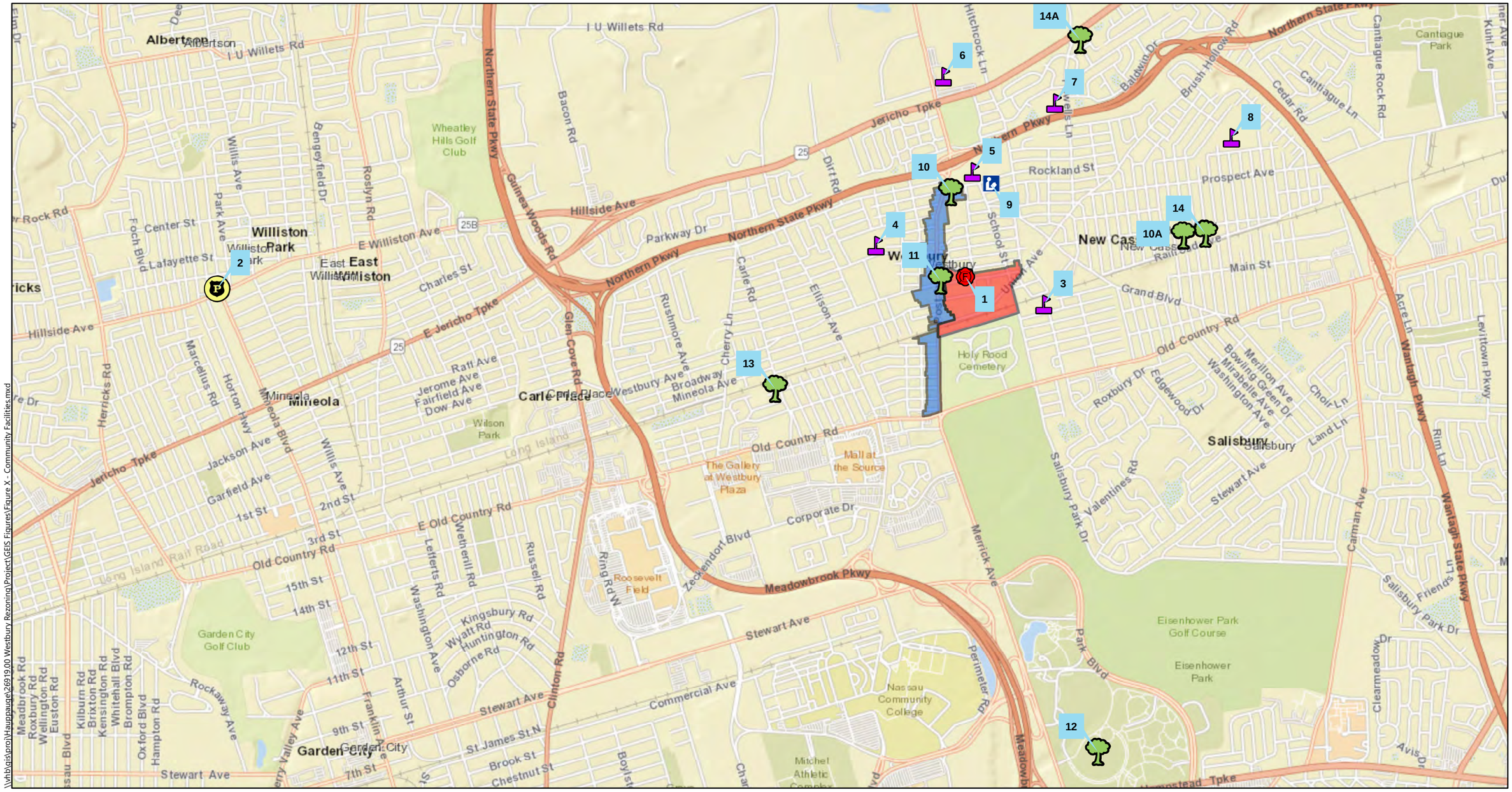
The existing community facilities and services (i.e., police protection, fire protection services, ambulance and emergency medical services (EMS), health care, educational facilities, recreational facilities, solid waste collection and disposal) and utilities (i.e., water supply, sanitary sewage disposal and treatment, natural gas and electricity supplies) are discussed in this section of the DGEIS. Correspondence has been transmitted to the community service and utility providers, where applicable, and these letters are included in Appendix F. The anticipated impacts upon these community facilities and services/utilities due to implementation of the Proposed Action are also discussed herein, as well as any mitigation measures to reduce potential impacts upon these resources.

3.2.1 Existing Conditions

The existing police protection, fire protection services, ambulance and EMS, health care, educational facilities, recreational facilities, solid collection and disposal, water supply, sanitary sewage disposal and sewage treatment, natural gas, and electric utilities serving the study area are discussed in the subsections below. Figure 6, below, depicts the locations of community facilities (including police, fire and EMS protection facilities, schools and libraries, and recreational facilities) that serve the study area.

Table 19 provides general information for the community facilities identified in Figure 6 (Labels 1 – 14), as well as a comprehensive list of health care facilities (i.e., hospitals, walk-in emergency and urgent care) proximate to the Rezoning Areas.

vhb | **FIGURE 6**



0 0.25 0.5 1 Miles

Police
Fire Department
Schools
Library
Parks
Post Avenue Rezoning Area
Maple Union Triangle Rezoning Area

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Community Facilities
Incorporated Village of Westbury
Nassau County, New York

Sources: NYS Office of Information Techology Services, GIS Program Office

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Table 19 Community Facilities

Label	Name and Address	Type
1	Westbury Fire Department 355 Maple Avenue, Westbury, NY 11590	Fire/EMS
2	Nassau County Police Department – Third Precinct 214 Hillside Avenue, Williston Park, NY 11596	Police
3	Dryden Street School 545 Dryden Street, Westbury, NY 11590	School
4	Drexel Avenue School 161 Drexel Avenue, Westbury, NY 11590	School
5	Park Avenue School 955 Park Avenue, Westbury, NY 11590	School
6	Powells Lane School 603 Powells Lane, Westbury, NY 11590	School
7	Westbury Middle School 455 Rockland Street, Westbury, NY 11590	School
8	Westbury Senior High School 1 Post Road, Old Westbury, NY 11568	School
9	Westbury Memorial Library 445 Jefferson Street, Westbury, NY 11590	Library
10	Westbury Recreation, Community Center and Senior Center 348 & 360 Post Avenue, Westbury, NY 11590	Parks and Public Recreation
10A	Town of North Hempstead "*Yes We Can*" Community Center 141 Garden Street, Westbury, NY 11590	Parks and Public Recreation
11	Ernesto Strada Piazza Northeast Corner of Post and Maple Avenues, Westbury, NY 11590	Parks and Public Recreation
12	Eisenhower Park 1899 Park Boulevard, Westbury, NY 11590	Parks and Public Recreation
13	Charles J. Fuschillo Park 200 Carle Road, Carle Place, NY 11514	Parks and Public Recreation
14	Martin Bunky Reid Park 915 Railroad Avenue, Westbury, NY 11590	Parks and Public Recreation
14A	Alphonse J. Campbell Memorial Park East side of Powells Lane (Between Staab Lane and Jericho Turnpike), Westbury, NY 11590	Parks and Public Recreation

Label	Name and Address	Type
15	Nassau University Medical Center 2201 Hempstead Turnpike, East Meadow, NY 11554	Hospital
16	Northwell Health's North Shore University Hospital 300 Community Drive, Manhasset, NY 11030	Hospital
17	Long Island Jewish Medical Center 270-05 76th Avenue, New Hyde Park, NY 11040	Hospital
18	Northwell Health's Syosset Hospital 221 Jericho Turnpike, Syosset, NY 11791	Hospital
19	NYU Winthrop Hospital 259 1st Street, Mineola, NY 11501	Hospital
20	Northwell Health's Plainview Hospital 888 Old Country Road, Plainview, NY 11803	Hospital
21	St. Francis Hospital 100 Port Washington Boulevard, Roslyn, NY 11576	Hospital
22	South Nassau Communities Hospital 1 Healthy Way, Oceanside, NY 11572	Hospital
23	Mercy Medical Center 1000 N. Village Avenue, Rockville Centre, NY 11570	Hospital
24	Northwell Health - GoHealth Urgent Care 1033 Northern Boulevard, Roslyn, NY 11576	Urgent Care
25	ProHEALTH Urgent Care of Roslyn 250 South Service Road, Roslyn Heights, NY 11577	Urgent Care
26	ProHEALTH Urgent Care of Jericho 555 North Broadway, Jericho, NY 11753	Urgent Care
27	Northwell Health - GoHealth Urgent Care 50 East Jericho Turnpike, Mineola, NY 11501	Urgent Care
28	CityMD Carle Place Urgent Care 235 Glen Cove Road, Carle Place, NY 11514	Urgent Care
29	Silver Star Urgent Care 210 Old Country Road, Mineola, NY 11501	Urgent Care
30	AFC Urgent Care East Meadow 2310 Hempstead Turnpike, East Meadow, NY 11554	Urgent Care
31	CityMD Levittown Urgent Care 3276 Hempstead Turnpike, Levittown, NY 11756	Urgent Care
32	Northwell Health - GoHealth Urgent Care 3631 Hempstead Turnpike, Levittown, NY 11756	Urgent Care
33	CityMD Mineola Urgent Care 292 Herricks Road, Mineola, NY 11501	Urgent Care

3.2.1.1 Fire Protection and Ambulance Services

The Westbury Fire Department provides fire protection and secondary EMS throughout the Village, including within the Rezoning Areas. The Westbury FD

headquarters are located at 355 Maple Avenue, within the Maple Union Triangle Rezoning Area. Including the headquarters, the Westbury Fire Department is comprised of one hook and ladder company and two hose companies, as well as one rescue squad. In addition, the Westbury Fire Department is supported by one fire police squad. According to its website,[10] the Westbury Fire Department currently utilizes one first responder vehicle, two ambulances, eight fire apparatus, one heavy rescue truck and two chiefs' cars. The Westbury Fire Department responded to a total of 1,787 calls in 2017, including 575 'day alarms' and 212 'night alarms', 188 'auto accidents', 420 'silents', 276 'day emergencies' and 77 'night emergencies', and 39 'activities'. Correspondence was transmitted to Kenneth Gass, Chief of the Department, informing the Westbury Fire Department of the Proposed Action and requesting information relative to fire protection and ambulance/rescue services near the Rezoning Areas (see Appendix F).

The Nassau County Police Department (NCPD) provides primary ambulance service throughout Nassau County through the Emergency Ambulance Bureau (EAB). The NCPD ambulance service offers cardiac-equipped, advanced life support ambulances operated by Police Medics. The EAB handles nearly 70 percent of all 911 calls for medical assistance. Furthermore, there are approximately 136 Police Medics and 14 additional members who are Police Medic Supervisors, Police Medic Coordinators, one Bureau Director, and one Assistant Bureau Director.

3.2.1.2 Police Protection

The study area is within the jurisdiction of the NCPD – Third Precinct South Subdivision. The NCPD Third Precinct South Subdivision provides police protection services to the communities of Albertson, Bellerose Terrace, Bellerose Village, Carle Place, East Garden City, East Meadow, East Williston, Floral Park Center, Garden City Park, Herricks, Mineola, New Cassel, New Hyde Park, North New Hyde Park, Roslyn Heights, Salisbury, Searingtown, Stewart Manor, Uniondale, Westbury, and Williston Park.[11] The precinct is located at 214 Hillside Avenue in the Village of Williston Park, approximately 3.2 miles west of the Rezoning Areas. Correspondence was transmitted to Inspector Gregory Abruzzo, Commanding Officer of the NCPD Third Precinct, informing the NCPD of the Proposed Action and requesting information relative to police protection services near the Rezoning Areas (see Appendix F).

The Westbury Auxiliary Police, located at 645 Union Avenue approximately one-third mile east of the Maple Union Triangle Rezoning Area, provide secondary police protection services to the Village of Westbury.

According to the *DRI Plan*, there are currently two security booths operated by the NCPD and Westbury Auxiliary Police in the Village – one is located near the Westbury Recreation and Community Center and the other is located on Union

[10] Westbury Fire Department. Accessed April 2019. Available online at: http://www.westburyfd.org/.

[11] Nassau County Police Department. *About Third Precinct*. Accessed April 2019. Available online at: https://www.pdcn.org/278/About-Precinct.

Avenue near Grand Boulevard. As indicated in the DRI, security booths in the Village allow the NCPD and Westbury Auxiliary Police to have a visible presence in their respective locations, which in turn contributes to an increased sense of safety in the Village.

3.2.1.3 Health Care Facilities

As identified in Table 19, there are nine receiving hospitals within approximately 10 miles of the Rezoning Areas. Brief descriptions of these hospitals are discussed below.

- Nassau University Medical Center (NUMC), located at 2201 Hempstead Turnpike in East Meadow, is the closest hospital to the Rezoning Areas, located approximately two miles southeast of the Rezoning Areas. According to its website, [12] NUMC is a 530-bed tertiary-care teaching hospital affiliated with NuHealth, a Long Island-based health system. NUMC is a Level 1 trauma center that features facilities such as the Nassau County Firefighters Burn Center, a designated stroke center, the Zaki Hossain Center for Hypertension, Diabetes and Vascular Disease, and imagining and research facilities, among others.
- Northwell Health's North Shore University Hospital (NSUH) is located at 300 Community Drive in Manhasset, New York, approximately 9.4 miles to the northwest of the Rezoning Areas. According to its website,[13] NSUH is a 738-bed teaching hospital for the Donald and Barbara Zucker School of Medicine at Hofstra/Northwell. NSUH is an American College of Surgeons (ACS)-designated Level 1 Trauma Center and is ranked among the state's top five facilities for trauma survival rates.
- Northwell Health's Long Island Jewish Medical Center (LIJMC) is located at 270-05 76th Avenue in New Hyde Park, New York, approximately 9.5 miles to the west of the Rezoning Areas. According to its website,[14] LIJMC offers three major facilities, including Long Island Jewish Hospital, Cohen Children's Medical Center, and Zucker Hillside Hospital. LIJMC is a 583-bed tertiary-care teaching hospital offering advanced facilities for medical, surgical, dental and obstetrical care, among others.
- Northwell Health's Syosset Hospital is located at 221 Jericho Turnpike in Syosset, New York, approximately 7.3 miles to the northeast of the Rezoning Areas.

[12] Nassau University Medical Center. *Nassau University Medical Center*. https://www.numc.edu/about/centers-of-care/nassau-university-medical-center/. Accessed February 2019.

[13] North Shore University Hospital. *Overview.* https://nsuh.northwell.edu/about. Accessed April 2019.

[14] Long Island Jewish Medical Center. *About our Hospital*. https://lij.northwell.edu/about. Accessed April 2019.

According to its website,[15] Syosset Hospital is a 136-bed hospital treating more than 15,000 patients each year.

- NYU Winthrop Hospital is located at 259 1st Street in Mineola, New York, approximately 3.1 miles to the west-southwest of the Rezoning Areas. According to its website, [16] NYU Winthrop is a 591-bed teaching hospital offering a wide range of both inpatient and outpatient services, including the Center for Cyberknife®, the Center for Cancer Care, the Gastroenterology Center of Long Island, and cardiovascular, pulmonary, neuroscience, and women's health facilities. As a New York University (NYU) university-affiliated medical center and American College of Surgeon's certified adult Level 1 Trauma Center, NYU Winthrop Hospital offers full adult and pediatric capabilities.
- Northwell Health's Plainview Hospital is located at 888 Old Country Road in Plainview, New York, approximately 8.1 miles to the east of the Rezoning Areas. According to its website,[17] Plainview Hospital is a 219-bed hospital staffed by a team of dedicated board-certified emergency medicine physicians and certified emergency nurses and technicians 24 hours a day, 7 days a week, and offers expanded treatment areas and a Fast Track Unit. It is also a New York State Department of Health Primary Stroke Center and a recipient of the American Heart Association/American Stroke Association's Get with the Guidelines® — Stroke Quality Achievement Award.
- Catholic Health Services' St. Francis Hospital is located at 100 Port Washington Boulevard in Roslyn, New York, approximately 8.2 miles to the northwest of the Rezoning Areas. According to its website,[18] St. Francis Hospital is a 364-bed hospital, and is New York State's only specialty designated cardiac center, offering one of the leading cardiac care programs in the nation. A member of Catholic Health Services of Long Island, the Hospital is recognized as an innovator in the delivery of specialized cardiovascular services in an environment where excellence and compassion are emphasized.
- Catholic Health Services' Mercy Medical Center is located at 1000 N. Village Avenue in Rockville Centre, New York, approximately 8.8 miles to the southwest of the Rezoning Areas. According to its website,[19] Mercy Medical Center is a 375-bed, not-for-profit hospital serving healthcare needs of Nassau County and its surrounding area, with services ranging from maternal health, oncology and

[15] Syosset Hospital. *About our Hospital*. https://syosset.northwell.edu/about-us. Accessed April 2019.

[16] NYU Winthrop Hospital. *About NYU Winthrop Hospital*. https://www.nyuwinthrop.org/about-winthrop. Accessed February 2019.

[17] Plainview Hospital. *Overview*. https://plainview.northwell.edu/about-us. Accessed April 2019.

[18] St. Francis Hospital. *About Us*. https://stfrancisheartcenter.chsli.org/sfh-utility-about. Accessed April 2019.

[19] Mercy Medical Center. *About Mercy Medical Center*. https://mercymedicalcenter.chsli.org/about-mercy-medical-center. Accessed April 2019.

physical medicine to cardiology, rehabilitation, orthopedics, weight-loss surgery and behavioral health, among others. Mercy Medical Center provides a full range of medical and surgical services including 24-hour Emergency and Express Care for adults and children.

- South Nassau Communities Hospital (SNCH) is located at 1 Health Way in Oceanside, New York, approximately 10 miles to the south-southeast of the Rezoning Areas. According to its website[20] SNCH is a 455-bed, acute care, not-for-profit teaching hospital serving the entire South Shore of Long Island.

Demand projections for medical/surgical and pediatric unit hospitals are declining, based largely on the trends of shorter hospital stays. This trend is expected to continue to occur, as indicated by the Center for Disease Control. In addition, the advent of walk-in emergency/ urgent care facilities has replaced some of the traditional hospital emergency room functions. Therefore, these facilities, several of which have opened in the area in the last few years, may be more suitable for certain types of medical care required by the residents and employees of and visitors to the Rezoning Areas. While there will always be a need for hospital beds to serve the permanent population, these types of facilities represent a trend and are playing a growing role in the healthcare continuum. The following walk-in/urgent care facilities are located within approximately five miles of the Rezoning Areas:

- Northwell Health - GoHealth Urgent Care is located at 1033 Northern Boulevard in Roslyn, New York, approximately 7.3 miles northwest of the Rezoning Areas.
- ProHEALTH Urgent Care of Roslyn is located at 250 South Service Road in Roslyn Heights, New York, approximately 7.2 miles northwest of the Rezoning Areas.
- ProHEALTH Urgent Care of Jericho is located at 555 North Broadway in Jericho, New York, approximately 4.6 miles southwest of the Rezoning Areas.
- Northwell Health - GoHealth Urgent Care is located at 50 East Jericho Turnpike in Mineola, New York, approximately 3.1 miles west of the Rezoning Areas.
- CityMD Carle Place Urgent Care is located at 235 Glen Cove Road in Carle Place, New York, approximately 1.7 miles west of the Rezoning Areas.
- Silver Star Urgent Care is located at 210 Old Country Road in Mineola, New York, approximately 3.4 miles west of the Rezoning Areas.
- AFC Urgent Care East Meadow is located at 2310 Hempstead Turnpike in East Meadow, New York, approximately 4.2 miles southeast of the Rezoning Areas.
- CityMD Levittown Urgent Care is located at 3276 Hempstead Turnpike in Levittown, New York, approximately 6.9 miles southeast of the Rezoning Areas.
- Northwell Health - GoHealth Urgent Care is located at 3631 Hempstead Turnpike in Levittown, New York, approximately 7.7 miles southeast of the Rezoning Areas.

[20] South Nassau Communities Hospital. *Get to Know Us*. https://www.southnassau.org/sn/get-to-know-south-nassau?srcaud=Main. Accessed April 2019.

- CityMD Mineola Urgent Care is located at 292 Herricks Road in Mineola, New York, approximately 4.5 miles east of the Rezoning Areas.

3.2.1.4 Educational Facilities

The Rezoning Areas are located within the Westbury Union Free School District (UFSD). The Westbury UFSD is comprised of one pre-kindergarten and kindergarten (Dryden Street School), three elementary schools housing grades one-five (Drexel Avenue School, Park Avenue School, and Powells Lane School), one middle school housing grades six-eight (Westbury Middle School), and one high school housing grades nine-twelve (Westbury Senior High School).[21] The locations of these schools are depicted on Figure 6 and Table 19, above.

Based on data from the New York State Education Department (NYSED), the total 2017-2018 school year enrollment for the Westbury UFSD was 5,363 students. The projected enrollment for the 2018-2019 school year is approximately 5,262 students, a decrease of approximately 101 students (1.9± percent decrease).[22] According to enrollment data for the past ten years, as depicted in Table 20, enrollment reached a peak of 5,363 students in 2017-2018 (highlighted) and is projected to decrease in the 2018-2019 school year. This is a drop of 101 students since the recent peak enrollment. Additionally, as depicted in Table 20, the Westbury UFSD experienced significant increases in enrollment in the 2013-2014 (+4.8 percent) and 2014-2015 (+14.3 percent) school years, before remaining relatively level for the following four school years.

[21] Westbury Public Schools. https://ny02205795.schoolwires.net/Domain/8. Accessed February 2019.

[22] New York State Education Department. *2018-2019 Property Tax Report Cards.* http://www.p12.nysed.gov/mgtserv/propertytax/. Accessed February 2019.

Table 20 Westbury UFSD Enrollment by Year

School Year	Enrollment	Net Change (% Change) from Prior Year
2018-2019	5,262	-101 (-1.9%)
2017-2018	5,363	+22 (+0.01%)
2016-2017	5,341	+112 (+2.1%)
2015-2016	5,229	-109 (-2.0%)
2014-2015	5,338	+669 (+14.3%)
2013-2014	4,669	+215 (+4.8%)
2012-2013	4,454	-12 (-0.3%)
2011-2012	4,466	--
2010-2011	4,466	+107 (+2.5%)
2009-2010	4,359	--

According to information from the Property Tax Report Card, the total budget for the 2018-2019 school year is approximately $151,360,739, of which approximately $77,223,323 (51± percent) is raised by the real property tax levy. Therefore, the total per pupil expenditure for the 2018-2019 school year is approximately $28,765, or $14,676 based on the real property tax levy. While the average total per-pupil cost is a useful metric for certain tasks, such as overall district budgeting, it is not appropriate for evaluating the marginal cost of educating a new student. This is because the average cost includes administrative and capital expenditures that are not affected by the introduction of new students (e.g., superintendent salary, debt service, etc.). Instructional program costs provide a more accurate assessment of the cost of educating additional students generated by new residences. The program costs (non-capital or administrative) account for approximately 82.68 percent of the total budget;[23] a cost per pupil of approximately $23,782. However, as above, only a portion of this cost is currently paid from the local property tax levy. The portion of the program costs paid by the local real estate property tax is approximately $12,131 per pupil.

Within the vicinity of the Rezoning Areas are also private institutional and higher education institutions. The following private and/or higher education institutions, among others, are located within the area surrounding the Rezoning Areas:

- Schechter School of Long Island (Private school)

[23] Westbury Public Schools. *Budget* (April 2018). Available from: https://www.westburyschools.org/site/handlers/filedownload.ashx?moduleinstanceid=4552&dataid=4385&FileName=Budget_Statement_Book_2018-19.pdf. Accessed February 2019.

- Trinity Lutheran School (Private school)
- Maria Montessori School (Private school)
- St. Brigid/Our Lady of Hope Regional School (Private School)
- Crescent School (Private school)
- The Waldorf School of Garden City (Private school)
- Notre Dame School (Private School)
- Nassau County Community College (Public University)
- State University of New York (SUNY) Empire State College (Public University)
- SUNY College at Old Westbury (Public University)
- Molloy College (Private University)
- Adelphi University (Private University)
- Long Island University (LIU) Post (Private University)
- New York Institute of Technology (Private University)

3.2.1.5 Library

The Rezoning Areas are within the service area of the Westbury Library District. The Westbury Memorial Public Library, which is open seven days a week, , is located at 445 Jefferson Street and depicted on Figure 6 and Table 19, above. The Robert Bacon Memorial Children's Library, serving children 6th grade and younger, is located adjacent to the main building.

The library services the entire Westbury community by providing service such as notary services, photo and document scanners, WiFi and public computers, printing, copying and faxing, video magnifying, 3D printing, movie and TV streaming, museum passes, children, teen, and adult services, and circulation and borrower's services.[24] The adopted budget for the 2017-2018 operating year was $3,243,000, of which, $2,179,000 (67.19 percent) came from local property tax levy.[25]

3.2.1.6 Public Parks and Recreation

The Village of Westbury Recreation Department administers public open space and recreation facilities throughout the Village. According to its website,[26] the Village maintains the Westbury Recreation and Community Center, located at 360 Post Avenue, within the Post Avenue Rezoning Area (see Figure 6). The Westbury Recreation and Community Center is comprised of the Recreation Center, the Community Center, and the M. Phipps Sports Center, and also houses the Senior

[24] Westbury Memorial Public Library. *About the Library*. Available from: https://westburylibrary.org/about-the-library/#. Accessed February 2019.

[25] Westbury Memorial Public Library. *Budget Information*. Available from: https://westburylibrary.org/budget-information/. Accessed February 2019.

[26] Village of Westbury Recreation Department. https://www.villageofwestbury.org/index.asp?Type=B_BASIC&SEC={D3355E7B-D4C0-4240-912A-77B48CD607C1}. Accessed February 2019.

Citizens of Westbury, Inc. (SCWC), a non-profit organization whose major sponsors are the Village of Westbury and Town of North Hempstead, and other special events and meetings, including DRI community engagement events and an annual SCWC holiday market, among others. According to the DRI, approximately 300 Village residents currently utilize the Westbury Recreation and Community Center, which also offers karate, basketball, early childhood education, and after school programming for youth; yoga, boxing and other fitness programs for adults; and social, craft, and fitness programs for seniors.

As indicated in the *DRI Plan*, there are also a number of cultural and entertainment assets and organizations within the Village (see Figure 40 in the *DRI Plan*). Several of these cultural and entertainment assets and organizations are described further below.

"Westbury Arts" is a 501(c)(3) nonprofit established in 2013 to further the goal of Westbury being one of Long Island's most "arts-centric" communities. According to its website,[27] Westbury Arts works to attract, develop, and promote art and culture throughout the Westbury community. The Village of Westbury has acquired and is in the process of renovating (under one of its other DRI-funded projects) a building in the Post Avenue Rezoning Area to provide a permanent space for Westbury Arts to enable it to have performance space, gallery space , office space and space for other administrative functions.

The Space at Westbury Theater ("The Space") is also an important cultural and entertainment asset in the Village. The private concert and special events venue is located at 250 Post Avenue in the Post Avenue Rezoning Area and features 25,000 square feet of theater, bar/lounge, and lobby space for 817 people seated or 1,400 people in an unseated general admission format.

The Westbury Military Historical Collection, located at the Corporal James Walsh Veterans of Foreign Affairs (VFW) Building on Maple Avenue in the Maple Union Triangle Rezoning Area features war memorabilia and military artifacts, including a wall with the names of 2,200 servicemen and women from Westbury, New Cassel, Carle Place and Old Westbury who served during World War II.

A number of public open space, recreational and community facilities are also located within and proximate to the Rezoning Areas, including the Ernesto Strada Piazza (the "Piazza"), located on the northeast corner of the intersection of Post Avenue and Maple Avenue in the Post Avenue Rezoning Area, in addition to Eisenhower Park (Nassau County), south of the Post Avenue Rezoning Area, and the Charles J. Fuschillo Park, Alphonse Campbell Memorial Park and Martin Bunky Reid Park west and east of the Rezoning Areas, respectively (see Figure 6). According to the *DRI Plan*, the Westbury Arts Council hosts free concerts and events in the Piazza throughout the summer.

[27] Westbury Arts. https://westburyarts.org/. Accessed April 2019.

3.2.1.7 Solid Waste

The collection and disposal of solid waste generated by commercial and industrial properties in the Village is performed by licensed private contractors. The collection of solid waste generated by residences is performed by the Village Department of Public Works.[28]

As shown on Table 21 and Table 22 below, the total gross floor area of existing "Residential," "Commercial (Retail and Office)," "Industrial" and "Community Facility and Other" land uses within Post Avenue and Maple Union Triangle Rezoning Areas was used to estimate the total amount of solid waste currently generated by properties within the Rezoning Areas, based on solid waste generation factors provided below. As indicated in Table 21 and Table 22, approximately 178.20 and 163.28 tons of solid waste is generated by existing land uses within the Post Avenue Rezoning Area and Maple Union Triangle Rezoning Area, respectively. Thus, the combined existing solid waste generation for the Rezoning Areas is estimated to be 341.48± gpd.

Table 21 Existing Post Avenue Rezoning Area Solid Waste Generation

Solid Waste Use Category	Gross Floor Area (square feet)	Solid Waste Generation Rate (per day)	Solid Waste Generation (tons/month)
Residential	369,538 (422 units)	4.38 lbs/person/day[(a)]	83.49
Commercial (Retail and Office)	411,717	13 lbs/1,000 sf/day[(b)]	81.40
Industrial	16,958	2 lbs/100 sf/day[(c)]	5.16
Community Facility and Other	53,592	1 lb/100 sf/day[(d)]	8.15
Total (tons/month):			**178.20±**

Source: U.S. Environmental Protection Agency. Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2012.

(a) Assumes 2.97 people per housing unit.

(b) Source: Salvato, Joseph A. et al, Environmental Engineering, Fifth Edition. 2003. The factor of 13 lbs/1,000 sf/day is for "retail and service facilities," as published in *Environmental Engineering*, 2003.

(c) The factor of 2 lbs/100 sf/day is for "industrial/warehouse," as published in *Environmental Engineering*, 2003.

(d) The factor of 1 lb/100 sf/day is for "commercial building, office", as published in *Environmental Engineering*, 2003.

[28] Code of the Village of Westbury. *Chapter 211: Solid Waste*. Available from: https://ecode360.com/8096816. Accessed February 2019.

Table 22 Existing Maple Union Triangle Rezoning Area Solid Waste Generation

Solid Waste Use Category	Gross Floor Area (square feet)	Solid Waste Generation Rate (per day)	Solid Waste Generation (tons/month)
Residential	127,637 (122 units)	4.38 lbs/person/day[(a)]	24.14
Commercial (Retail and Office)	183,831	13 lbs/1,000 sf/day[(b)]	36.34
Industrial	307,606	2 lbs/100 sf/day[(c)]	93.56
Community Facility and Other	46,753	1 lb/100 sf/day[(d)]	7.11
Total (tons/month):			**163.28±**

Sources and Notes:
(a) U.S. Environmental Protection Agency. *Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2012*. Assumes 2.97 people per housing unit.
(b) Source: Salvato, Joseph A. et al, Environmental Engineering, Fifth Edition. 2003. The factor of 13 lbs/1,000 sf/day is for "retail and service facilities," as published in *Environmental Engineering*, 2003.
(c) The factor of 2 lbs/100 sf/day is for "industrial/warehouse," as published in *Environmental Engineering*, 2003.
(d) The factor of 1 lb/100 sf/day is for "commercial building, office", as published in *Environmental Engineering*, 2003.

3.2.1.8 Water Supply

The Rezoning Areas are within the five-square-mile service area of the Westbury Water District. According to the *2017 Drinking Water Quality Report,* the Westbury Water District serves approximately 20,500 individuals within its service area. In 2017, the Westbury Water District withdrew 1.16± billion gallons of water through ten operating wells in the service area.[29]

Correspondence was transmitted to John R. Ingram, Superintendent of the Westbury Water District informing the Westbury Water District of the Proposed Action and requesting information relative to the Westbury Water District's water supply system serving the Rezoning Areas. Follow-up correspondence was transmitted informing the Westbury Water District of the RWCDS for the Rezoning Areas and requesting information pertinent to any potential impacts to existing water supply system infrastructure as a result of the RWCDS (see Appendix F).

[29] Westbury Water District. *2017 Drinking Water Quality Report.* Available from: http://www.westburywaterdistrict.com/Images/nl-18-report.pdf. Accessed February 2019.

As shown in Table 23, below, it is estimated that existing uses within the Post Avenue Rezoning Area currently generate 190,044± gallons per day (gpd) of potable water demand, based on Nassau County Department of Public Works (NCDPW) *Minimum Design Sewage Flow Rates (for Severed Areas*). As shown in Table 24, below, it is estimated that existing uses within the Maple Union Triangle Rezoning Area currently generate 77,822± gpd of potable water demand. Thus, the combined existing water demand for the Rezoning Areas is estimated to be 267,926± gpd.

Table 23 Existing Potable Water Demand/Sewage Generation: Post Avenue Rezoning Area

Water Demand/Sewage Generation Use Category	Gross Floor Area (square feet)	Design Sewage Flow Rate (gpd)	Total Water Demand/Sewage Flow (gpd)
Residential	369,538 (422 units)	200 gpd/unit + 100 gpd per each additional bedroom[(a)]	126,000±
Commercial (Retail and Office)	411,717	0.15 gpd/SF[(b)]	61,758±
Industrial	16,958	0.04 gpd/SF[(c)]	678±
Community Facility and Other	53,592	0.03gpd/SF[(d)]	1,608±
Total (gpd):			**190,044±**

Source: Nassau County Department of Public Works. *Minimum Design Sewage Flow Rates*.

Notes: (a) The factor for Residential uses assumes all two-bedroom apartment/condominium units.

(b) To be conservative, the factor for "Wet Store (food processing)" was assumed for all Commercial (Retail and Office), as the exact type of commercial use (e.g., office, dry store, wet store, restaurant) is unknown at this time.

(c) The factor for all Industrial uses is defined in the *Minimum Design Sewage Flow Rates* as "Industrial Space."

(d) The factor for all Community Facility and Other uses is defined in the *Minimum Design Sewage Flow Rates* as "Firehouse."

Table 24 Existing Potable Water Demand/Sewage Generation: Maple Union Triangle Rezoning Area

Water Demand/Sewage Generation Use Category	Gross Floor Area (square feet)	Design Sewage Flow Rate (gpd)	Total Water Demand/Sewage Flow (gpd)
Residential	127,637 (122 units)	200 gpd/unit + 100 gpd per each additional bedroom[(a)]	36,600±
Commercial (Retail and Office)	183,831	0.15 gpd/SF[(b)]	27,575±
Industrial	307,606	0.04 gpd/SF[(c)]	12,304±
Community Facility and Other	46,753	0.03gpd/SF[(d)]	1,403±
Total (gpd):			**77,882±**

Source: Nassau County Department of Public Works. *Minimum Design Sewage Flow Rates*.

Notes: (a) The factor for Residential uses assumes all two-bedroom apartment/condominium units.
(b) To be conservative, the factor for "Wet Store (food processing)" was assumed for all Commercial (Retail and Office), as the exact type of commercial use (e.g., office, dry store, wet store, restaurant) is unknown at this time.
(c) The factor for all Industrial uses is defined in the *Minimum Design Sewage Flow Rates* as "Industrial Space."
(d) The factor for all Community Facility and Other uses is defined in the *Minimum Design Sewage Flow Rates* as "Firehouse."

3.2.1.9 Sewage Treatment and Disposal

The Post Avenue and Maple Union Triangle Rezoning Areas are connected to the Nassau County municipal sewer system (NCDPW) Sewer Collection District #3, discharging to the Cedar Creek Water Pollution Control Plant (WPCP). Correspondence was sent to the Nassau County DPW requesting information related to the Nassau County's existing sewage conveyance and treatment system infrastructure serving the Rezoning Areas. Follow-up correspondence was transmitted informing the NCDPW of the RWCDS for the Rezoning Areas and requesting information pertinent to any potential impacts to existing sewage and treatment system infrastructure as a result of the RWCDS (Appendix F).

Regarding existing sanitary sewage generation throughout the Rezoning Areas, using the same assumptions and calculations used for water consumption in the preceding discussion, it is estimated that existing uses within the Post Avenue Rezoning Area currently generate 190,044± gpd of potable water demand, while existing uses within the Maple Union Triangle Rezoning Area currently generate 77,882± gpd of potable water demand. Thus, the combined existing water demand for the Rezoning Areas is estimated to be 267,926± gpd.

3.2.1.10 Electricity

The Rezoning Areas are served by PSEG Long Island (PSEG LI) for electricity. Correspondence was transmitted to PSEG LI requesting information related to the PSEG LI's existing electricity supply infrastructure serving the Rezoning Areas. Follow-up correspondence was transmitted informing PSEG LI of the RWCDS for the Rezoning Areas and requesting information pertinent to any potential impacts to existing electricity supply infrastructure as a result of the RWCDS (Appendix F).

3.2.1.11 Natural Gas

The Rezoning Areas are served by National Grid for natural gas service. Correspondence was transmitted to National Grid requesting information related to existing natural gas supply infrastructure serving the Rezoning Areas. Follow-up correspondence was transmitted informing National Grid of the RWCDS for the Rezoning Areas and requesting information pertinent to any potential impacts to existing natural gas infrastructure as a result of the RWCDS (Appendix F).

3.2.2 Probable Impacts of the Proposed Action

In order to assess the potential impacts of the Proposed Action on community facilities and services (i.e., police protection, fire protection services, ambulance and EMS, health care, educational facilities, recreational facilities, solid waste collection and disposal) and utilities (i.e., water supply, sanitary sewage disposal and treatment, natural gas and electricity supplies), the RWCDS With-Action Scenario was consulted to determine the projected increase in the population of the Rezoning Areas. As indicated in the Population and School-Aged Children Projections memorandum, dated May 20, 2019 (see Appendix G), it is anticipated that the Proposed Action would generate a future population of 2,858± persons over the course of 15 years. However, it should be noted that the expected increase in population is a conservative estimate that does not account for natural growth in the Village, including growth that may occur with full build-out under existing zoning (i.e., the No Action alternative). Thus, the results of this analysis approximate the upper limit of potential impacts on community facilities and services/utilities due to the Proposed Action.

Under the Proposed Action, fire protection and (secondary) emergency medical services would continue to be provided by the Westbury FD, and primary ambulance services would continue to be provided by the NCPD EAB.

It is important to note that the Rezoning Areas are within already-developed areas that are currently served by the Westbury FD and the NCPD EAB. In order to ensure that there would be no significant adverse impacts to the services provided by these agencies, all redevelopment plans would be required to ensure compliance with the latest New York State Uniform Fire Prevention and Building Code and undergo review by the Nassau County Fire Marshal.

An analysis of the potential impacts on fire and ambulance services is included in Table 25.

Table 25 Impact on Fire Protection, Ambulance and Police Services

Public Safety Service	Demand Projection Rate	Projected Increased Demand for 2,858± Persons
Ambulance Services		
Calls per year	36.5 per 1,000 population	104.32± calls/year
Vehicles	1 per 30,000 population	0.10± vehicles
Full-time Personnel	4.1 per 30,000 population	0.40± full-time personnel
Fire Protection Services		
Personnel	1.65 per 1,000 population	4.72± personnel
Vehicles	0.2 per 1,000 population	0.57± vehicles
Facilities	250 SF per 1,000 population	714.50± SF
Police Services		
Personnel	2 per 1,000 population	5.72± personnel
Vehicles	0.6 per 1,000 population	1.71± vehicles
Facilities	200 SF per 1,000 population	571.60± SF

Source: Urban Land Institute, *Development Impact Assessment Handbook*, 1994

Based on factors published by the Urban Land Institute (*Development Impact Assessment Handbook*, 1994), the projected demand on fire and ambulance services is determined by the projected increase in population. The Proposed Action is projected to increase the population of the Rezoning Areas by 2,858± persons. Published factors indicate that for a population of this size, there is a potential demand for less than five full-time equivalent (FTE) personnel for fire protection services and less than one FTE personnel for ambulance services. An additional 104± ambulance calls per year are also projected. The potential increased demand for vehicles includes less than one for both fire protection and ambulance services. There is a minimal impact on resultant facilities needs for fire protection (i.e., 715± SF). While these projections indicate that some additional personnel, vehicles and facility space may be required to serve the projected increase in population, it is again noted that the projected population increase is a conservative estimate that does not include growth that would occur in the Village under the No Action alternative. Furthermore, fire protection and ambulance services are already provided in the Village; thus, it is expected that the existing facilities would be able to serve some of the anticipated increased demand without the need for increased personnel, vehicles and facility space in the full amounts projected in Table 25.

Overall, the Proposed Action and the RWCDS associated with same would not be expected to result in significant adverse impacts to fire protection and ambulance services.

3.2.2.1 Police Protection

Under the Proposed Action, police protection services would continue to be provided by the NCPD – Third Precinct South Subdivision.

As indicated in Table 25 above, there is a potential demand for approximately six police personnel and two vehicles to serve an additional population of 2,858± persons. There would also be a minimal impact on resultant facilities needs for police protection (i.e., 572± SF). It is important to note that the Rezoning Areas are already-developed areas that are currently served by the NCPD – Third Precinct South Subdivision. Moreover, as indicated above, the Westbury Auxiliary Police provide secondary police protection services to the Village. As indicated above, and in the *DRI Plan*, there are also currently two security booths operated by the NCPD and Westbury Auxiliary Police in the Village. Throughout the public engagement process, however, the installation of a third security booth on the southern end of Post Avenue (the Post Avenue Rezoning Area) has also been contemplated, allowing the NCPD and Westbury Auxiliary Police greater visual presence in the Village.

As individual site plans are developed, property owners would be expected to supplement police protection with on-site private security protection measures, as appropriate. These measures could include a doorman, site lighting, controlled access and security cameras. Furthermore, mixed-use development creates "eyes-on-the-street" and reduced vacancies would be less attractive to criminal activity. As such, and considering the conservative nature of the service demand projections, it is not expected that the Proposed Action would require significant increases in police personnel, vehicles or facilities as a result of the Proposed Action.

3.2.2.2 Health Care Facilities

As identified in Table 19, there are nine receiving hospitals with a combined total of almost 4,000± beds within approximately 10 miles of the Rezoning Areas. There are approximately 10 walk-in emergency/urgent care facilities within approximately five miles of the Rezoning Areas. While it is anticipated that an additional 2,858± persons would inhabit the Rezoning Areas as a result of the Proposed Action, it is expected that many of the potential additional residents would be existing residents from other nearby municipalities that currently utilize any number of the health care facilities that already serve these communities. As such, it is not anticipated that the Proposed Action and associated RWCDS would adversely impact health care facilities in the area.

3.2.2.3 Educational Facilities

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 (Appendix G), the RWCDS is expected to generate, over the 15-year full build period, between 43 and 189 additional school-aged children – the low range, or 43 school-aged children, is based on data from representative Long Island

TOD projects; the middle range, or 105 school-aged children, is based on the 2018 Avalon at Rockville Centre project, which had the ratio of school-aged children per unit of the representative Long Island TOD projects; and the high range, or 189 school-aged children, is based on demographic multipliers from the Rutgers University, Center for Urban Policy Research (CUPR)[30]. It is noted, however, that the high range, or 189 school-aged children, is a conservative estimate based on older data from throughout all of New York State; the actual number of school-aged children would likely be closer to the low or middle ranges, which are based on more recently observed data on Long Island. Furthermore, the high range estimate assumes that all school-aged children associated with the RWCDS would attend public schools and remain enrolled in the school district throughout the 15-year absorption schedule, while it is likely that many would attend private schools and/or age out of the school system during the 15-year build-out.

This analysis also predicts that the school-aged children generated by the RWCDS would be absorbed by the Westbury UFSD according to the schedule provided in the *Population and School-Aged Children Projections* memorandum (Table 3 in Appendix G). Approximately 50% of the projected new residential development would be absorbed at a constant rate (133 units per year) over the first six years of development, and the remaining 50% of the projected new residential development would be absorbed at a constant rate (88 units per year) over the following nine years.

To estimate impacts to the Westbury UFSD as a result of implementation of the Proposed Action, the *Population and School-Aged Children Projections* memorandum estimates the number of school-aged children to be absorbed into the Westbury UFSD each year over the estimated 15-year build-out scenario. As indicated the table below, the absorption schedule for both the low range (43 school-aged children) and high range (189 school-aged children) projections illustrates the number of school-aged children to be absorbed each year.

[30] Burchell, Robert W., David Listokin, William Dolphin Center for Urban Policy Research, Edward J. Bloustein School of Planning and Public Policy; *Residential Demographic Multipliers, Estimates of the Occupants of New Housing (Residents, School-Age Children, Public School-Age Children) by State, Housing Type, Housing Size, and Housing Price*. June 2006.

Table 26 Absorption Schedule for Low and High Range School-Aged Children Projections

Year	School-Aged Children Projection (Low)	Cumulative School-Aged Children Projection (Low)	School-Aged Children Projection (High)	Cumulative School-Aged Children Projection (High)
1	3	3	16	16
2	4	7	16	32
3	4	11	15	47
4	3	14	16	63
5	4	18	16	79
6	4	22	16	95
7	2	24	10	105
8	2	26	11	116
9	3	29	10	126
10	2	31	11	137
11	2	33	10	147
12	3	36	11	158
13	2	38	10	168
14	3	41	11	179
15	**2**	**43**	**10**	**189**

As indicated in the table above, it is estimated that the low range projection of 43 school-aged children would be absorbed by the Westbury UFSD in increments of three or four school-aged children per year for the first six years, and two or three school-aged children for the remaining nine years of the estimated 15-year build-out scenario. Conversely, it is estimated that the high range projection of 189 school-aged children would be absorbed by the Westbury UFSD in increments of 15 or 16 school-aged children per year for the first six years, and 10 or 11 school-aged children per year for the remaining nine years of the estimated 15-year build-out scenario. Based on Westbury UFSD's projected enrollment for the 2018-2019 school year of 5,262 students, the absorption of 43 school-aged children (i.e., the low range) by the Westbury UFSD over the estimated 15-year build-out scenario represents an increase of approximately 0.82% in enrollment; the absorption of 189 school-aged children (i.e., the high range) by the Westbury UFSD over the estimated 15-year build-out scenario represents an increase of 3.59% in enrollment, as compared to the 2018-2019 enrollment of 5,262 students.

As indicated in Table 20 above, enrollment within the Westbury UFSD remained relatively stable from the 2009-2010 school year to the 2013-2014 school year (i.e., an increase of 310 school-aged children), and again from the 2014-2015 school year to the 2018-2019 school year (i.e., a decrease of 73 school-aged children). It is noted, however, that between the 2013-2014 school year and the 2014-2015 school year, the Westbury UFSD saw an increase of approximately 669 school-aged

children. Overall, the Westbury UFSD has experienced an increase of approximately 903 school-aged children in the past 10 years. Thus, while the Proposed Action and RWCSD is expected to generate between 43 (the low range) and 189 (the high range) school-aged children over the estimated 15-year build-out scenario, total enrollment is expected to be less than the highest capacity in the last ten years (i.e., during the 2014-2015 school year, when enrollment was 5,338 students), as compared to the 2018-2019 enrollment of 5,262 students.

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. Additional discussion regarding the fiscal impacts to the Westbury UFSD as a result of implementation of the Proposed Action and RWCDS is presented in Section 3.3.2, below.

3.2.2.4 Library

As indicated above, the RWCDS would generate would generate a future population of 2,858± persons over the course of 15 years. It is expected that a portion of these residents would use the services of the Westbury Memorial Public Library. However, the utilization of library services would vary among the population such that existing facilities are not expected to be strained by an increase in patronage. Additionally, while only a portion of residents are expected to use public library services, all redevelopments would generate property tax revenue to the Westbury Memorial Public Library, which is expected to more than cover any potential increase in costs associated with increased library patronage due to redevelopment under the Proposed Action. Therefore, no significant adverse impacts on library services are anticipated.

3.2.2.5 Public Parks and Recreation

As indicated above, the Village of Westbury Recreation Department administers public open space and recreation facilities throughout the Village, and would continue to oversee operations and maintenance of parks within the Village upon implementation of the Proposed Action. As indicated in Section 3.2.1 of this DGEIS, the Westbury Recreation and Community Center is currently utilized by approximately 300 Village residents on a daily basis, or approximately two percent of the Village's total population of 15,396 (see Section 3.2.2, *Socioeconomics*, of this DGEIS). As indicated in the *Population and School-Aged Children Projections* memorandum, dated May 20, 2019 (Appendix G), it is anticipated that the Proposed Action would generate a future population of 2,858± persons over the course of 15 years. This future population represents approximately 18.6 percent of the Village's total population. However, it is not anticipated that the Westbury Recreation and Community Center would be utilized by all the future residents of the Village,

thereby limiting impacts upon Village recreation uses. Additionally, it should be noted that the new population to be generated by the RWCDS would be absorbed by the Village 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. Moreover, Project 2.1 of the *DRI Plan* includes upgrades to the Westbury Recreation and Community Center that would increase the capacity of the facility to better serve the residents of the Village.

Additionally, the availability cultural and entertainment assets and organizations within the Village, including Westbury Arts, The Space, the Westbury Military Historical Collection, as well as additional open space uses, including the Piazza, Eisenhower Park (Nassau County), Charles J. Fuschillo Park, Alphonse Campbell Memorial Park and Martin Bunky Reid Park, would have the ability to serve the future population, and would not require additional public parks and/or recreation facilities in the Village.

Based on the foregoing, it is not expected that the projected increase in development under the RWCDS would lead to a strain on nearby parks and public recreational resources.

Moreover, as indicated in Section 3.1.2 of this DGEIS, a key component of the proposed MU District of the Village is the inclusion of incentive zoning procedures designed to encourage developers to provide certain specified public benefits in exchange for development bonuses, which may include the provision of new public open space, enhancement of existing public open space, and ecological resources.

Therefore, it is anticipated that implementation of the Proposed Action would not have significant adverse impacts on public parks and recreational resources within the Village.

3.2.2.6 Solid Waste

As indicated in Table 21 and Table 22 above, the existing Rezoning Areas generate 341.48± tons of solid waste per month. As indicated in Table 27 and Table 28 below, the RWCDS is expected to generate a total of 611.89± tons of solid waste per month. Thus, the net increase in solid waste generation would be 270.41± tons of solid waste per month.

Table 27 Projected Post Avenue Rezoning Area Solid Waste Generation

Solid Waste Use Category	Gross Floor Area (square feet)	Solid Waste Generation Rate (per day)	Solid Waste Generation (tons/month)
Residential	440,744 (516 units)	4.38 lbs/person/day[(a)]	102.08
Commercial (Retail and Office)	456,725	13 lbs/1,000 sf/day[(b)]	90.30
Industrial	16,958	2 lbs/100 sf/day[(c)]	5.16
Community Facility and Other	53,592	1 lb/100 sf/day[(d)]	8.15
Total (tons/month):			**205.69±**

Sources: (a) U.S. Environmental Protection Agency. *Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2012*. Assumes 2.97 people per housing unit.
(b) Salvato, Joseph A. et al, Environmental Engineering, Fifth Edition. 2003. The factor of 13 lbs/1,000 sf/day is for "retail and service facilities," as published in *Environmental Engineering*, 2003.
(c) The factor of 2 lbs/100 sf/day is for "industrial/warehouse," as published in *Environmental Engineering*, 2003.
(d) The factor of 1 lb/100 sf/day is for "commercial building, office", as published in *Environmental Engineering*, 2003.

Table 28 Projected Maple Union Triangle Rezoning Area Solid Waste Generation

Solid Waste Use Category	Gross Floor Area (square feet)	Solid Waste Generation Rate (per day)	Solid Waste Generation (tons/month)
Residential	1,453,131 (1,618 units)	4.38 lbs/person/day[(a)]	320.10
Commercial (Retail and Office)	176,195	13 lbs/1,000 sf/day[(b)]	34.84
Industrial	145,138	2 lbs/100 sf/day[(c)]	44.15
Community Facility and Other	46,753	1 lb/100 sf/day[(d)]	7.11
Total (tons/month):			**406.20±**

Sources: (a) U.S. Environmental Protection Agency. *Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2012*. Assumes 2.97 people per housing unit.
(b) Salvato, Joseph A. et al, Environmental Engineering, Fifth Edition. 2003. The factor of 13 lbs/1,000 sf/day is for "retail and service facilities," as published in *Environmental Engineering*, 2003.
(c) The factor of 2 lbs/100 sf/day is for "industrial/warehouse," as published in *Environmental Engineering*, 2003.
(d) The factor of 1 lb/100 sf/day is for "commercial building, office", as published in *Environmental Engineering*, 2003.

As indicated above, the collection and disposal of solid waste currently generated by commercial and industrial properties in the Village is performed by licensed private contractors. Similarly, the collection of solid waste generated by residences is currently performed by the Village Department of Public Works. As part of the Proposed Action, however, amendments to the Zoning Code relating to rubbish disposal would require properties approved for [re]development, under § 248-362 *Rubbish disposal*, to provide private rubbish removal. Specifically, § 248-362 of the amended Zoning Code states:

> *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. Any site plan application, application for special use, building permit or other application under this Article shall be required to include a written description and plan for the private sanitation, waste disposal, rubbish removal and recycling collection to be utilized and implemented.*

As such, it is anticipated that implementation of the Proposed Action would not have significant adverse impacts on the Village Department of Public Works; but, rather, would have beneficial impacts thereon by requiring private collection for all new developments.

3.2.2.7 Water Supply

As indicated in Table 23 and Table 24 above, existing uses within the Post Avenue Rezoning Area and Maple Union Triangle Rezoning Area currently generate 190,044± gpd and 77,822± gpd of potable water demand, respectively.

Table 29 and Table 30 below, show projected potable water demand and sanitary sewer generation within the Rezoning Areas, based on NCDPW design sewage flow rates, upon implementation of the Proposed Action.

Table 29 Projected Potable Water Demand/Sewage Generation: Post Avenue Rezoning Area

Water Demand/Sewage Generation Use Category	Gross Floor Area (square feet)	Design Sewage Flow Rate (gpd)	Total Water Demand/Sewage Flow (gpd)
Residential	440,744 (516 units)	200 gpd/unit + 100 gpd per each additional bedroom[(a)]	154,800±
Commercial (Retail and Office)	456,725	0.15 gpd/SF[(b)]	68,509±
Industrial	16,958	0.04 gpd/SF[(c)]	679±
Community Facility and Other	53,592	0.03 gpd/SF[(d)]	1,608±
Total (gpd):			**225,596±**

Source: Nassau County Department of Public Works. *Minimum Design Sewage Flow Rates*.

Notes: (a) The factor for Residential uses assumes all two-bedroom apartment/condominium units.

(b) To be conservative, the factor for "Wet Store (food processing)" was assumed for all Commercial (Retail and Office), as the exact type of commercial use (e.g., office, dry store, wet store, restaurant) is unknown at this time.

(c) The factor for all Industrial uses is defined in the *Minimum Design Sewage Flow Rates* as "Industrial Space."

(d) The factor for all Community Facility and Other uses is defined in the *Minimum Design Sewage Flow Rates* as "Firehouse."

Table 30 Projected Potable Water Demand/Sewage Generation: Maple Union Triangle Rezoning Area

Water Demand/Sewage Generation Use Category	Gross Floor Area (square feet)	Design Sewage Flow Rate (gpd)	Total Water Demand/Sewage Flow (gpd)
Residential	1,453,131 (1,618 units)	200 gpd/unit + 100 gpd per each additional bedroom[(a)]	485,400±
Commercial (Retail and Office)	176,195	0.15 gpd/SF[(b)]	26,430±
Industrial	145,138	0.04 gpd/SF[(c)]	5,806±
Community Facility and Other	46,753	0.03 gpd/SF[(d)]	1,403±
Total (gpd):			**519,039±**

Source: Nassau County Department of Public Works. *Minimum Design Sewage Flow Rates*.

Notes: (a) The factor for Residential uses assumes all two-bedroom apartment/condominium units.
(b) To be conservative, the factor for "Wet Store (food processing)" was assumed for all Commercial (Retail and Office), as the exact type of commercial use (e.g., office, dry store, wet store, restaurant) is unknown at this time.
(c) The factor for all Industrial uses is defined in the *Minimum Design Sewage Flow Rates* as "Industrial Space."
(d) The factor for all Community Facility and Other uses is defined in the *Minimum Design Sewage Flow Rates* as "Firehouse."

As indicated in the previous tables, it is projected that the RWCDS would create a demand for 225,596± gpd of potable water within the Post Avenue Rezoning Area and 519,039± gpd of potable water within the Maple Union Triangle Rezoning Area. Thus, implementation of the Proposed Action would create a combined demand for 744,635± gpd of potable water – a net increase of 476,709± gpd or 173,998,785 gallons per year over existing conditions. This represents approximately 15 percent of the Westbury Water District's 2017 pumpage of 1.16± billion gallons. 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. Moreover, it is noted that the "peak" demand during the day would be less pronounced as the different uses contemplated under the RWCDS would have peak water consumption at different hours of the day.

For all site-specific applications within the Rezoning Areas, the Westbury Water District would be consulted to confirm water service availability and to identify potentially necessary site improvements to provide potable water to potential future development sites. As part of the proposed zoning amendments within the Maple Union TOD District, LEED certifications or similar standards which would contribute

to potable water reduction within the Maple Union Rezoning Area may also be employed to reduce the total potable water demand within the Rezoning Area.

Thus, implementation of the Proposed Action is not expected to have a significant adverse impact on the local water supply.

3.2.2.8 Sewage Treatment and Disposal

As discussed above, the Rezoning Areas are connected to the NCDPW Sewer Collection District #3, discharging to the Cedar Creek WPCP. As shown in the tables above, the total estimated sanitary flow under the Proposed Action, using the same calculations as for potable water, is projected to be 744,635± gpd with a net increase over existing conditions of 476,709± gpd. This represents approximately 0.76 percent of the Cedar Creek WPCP's average daily pumpage of 63.1 million gpd and approximately 0.66 percent of the permitted daily capacity of 72 million gpd. It should be noted that the "peak" generation of sanitary waste during the day would be less pronounced as the different uses contemplated under the RWCDS would have peak sanitary generation at different hours of the day.

For all site-specific applications within the Rezoning Areas, the NCDPW would be consulted to confirm sewer availability and to identify potentially necessary site improvements to provide sewage conveyance and treatment to potential future development sites.

Thus, implementation of the Proposed Action is not expected to have a significant adverse impact on the sanitary sewer system including the Cedar Creek WPCP.

3.2.2.9 Electricity

As discussed above, 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, such that there would not be significant adverse impacts to this utility provider. See Section 3.12 of this DGEIS for further discussion regarding the use and conservation of energy.

3.2.2.10 Natural Gas

As discussed above, the Rezoning Areas are within the service area of National Grid for natural gas service. As the Proposed Action has the potential to increase the demand for natural gas, consultations would be undertaken with National Grid for review of any future development plans. For all site-specific applications within the

Rezoning Areas, National Grid would be consulted to confirm service availability and to identify potentially necessary site improvements to provide natural gas service.

It is noted that at this time, National Grid has stopped processing new applications for service for all residences, small businesses and large development projects due to NYSDEC's rejection of the water quality permit for the Williams Pipeline, also known as the Northeast Supply Enhancement (NESE) project. New Jersey has also yet to approve the pipeline. The applicant for the pipeline has begun to address NYSDEC's concerns and is hopeful that a mutually agreeable solution can be achieved. However, developments that require new gas connections for new projects may be required to seek alternative fuel sources if National Grid cannot be relied upon at this time to supply natural gas for new connections.

As National Grid will only confirm service availability to individual projects if sufficient capacity exists within the system, the Proposed Action would not result in significant adverse impacts to this utility provider. See Section 3.12 of this DGEIS for further discussion regarding the use and conservation of energy.

3.2.3 Proposed Mitigation Measures

In the analysis above, no significant adverse impacts to community facilities or services due to the RWCDS under the Proposed Action have been identified; and, as such, mitigation is not required. However, the following measures would assist in ameliorating project-related effects on community facilities and services:

- Increased tax revenues from new developments would benefit the various community service providers.
- The integration of residential and non-residential uses in mixed-use development ensures that there would be a population presence within the Post Avenue and Maple Union Triangle Rezoning Areas at all times, providing additional security and public safety.
- It is likely that many future tenants would provide private security, thus minimizing the impact on the NCPD.
- Future developments would be constructed to the latest New York State Uniform Fire Prevention and Building Code and undergo review by the Nassau County Fire Marshal.
- The mixed-use nature of development under the RWCDS would not result in "peaked" utility demands, including water, electricity and natural gas demands, because the highest usage/demand peaks for the individual uses would not occur at the same time of day. Therefore, the respective utility providers would not have to provide for true peak demands like single-use developments would require.
- Future public benefits provided within the Maple Union Triangle Rezoning Area in exchange for development bonuses may include improvements to public open spaces and energy conservation measures to reduce impacts on public recreational resources and utility providers, respectively.

3.3 Socioeconomics

This section of the DGEIS establishes a baseline of demographic conditions for the study area from which impacts of the Proposed Action can be assessed. It includes information on population, age distribution, households, average household income, housing units and housing tenure, median home value, median rents, labor force, employment, and businesses from the data sources, noted below. It also estimates the socioeconomic benefits of the Proposed Action and assesses whether the Proposed Action could result in any significant adverse impacts due to changes in socioeconomic conditions. Specifically, the economic analysis centers on job creation and economic output, as well as the potential economic synergies created by the Proposed Action and the existing conditions in the Village. The fiscal impacts section examines the potential tax revenues that would be generated by the Proposed Action and compares them to the additional costs borne by the Village and the School District due to the Proposed Action. The impacts assessment evaluates the Proposed Action's effect on demographics, housing characteristics, and labor force as well as economic activity in the Study Area.

3.3.1 Existing Conditions

3.3.1.1 Methodology

Study Area and Rezoning Area

The Socioeconomics Study Area is the area within which a project has the greatest potential to affect change. For the baseline existing conditions, it is the area within which it is important to understand the population, housing, labor, employment and economic trends from the recent past to the present. The Socioeconomics Study Area ("Study Area") selected for the existing conditions report includes Census Tracts surrounding the Rezoning Areas that are within the Village. This Study Area includes Nassau County Census Tracts 3040.02 and 3041 in the Village (Table 31), which would have the greatest potential to experience socioeconomics changes as a result of the Proposed Action.

One should note the difference between the Study Area and the Rezoning Area. The Rezoning Area refers to the Post Avenue and Maple Union Triangle Rezoning Areas that are subject to the Proposed Action. The Study Area refers to Nassau County Census Tracts 3040.02 and 3041. In some instances, zip code 11590 was used to represent the Study Area due to data limitations.

In addition, the study considered the Census Tracts within a ½ mile radius of the Rezoning Area as a benchmark geography. Since the Village encompasses all of the Census Tracts within a ½ mile radius, the study deemed the entire Village as the appropriate benchmark geography.

Table 31 Census Tracts

Study Area	Nassau County Census Tracts
(includes Post Avenue Rezoning Area, Maple Union Triangle Rezoning Area and some surrounding areas)	3040.02 3041
Village of Westbury	**Nassau County Census Tracts** 3039 3040.01 3040.02 3041

Approach

First, an existing baseline of socioeconomic and demographic conditions was developed for the Study Area from which impacts of the Proposed Action can be assessed. It includes information on population, age distribution, households, average household income, housing units and housing tenure. Moreover, the existing conditions baseline obtained data on the Study Area's labor force, employment, local businesses and retail gap. Trends identified in the existing conditions baseline were also projected forward to consider a future No Action Scenario in which the Proposed Action does not occur.

Next, an assessment of the future with the Proposed Action was conducted. First, a projection of population and school-aged children was performed to arrive at an estimate of new residents, households and school-aged children in the Westbury UFSD. In terms of fiscal impacts from new households, the analysis relied on the development assumptions from the RWCDS. From these development assumptions, an analysis of projected property taxes and other revenue was created. Based on population projections and budgetary data from the Village, the analysis also projected the cost of providing municipal services to the projected new development. An analysis estimating the potential effects on the direct and indirect displacement of residential populations was performed employing the guidelines established in *The SEQR Handbook* and *the New York City Environmental Quality Review (CEQR) Technical Manual*, as this document provides a framework for specific socioeconomic analyses.

In addition to the socioeconomic and fiscal impacts, this section assesses the direct and indirect economic benefits of the Proposed Action in terms of construction and permanent employment, wages related to the employment, and total economic output. The estimates of jobs to be created by the Proposed Action were produced using an inputs/outputs model (the RIMS II model of the Bureau of Economic Analysis) that employs multipliers relevant for the study area and surrounding communities. These multipliers were used to produce estimates of full-time-equivalent indirect and induced jobs (both temporary and permanent). Indirect jobs

represent business-to-business employment from economic activity that would be created within industries that support the Proposed Action. Induced jobs represent worker-to-business employment from increased income and associated consumer expenditure. Temporary jobs refer to the construction jobs generated, and permanent jobs refer to the jobs that are created by new ongoing economic activity in the area. Estimates of direct jobs were produced based on estimated construction costs of the Proposed Action, projected square footage of commercial space created, average wages obtained from the Bureau of Labor Statistics, and other benchmarks. Furthermore, an analysis of potential effects on direct and indirect displacement of existing businesses was performed employing the guidelines established in *The SEQR Handbook* and the *CEQR Technical Manual*.

Data Sources

This section utilizes data from multiple sources to perform the various analyses. The principal sources used are as follows (presented alphabetically):

American Community Survey 1-Year and 5-Year Estimates

The American Community Survey (ACS) Estimates present statistical estimates based on data gathered over a specified period of time rather than a single point in time. The estimates provide increased statistical reliability for small population areas. The ACS Estimates are used in place of the Decennial Census where the relevant data is not available.

Bureau of Economic Analysis RIMS II Multipliers

This study uses the RIMS II Multipliers for Nassau County, NY to calculate the total economic impact of the proposed development, including indirect and induced jobs. The multipliers are used to calculate the total economic output as well as job estimates based on a set of inputs and a specified industry and region.

Bureau of Labor Statistics

The economic impacts portion of this analysis relies on wage data from the National Occupational Employment and Wage Estimates survey published on the Bureau of Labor Statistics website. This data was also used to estimate employment trends in the various sectors under analysis.

CoStar

CoStar provides commercial real estate data for retail, commercial office, multifamily and other property types and is widely considered the industry standard for commercial real estate data. CoStar is used for data on rents, vacancy and real estate inventory in this analysis.

Economic Census

The Economic Census is the U.S. Government's official five-year measure of American business and the economy. The Economic Census provides detailed

information on employer businesses, including detailed data by industry, geography, and more.

ESRI Business Analyst

ESRI Business Analyst is used in this report for business sales, employment and consumer demand data. ESRI uses data from the Bureau of Labor Statistics, Consumer Expenditure Survey and Economic Census to calculate market potential and consumer demand.

Nassau County Assessor's Office

The Nassau County Assessor's Office website (https://www.nassaucountyny.gov/1501/Assessment) was used to create projections for future property tax revenues.

Rutgers University, Center for Urban Policy Research

Rutgers University, Center for Urban Policy Research published a 2006 study titled Residential Demographic Multipliers – Estimates of the Occupants of New Housing. This report was used for analysis on the new population and school-aged children.

Trulia

Trulia is a residential real estate listing service for both for-sale and rental properties. Trulia was used to obtain data on asking rents.

U.S. Decennial Census 2000, 2010

The U.S. Decennial Census was the primary source for socioeconomic and demographic data used in this report. The 2000 and 2010 versions of the census are used to analyze trends over time.

Vision Long Island Report, 2017

In 2017, the Vision Long Island Report surveyed the number of school-aged children generated by Long Island TOD. This survey was updated in 2019 and is used in the analysis on new school-age children.

Zillow Home Value Index and Rent Index

Zillow publishes home value and rent data in monthly time series form for geographical levels ranging from the neighborhood to national level.

3.3.1.2 Study Area Demographic, Housing, and Labor Force Characteristics Residential Population

Table 32 presents the population for the Study Area, as well as for the benchmark broader geographies. In 2017 the Study Area included 8,670 residents, a 0.2% decrease from 2010. In contrast, population growth has been positive, though moderate, in the larger benchmark geographies. Overall, population grew in the

surrounding benchmark areas from 2010 to 2017 with the largest increase occurring in Nassau County at a 1.8% gain.

Table 32 Residential Population

Geography	2000	2010	2017	Percent Change (2000-2010)	Percent Change (2010-2017)
Study Area	7,773	8,686	8,670	12%	-0.2%
Village of Westbury	14,263	15,146	15,396	6.2%	1.6%
Nassau County	1,334,544	1,339,532	1,363,069	0.4%	1.8%

Sources: American Community Survey, 2000 SF1_DP1, U.S. Census Bureau 2010 Census, U.S. Census Bureau 2017 Census

Age Distribution

Table 33 presents the age distribution in the Study Area and the broader surrounding benchmark geographies from years 2000, 2010, and 2017. In 2017, the Study Area's median age was 35.2, which is 3.3 years younger than in the Village. While the Study Area's median age was 35.8 in 2000, it increased to 38.0 in 2010, before decreasing to 35.2 in 2017. The largest age cohort amongst the Study Area in 2017 was between 20-34 (28%). In contrast, the Village's largest age cohort is 35-54 (26%). The largest age distribution shifts between 2010-2017 in the Study Area was an 18% decrease between the ages 35-54, as shown in Table 34.

Table 33 Age - Raw Number (% Share)

Age Distribution	Study Area	Village of Westbury	Nassau County
2000			
Average Median Age	35.8	37.2	38.5
0-19	1,756 (23%)	3,496 (25%)	358,923 (27%)
20-34	2,049 (26%)	3,158 (22%)	230,766 (17%)
35-54	2,233 (29%)	4,267 (30%)	418,057 (31%)
55-64	714 (9%)	1,402 (10%)	125,957 (9%)
65+	1,021 (13%)	1,940 (14%)	200,841 (15%)
2010			
Average Median Age	38.0	39.2	41.1
0-19	1,822 (21%)	3,380 (22%)	344,970 (26%)
20-34	2,200 (25%)	3,292 (22%)	221,932 (17%)
35-54	2,445 (28%)	4,346 (29%)	395,617 (30%)
55-64	977 (11%)	1,905 (13%)	4,346 (13%)
65+	1,242 (14%)	2,223 (15%)	1,905 (15%)
2017			
Average Median Age	35.2	38.5	41.5
0-19	1,913 (22%)	3,442 (22%)	333,412 (24%)
20-34	1,002 (28%)	2,017 (23%)	164,284 (18%)
35-54	1,965 (23%)	3,990 (26%)	368,256 (27%)
55-64	1,016 (12%)	2,062 (13%)	189,867 (14%)
65+	1,338 (15%)	2,366 (15%)	228,558 (17%)

Note: Median age for the Study Area is the average of the median age for the Census Tracts it contains.
Source: U.S. Census Bureau, 2000 and 2010 Census, DP-1 (Profile of General Population and Housing Characteristics); American Community Survey 5-Year Estimates, 2013-2017, B0100 (Sex by Age)

Table 34 Age - % Change

Age Distribution	Study Area	Village of Westbury	Nassau County
2000 - 2010 % Change			
0-19	-8.7%	-12%	-3.7%
20-34	-3.8%	0.0%	0.0%
35-54	-3.4%	-3.3%	-3.2%
55-64	22%	30%	44%
65+	7.7%	7.1%	0.0%
2010- 2017 % Change			
0-19	4.8%	0.0%	-7.7%
20-34	12%	4.5%	5.9%
35-54	-18%	-10%	-10%
55-64	9.1%	0.0%	7.7%
65+	7.1%	0.0%	13%

Source: U.S. Census Bureau, 2000 and 2010 Census, DP-1 (Profile of General Population and Housing Characteristics); American Community Survey 5-Year Estimates, 2013-2017, B0100 (Sex by Age)

Households and Average Household Size

Table 35 presents the number of households within the Study Area and larger benchmark geographies. In 2017, the Study Area contained 2,858 households, a 2.3% decrease from 2010. This decrease is slightly greater, though generally consistent with decreases experienced by the Village, which had 4,873 households in 2017, a 1.8% decrease from 2010. The other larger geography, Nassau County, saw increases of 0.3% over the same ten-year period.

In 2017, the average household size in the Study Area was 3.12 persons per household, which was slightly less than the Village at 3.15 persons per household, but larger than Nassau County at 3.02 persons per household. The Study Area's 2017 average household size increased from 2010 consistent with the household size for the larger benchmark geographies.

Table 35 Total Households and Average Household Size

Geography	Total Households					Average Household Size		
	2000	2010	2017	% Change (2000-2010)	% Change (2010-2017)	2000	2010	2017
Study Area	2,613	2,924	2,858	11.9%	-2.3%	3.02	3.02	3.12
Village of Westbury	4,638	4,963	4,873	7.0%	-1.8%	3.07	2.98	3.15
Nassau County	447,387	442,833	444,136	-1.0%	0.3%	2.93	2.95	3.02

Sources: American Community Survey, 2000 SF1_DP1, U.S. Census Bureau 2010 Census, U.S. Census Bureau 2017 Census

Median Household Income

Table 36 presents median household income in the Study Area and in the larger surrounding benchmark geographies for 2000, 2010 and 2017, in 2017 dollars. For the Study Area, the data shows the weighted average of each Census Tract's median household income, since the median was not available for the aggregated group of Census Tracts. The median household income for the Study Area in 2017 was $78,851, which was a 19% increase from 2010 after adjusting for inflation. The change in median household income in the Village was almost $20,000 higher. Comparatively, the larger benchmark geography of Nassau County experienced a 13% gain in median household income.

Table 36 Median Household Income

Geography	Median Household Income (2017 dollars)				
	2000	2010	2017	% Change (2000-2010)	% Change (2010-2017)
Study Area	$69,547	$66,553	$78,851	-4.3%	19%
Village of Westbury	$74,032	$80,081	$96,563	8.2%	21%
Nassau County	$72,030	$93,613	$105,744	30%	13%

Note: Household income is presented in 2017 dollars.

Sources: American Community Survey, 2000 SF1_DP1, U.S. Census Bureau 2010 Census, U.S. Census Bureau 2017 Census

Poverty Rates

Table 37 presents household poverty rates in the Study Area and in the larger surrounding benchmark geographies for 2000, 2010, and 2017. Poverty rate, as defined by the U.S. Census, is the percentage of households with total household incomes falling below the Federal Poverty Threshold for that year. In 2017, the Federal Poverty Threshold ranged from $12,488 for a single person household to $50,681 for a household with nine persons or more.

The poverty rate in the Study Area was 10.1% in 2017, which was the highest poverty rate compared to the poverty rate in the Village as a whole (6.2%) and Nassau County (5.9%). While the poverty rate in the Village and Nassau County decreased between 2000-2010, the Village remained stable in 2017 and increased in Nassau County.

Table 37 Poverty Rates

Geography	Poverty Rate		
	2000	2010	2017
Study Area	9.1%	9.1%	10.1%
Village of Westbury	6.6%	6.2%	6.2%
Nassau County	6.6%	5.0%	5.9%

Sources: U.S. Census Bureau, 2000 and 2010 Census), DP-3 (Profile of Selected Economic Characteristics)

Housing

Table 38 represents the total number of vacant and occupied housing units and their tenure in the Study Area and larger benchmark geographies. According to the RWCDS existing conditions analysis for the Post Avenue and Maple Union Triangle Rezoning Area, there are 544 residential units.

Likewise, in 2017, there were 2,858 occupied housing units in the Census Tract Study Area, a 5.9% decrease from 2010. In 2017, the Study Area had a split of 63-37% of owner-occupied to renter units compared to 75-25% Village-wide. While the number of renters between 2010-2017 in the Study Area decreased by 15%, the number of owners increased by 1.1%. Due to new units added to the inventory, the vacancy in the Study Area increased in 2017 to 9.0%, similar to the Village, where the number of vacancies increased to 6.1%.

Table 38 Owner Occupancy and Vacancy Rates

Table Geography	Housing Tenure								
	Tenure	2000		2010		2017		% Change (2000-2010)	% Change (2010 - 2017)
		Total	%	Total	%	Total	%	%	%
Study Area	Occupied	2,613	98%	3,037	95%	2,858	91%	16%	-5.9%
	Owner	1,708	65%	1,785	59%	1,805	63%	4.5%	1.1%
	Renter	905	35%	1,252	41%	1,053	37%	38%	-15%
	Vacant	62	2.3%	153	5.0%	280	9%	146%	83%
Village of Westbury	Occupied	4,638	50%	5,078	96%	4,873	93%	9.5%	-4.0%
	Owner	3,577	77%	3,655	72%	3,655	75%	2.2%	0.0%
	Renter	1,061	23%	1,423	28%	1,218	25%	34%	-14.4%
	Vacant	76	1.6%	193	3.7%	315	6.1%	154%	63.2%
Nassau County	Occupied	447,387	98%	448,528	96%	444,136	94%	0.3%	-1.0%
	Owner	359,264	80%	358,300	80%	357,982	81%	-0.3%	-0.1%
	Renter	88,123	20%	90,228	20%	86,154	19%	2.4%	-4.5%
	Vacant	10,764	2.3%	19,818	4.2%	26,895	5.7%	84%	35.7%

Sources: American Community Survey, 2000 SF1_DP1, U.S. Census Bureau 2010 Census, U.S. Census Bureau 2017 Census

Median Home Value

Table 39 presents the median home value for the Study Area, represented by zip code 11590, and larger surrounding benchmark geographies. The median home value in the Study Area was $440,067 in 2017. This value is lower than that of the entire Village, where the median home value was $447,758. The Study Area shows similar median home values to the Village, and the two areas experienced increases of, 11% and 10% respectively from 2010 to 2017 after adjusting for inflation. The median home value in Nassau County was higher than both the Study Area's and Village's and increased by 8% to $487,242 between 2010 and 2017.

Table 39 Median Home Value

Geography	2010	2017	% Change
Study Area (11590)	$395,660	$440,067	11%
Village of Westbury	$406,339	$447,758	10%
Nassau County	$452,316	$487,242	8%

Source: Zillow ZHVI All Homes Time Series ($). All values adjusted for inflation to 2017 dollars.

Table 40 presents the median rent for housing units in the Study Area represented by zip code 11590, and larger surrounding benchmark geographies. The Study Area's 2017 median rent value was $2,958, a 5% increase from 2010 after adjusting for inflation. Nassau County showed a similar median rent value ($2,948) and growth (7%) between 2010 and 2017. The median rent value in the Village was on par with other two locations at $3,001, and the percent change from 2010 was 7%, equal to the County' and slightly higher than the Study Area's changes in median rent.

Table 40 Median Rent Value

Geography	2010	2017	% Change
Study Area (11590)	$2,810	$2,958	5%
Village of Westbury	$2,810	$3,001	7%
Nassau County	$2,747	$2,948	7%

Source: Zillow ZRI Time Series Multifamily, SFR, Condo/Co-op. All values adjusted for inflation.

Labor Force

Table 41 presents the size of the labor force that works in the Study Area and the broader surrounding geographies. The labor force in the Study Area decreased 2.5% from 4,945 to 4,821 between 2010-2017. The Village and Nassau County's labor force grew at faster rates during this period, by 5% and 4%, respectively. The Village experienced the greatest increase in labor force, with a 5% increase.

Table 41 Labor Force

Geography	2000	2010	2017	% Change (2000-2010)	% Change (2010-2017)
Study Area	4,575	4,945	4,821	8.1%	-2.5%
Village of Westbury	7,802	8,294	8,741	6.3%	5.4%
Nassau County	655,809	690,837	717,711	5.3%	3.9%

Source: U.S. Census Bureau, 2000 Census, SF4_DP3, American Community Survey, Survey 5-Year Estimates, S2301, U.S. Census Bureau, 2017 Estimates

Employment by Sector

Tables 42 and 43 present employment levels by economic sector for the Study Area, the Village, and Nassau County.

In 2015, the largest sector by employment in the Study Area was "Administrative & Support, Waste Management and Remediation," which increased by 69% from its 2010 level. The next largest sectors were "Construction," "Health Care and Social Assistance," and "Wholesale Trade." The most significant changes in employment sectors for the Study Area between 2010-2015 were in "Wholesale Trade," "Arts, Entertainment, and Recreation," and "Administrative & Support, Waste Management and Remediation," which experienced 141%, 100%, and 69% changes, respectively. The largest sector by employment in the Village was "Health Care and Social Assistance," which increased by 12% from 2010 levels. The next largest sectors were "Retail Trade", "Educational Services," and "Accommodation and Food Services."

Table 42 Employment by Sector

Employment by Sector	Study Area			Village of Westbury		
Industry	**2010**	**2015**	**% Change**	**2010**	**2015**	**% Change**
Agriculture, Forestry, Fishing and Hunting	0	0	-	3	0	-100%
Mining, Quarrying, and Oil and Gas Extraction	0	0	-	0	0	-
Utilities	5	0	-100%	5	0	-100%
Construction	285	327	15%	380	403	6.1%
Manufacturing	77	58	-25%	102	69	-32
Wholesale Trade	105	253	141%	138	281	104%
Retail Trade	281	169	-40	399	558	40%
Transportation and Warehousing	61	16	-74%	63	21	-67%
Information	122	92	-25%	127	97	-24%
Finance and Insurance	111	95	-14%	122	107	-12%
Real Estate and Rental and Leasing	88	26	-70%	91	33	-64%
Professional, Scientific, and Technical Services	221	240	8.6%	276	301	9.1%
Management of Companies and Enterprises	0	7	-	0	9	-
Administration & Support, Waste Management and Remediation	246	415	69%	315	463	47%
Educational Services	297	233	42%	499	527	5.6%
Health Care and Social Assistance	446	288	9.4%	541	604	12%
Arts, Entertainment, and Recreation	1	2	100%	1	3	200%
Accommodation and Food Services	235	240	2.1%	321	527	64%
Other Services (excluding Public Administration)	173	260	50%	200	278	39%
Public Administration	57	75	32%	58	75	29%
Total	**2,811**	**3,185**	**13%**	**3,641**	**4,356**	**20%**

Source: OnTheMap. U.S. Census Bureau. 2010 and 2015 estimates.

Table 43 Employment by Sector

Employment by Sector	Nassau County		
Industry	**2010**	**2015**	**% Change**
Agriculture, Forestry, Fishing and Hunting	169	140	-17%
Mining, Quarrying, and Oil and Gas Extraction	4	8	100%
Utilities	3,549	4,248	20%
Construction	22,373	26,796	20%
Manufacturing	18,372	16,366	-11%
Wholesale Trade	27,162	27,385	0.8%
Retail Trade	70,635	73,461	4.0%
Transportation and Warehousing	14,077	15,119	7.4%
Information	13,205	12,925	-2.1%
Finance and Insurance	28,309	29,249	3.3%
Real Estate and Rental and Leasing	8,656	9,196	6.2%
Professional, Scientific, and Technical Services	32,733	37,043	13%
Management of Companies and Enterprises	6,571	6,498	-1.1%
Administration & Support, Waste Management and Remediation	26,160	26,703	2.1%
Educational Services	65,091	64,893	-0.3%
Health Care and Social Assistance	103,688	119,318	15%
Arts, Entertainment, and Recreation	9,475	9,215	-2.7%
Accommodation and Food Services	32,541	38,498	18%
Other Services (excluding Public Administration)	24,680	25,840	4.7%
Public Administration	24,038	21,994	-8.5%
Total	**531,488**	**564,895**	**6.2%**

Source: OnTheMap. U.S. Census Bureau. 2010 and 2015 estimates.

Unemployment

Table 44 presents the unemployment rate for the Study Area and the larger benchmark geographies. The unemployment rate in 2010-2017 in the Study Area was 5.9%, an increase of 13% from 2010. Unemployment in the Study Area was higher than the unemployment rates in all other geographies analyzed. In addition, the Study Area is the only area that has seen an increase in the unemployment rate between 2010 and 2017.

Table 44 Unemployment Rate

Geography	2000	2010	2017	%age Point Change (2000-2010)	%age Point Change (2010-2017)
Study Area	5.5%	5.2%	5.9%	-5.5%	13%
Village of Westbury	5.0%	4.6%	4.3%	-8.0%	-6.5%
Nassau County	3.7%	5.8%	4.9%	57%	-16%

Source: U.S. Census Bureau, 2000 Census, SF4_DP3, American Community Survey, Survey 5-Year Estimates, S2301, U.S. Census Bureau, 2017 Estimates

Total Establishments by Sector

Table 45 presents total business establishments by economic sector for the Study Area, represented by zip code 11590, the Village, and Nassau County.

In 2012, the Village's largest business sector was "Health Care and Social Assistance" at a total of 88 establishments, which was in increase of 66% from 2007 when it only consisted of 53 establishments. This was followed by the "Retail Trade" and "Administration & Support, Waste Management and Remediation" sectors, which consisted of 84 and 82 establishments, respectively. This differs from the Study Area and Nassau County where the largest number of establishments in 2012 were in the "Professional, Scientific, and Technical Services" sector.

In terms of growth, the "Educational Services" sector grew the most across all three geographies with 200%, 57% and 22% increases in the Study Area, the Village, and Nassau County, respectively. This was followed by "Health Care and Social Assistance" sector. The "Arts, Entertainment, and Recreation" sector has decreased in the number of establishments across all three areas.

Table 45 Businesses by Industry

Total Establishments by Sector	Village of Westbury			Study Area (11590)			Nassau County		
Industry	**2007**	**2012**	**% Change**	**2007**	**2012**	**% Change**	**2007**	**2012**	**% Change**
Agriculture, Forestry, Fishing and Hunting	0	0	-	0	0	-	0	0	-
Mining, Quarrying, and Oil and Gas Extraction	0	0	-	0	0	-	0	0	-
Utilities	0	0	-	0	0	-	0	47	-
Construction	0	0	-	0	0	-	0	0	-
Manufacturing	0	15	-	0	0	-	1,221	1,043	-15%
Wholesale Trade	27	33	22%	0	0	-	3,078	2,856	-7%
Retail Trade	53	84	58%	235	223	-5%	6,356	6,145	-3%
Transportation and Warehousing	0	17	-	0	0	-	0	1,234	-
Information	12	17	42%	0	0	-	740	687	-7%
Finance and Insurance	0	31	-	0	0	-	0	2,790	-
Real Estate and Rental and Leasing	24	26	8%	0	0	-	2,501	2,331	-7%
Professional, Scientific, and Technical Services	76	77	1%	210	186	-11%	7,018	6,835	-3%
Management of Companies and Enterprises	0	0	-	0	0	-	0	0	-
Administration & Support, Waste Management and Remediation	77	82	6%	165	162	-2%	2,939	2,876	-2%
Educational Services	2	6	200%	14	22	57%	450	547	22%
Health Care and Social Assistance	53	88	66%	121	158	31%	5,468	5,771	6%
Arts, Entertainment, and Recreation	5	4	-20%	16	14	-13%	833	774	-7%
Accommodation and Food Services	49	60	22%	127	137	8%	3,192	3,483	9%
Other Services (excluding Public Administration)	39	64	64%	117	132	13%	3,837	4,068	6%
Public Administration	0	0	-	0	0	-	0	0	-
Total	**417**	**604**	**45%**	**770**	**811**	**2.8%**	**37,633**	**41,487**	**10%**

Source: US Economic Census, Geographic Area Series: Economy Wide Key Statistics, Village of Westbury and Nassau County, 2012 and 2017. US Economic Census, Zip Code Series, Number of Establishments by Sales Size Range, Zip Code 11590, 2012 and 2017.

Retail Gap

Table 46 contains aggregated data from ESRI Business Analyst on retail businesses in the Village. Residents of the Village spend most of their discretionary income on Food Services and Drinking Places; Food and Beverage stores (a category that includes Grocery Stores and Liquor Stores); and Automobile Dealers. A retail gap analysis calculates the difference between the demand for an industry or good, based on consumer spending potential, and the actual supply, measured in sales of that good. Retail gap analyses can highlight economic areas where there is not adequate supply to meet demand, leading to that demand "leaking" out of the local economy. Based on a retail gap analysis for the Village, the retail sectors with the greatest unmet demand are General Merchandise (a category that includes Department Stores), Clothing and Clothing Accessory Stores, and Motor Vehicle and Parts Dealers. There is also significant unmet demand in the Food and Beverage Stores, Building Material and Garden Equipment Supply Stores, Gasoline Stations, Health and Personal Care Stores, and Furniture and Home Furnishings Stores sectors.

Table 46 Retail Gap

Industry Group	Demand (Retail Potential)	Supply (Retail sales)	Retail Gap
Motor Vehicle & Parts Dealers	$45,839,219	$34,534,817	$11,304,402
Automobile Dealers	$38,558,203	$34,408,402	$4,149,801
Other Motor Vehicle Dealers	$3,430,983	$0	$3,430,983
Auto Parts, Accessories & Tire Stores	$3,850,033	$126,415	$3,723,618
Furniture & Home Furnishings Stores	$8,554,943	$5,420,472	$3,134,471
Furniture Stores	$4,370,858	$3,468,707	$902,151
Home Furnishings Stores	$4,184,085	$1,951,765	$2,232,320
Electronics & Appliance Stores	$8,987,650	$8,057,735	$929,915
Bldg Materials, Garden Equip. & Supply Stores	$14,594,242	$14,082,678	$511,564
Bldg Material & Supplies Dealers	$13,386,471	$4,263,976	$9,122,495
Lawn & Garden Equip & Supply Stores	$1,207,771	$9,818,702	-$8,610,931
Food & Beverage Stores	$40,857,819	$34,705,994	$6,151,825
Grocery Stores	$34,513,733	$27,400,558	$7,113,175
Specialty Food Stores	$2,697,867	$1,516,705	$1,181,162
Beer, Wine & Liquor Stores	$3,646,219	$5,788,731	-$2,142,512
Health & Personal Care Stores	$19,383,411	$14,481,486	$4,901,925
Gasoline Stations	$22,525,822	$16,907,416	$5,618,406
Clothing & Clothing Accessories Stores	$20,305,280	$8,893,228	$11,412,052
Clothing Stores	$14,173,301	$5,449,656	$8,723,645
Shoe Stores	$2,276,237	$1,005,995	$1,270,242
Jewelry, Luggage & Leather Goods Stores	$3,855,742	$2,437,577	$1,418,165
Sporting Goods, Hobby, Book & Music Stores	$6,916,158	$5,124,310	$1,791,848
Sporting Goods/Hobby/Musical Instr Stores	$5,809,426	$5,124,310	$685,116
Book, Periodical & Music Stores	$1,106,732	$0	$1,106,732
General Merchandise Stores	$27,949,735	$509,620	$27,440,115
Department Stores Excluding Leased Depts.	$17,473,527	$0	$17,473,527
Other General Merchandise Stores	$10,476,208	$509,620	$9,966,588
Miscellaneous Store Retailers	$8,781,342	$6,132,570	$2,648,772
Florists	$928,790	$178,135	$750,655
Office Supplies, Stationery & Gift Stores	$2,727,575	$2,625,490	$102,085
Used Merchandise Stores	$1,140,423	$1,998,972	-$858,549
Other Miscellaneous Store Retailers	$3,984,554	$1,329,973	$2,654,581
Nonstore Retailers	$7,422,343	$4,126,016	$3,296,327
Electronic Shopping & Mail-Order Houses	$6,109,646	$4,126,016	$1,983,630
Vending Machine Operators	$123,174	$0	$123,174
Direct Selling Establishments	$1,189,523	$0	$1,189,523
Food Services & Drinking Places	$26,044,535	$38,407,336	-$12,362,801
Special Food Services	$1,197,986	$7,503,676	-$6,305,690
Drinking Places - Alcoholic Beverages	$1,722,470	$278,828	$1,443,642
Restaurants/Other Eating Places	$23,124,079	$30,624,832	-$7,500,753
Total	**$258,162,499**	**$191,383,678**	**$66,778,821**

Source: ESRI Business Analyst, Retail Marketplace Profile Report, and Business Summary Report

3.3.2 Probable Impacts of the Proposed Action

The preceding section presented the existing socioeconomic conditions and trends in the Study Area and benchmark geographies of the Village and Nassau County. This section considers the scenario with the Proposed Action and its impact on the Study Area and focuses specifically on residential and business displacements as well as socioeconomic, demographic and fiscal impacts. The analysis considers both the impacts on the Study Area and on the Village.

3.3.2.1 Residents, Households and Schools

The Proposed Action, over the fifteen-year build-out period would lead to up to 1,590 new residential units that would result in a substantial permanent population increase in the Study Area (including school-aged children). Demographic multipliers published by Rutgers University, Center for Urban Policy Research were used to estimate the residential population and school-aged children that are expected to be generated by implementation of the Proposed Action. While the Rutgers Study has been widely used in the metropolitan area (including Long Island) as a standard for projecting the number of school-aged children from new developments, it has tended to overestimate the number of school children generated in the Long Island TOD market. Accordingly, a second estimate was developed using a survey of recent TODs on Long Island and the number of school-aged children generated from those developments.

Table 47 indicates the residential and total school-aged children population generation using the appropriate factors from the Rutgers Study, and Table 48 contains the school-aged children generated based on actual Long Island TODs. The Proposed Action would be expected to generate a population of school-aged children close to the estimate based on Long Island TODs; however, the demographic multipliers projection allows for a more conservative estimate.

As indicated in the table below, implementation of the Proposed Action, over the fifteen-year build-out period, using the methodology of the Rutgers Study, would generate a residential population of 2,858 persons, of which approximately 189 would be school-aged children. The projection based on actual Long Island TOD estimates the RWCDS would generate 43 school-aged children. Table 49 shows the projected schedule for the population and school-aged children generated based on a 15-year construction build-out, with half of new development occurring in the first six years.

Table 47 School and Population Projections: Demographic Multipliers Study

	Bedrooms	Percent of Units	Unit Projection	Population Multiplier	Population Projection	School Children Multiplier	School Children Projection
Own	**0-1**	20.0%	316	1.77	563	0.14	45
	2-3	5.0%	79	1.88	150	0.14	12
Rent	**0-1**	60.0%	949	1.67	1594	0.08	77
	2-3	15.0%	237	2.31	551	0.23	55
	Total		**1,590**		**2,858**		**189**

Source: BJH Analysis. Rutgers University, Center for Urban Policy Research Demographic Study, 2006.

Table 48 School-Aged Children Projections: Long Island TOD Survey

Unit Projection	School-Aged Children Multiplier	School-Aged Children Projection
1,590	0.026	43

Source: BJH Analysis. Vision Long Island, Long Island TOD Survey, 2017.

Table 49 School Children Projection Schedule

Absorption Year	Units Absorbed per Year	Population Generated per Year	School-Aged Children Generated per Year (Low)	School-Aged Children Generated per Year (High)
2021	132	237	3	16
2022	132	237	4	16
2023	132	237	4	15
2024	132	237	3	16
2025	132	237	4	16
2026	132	237	4	16
2027	88	158	2	10
2028	88	158	2	11
2029	88	158	3	10
2030	88	158	2	11
2031	88	158	2	10
2032	88	158	3	11
2033	88	158	2	10
2034	88	158	3	11
2035	88	158	2	10

Source: BJH Analysis

3.3.2.2 Fiscal Impacts

The Village operates on a June 1 fiscal year. In FY18, the total Village budget was $7.7 million, with revenues primarily (approximately 77%) generated from property tax and PILOT payments. The Proposed Action and subsequent development would result in significant private investment into the local and regional economy. As stated above, the RWCDS assumes approximately 1,590 new housing units, 37,372

new square feet of commercial space, as well as new streets, public open space, and enhancements to other critical existing infrastructure (parking, sewer, water). All told, direct private investment is expected to exceed $436 million over the 15-year build period, resulting in new property taxes, public works fees, licenses and permitting fees, and population-based State Aid.

3.3.2.3 Property Taxes and Other Sources of Village Income

Projected annual property tax revenues have been calculated for each year from 2021 through 2035, the last "build year," to determine the total new tax revenues over the 15-year build period. Tax assessments were based on projected income-based market values (from the real estate existing conditions analysis), and the Nassau County Assessor's Office methodology for determined assessed values (AVs). AVs were then multiplied by the current property tax rates for the Village and other local taxing jurisdictions, to determine theoretical tax revenues for the development. The tax basis was not escalated to account for inflation, so the calculated values are conservative and would likely, based on historic escalation, be greater.

An estimate of tax revenues that would result from the RWCDS was calculated by assuming that all new development in the Study Area would enter into Payment in Lieu of Taxes (PILOT) agreements with the relevant taxing jurisdiction. The PILOT is modeled as a phase-in to full taxes in a straight-line escalation over a 15-year period. Table 50 below provides the schedule for the PILOT from year 1 (7% of full taxes) to year 15 (full taxes).

Table 50 PILOT Schedule

PILOT Year	Percent of Full Taxes
1	7%
2	13%
3	20%
4	27%
5	33%
6	40%
7	47%
8	53%
9	60%
10	67%
11	73%
12	80%
13	87%
14	93%
15	100%

Based on projected phasing of the RWCDS, half of the residential and commercial development was assumed to occur during the first 6 years. Under the full build-out taxes scenario, over $9.2 million would flow annually to the Westbury UFSD and Library District and over $0.9 million annually to the Westbury Water and Fire

Districts at full build-out. Under the PILOT scenario, over $6.4 million would flow annually to the Westbury UFSD and $0.9 million annually to the Westbury Water and Fire Districts at full build-out. PILOT revenues would continue to increase, without accounting for inflation or changing property values, after development is complete, since any development that is completed in build-year 15 would not be paying the equivalent of full taxes for another 15 years after. At full build out, the Village would also receive $0.7 million in property tax revenue or $0.4 million under a PILOT scenario. While current Village property tax rates were assumed, these rates may fluctuate in the future due to the proportion of total adjusted base value between homestead and non-homestead properties. Additional property taxes or PILOT revenues would be generated for Nassau County and the Town of North Hempstead. A breakdown of the potential of the property taxes and PILOT revenues in 2019 dollars is presented in Table 51 and Table 52.

Table 51 Projected Property Tax Revenues ($1,000s)

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
NASSAU COUNTY															
21C - County General Fund	$5	$11	$16	$22	$27	$33	$36	$40	$44	$47	$51	$55	$58	$62	$66
21D - Disputed Assessment Fund	$1	$2	$3	$4	$5	$6	$7	$8	$8	$9	$10	$10	$11	$12	$12
21E - County Environmental Bond	$2	$3	$5	$7	$9	$10	$11	$13	$14	$15	$16	$17	$18	$19	$21
21F - Fire Prevention	$3	$5	$8	$11	$13	$16	$18	$20	$21	$23	$25	$27	$29	$30	$32
21N - Nassau Community College	$8	$17	$25	$34	$42	$51	$56	$62	$68	$73	$79	$84	$90	$96	$101
21P - County Police Headquarters	$45	$91	$136	$181	$227	$272	$302	$332	$362	$393	$423	$453	$483	$514	$544
21W - Storm Water Resources Zone of Assessment	$2	$4	$7	$9	$11	$13	$15	$16	$18	$19	$21	$22	$24	$25	$27
2204 - Sewer Collection & Disposal Zone of Assessment	$29	$58	$88	$117	$146	$175	$195	$214	$234	$253	$273	$292	$312	$331	$351
23 - County Police	$105	$210	$315	$420	$525	$630	$700	$770	$840	$910	$980	$1,050	$1,120	$1,190	$1,260
TOWN OF NORTH HEMPSTEAD															
21T - Town General Fund	$19	$37	$56	$74	$93	$111	$123	$136	$148	$160	$173	$185	$197	$210	$222
SPECIAL DISTRICT TAXES															
215 - Westbury Water District	$41	$82	$122	$163	$204	$245	$272	$299	$326	$353	$380	$408	$435	$462	$489
251 - Westbury Fire District	$38	$77	$115	$154	$192	$231	$257	$282	$308	$334	$359	$385	$411	$436	$462
WESTBURY SCHOOL DISTRICT															
Net School Tax	$743	$1,486	$2,229	$2,972	$3,715	$4,457	$4,953	$5,448	$5,943	$6,439	$6,934	$7,429	$7,924	$8,420	$8,915
Net Library Tax	$21	$42	$63	$84	$105	$126	$140	$154	$168	$182	$196	$210	$224	$238	$252
VILLAGE OF WESTBURY															
Village Property Tax	$63	$126	$189	$252	$315	$378	$420	$462	$504	$546	$588	$630	$3672	$714	$756

Notes: Data produced by BJH Advisors using tax rates for corresponding district, RWCDS projections, and Nassau County Assessor's methodology for AVs

Table 52 Projected PILOT Revenues ($1,000s)

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
NASSAU COUNTY															
21C - County General Fund	$0	$1	$2	$4	$6	$8	$11	$13	$16	$20	$23	$27	$31	$36	$40
21D - Disputed Assessment Fund	$3	$8	$17	$28	$42	$59	$78	$98	$121	$145	$171	$200	$229	$261	$295
21E - County Environmental Bond	$0	$0	$1	$1	$2	$3	$3	$4	$5	$6	$7	$9	$10	$11	$13
21F - Fire Prevention	$0	$1	$1	$2	$3	$4	$5	$7	$8	$10	$11	$13	$15	$17	$20
21N - Nassau Community College	$1	$2	$4	$6	$9	$12	$16	$21	$25	$31	$36	$42	$48	$55	$62
21P - County Police Headquarters	$3	$10	$19	$32	$48	$67	$88	$112	$137	$165	$195	$226	$261	$297	$335
21W -– Storm Water Resources Zone of Assessment	$0	$0	$1	$2	$2	$3	$4	$6	$7	$8	$10	$11	$13	$15	$17
2204 -– Sewer Collection & Disposal Zone of Assessment	$3	$8	$17	$28	$42	$59	$77	$98	$120	$144	$170	$198	$228	$260	$293
23 - County Police	$9	$28	$56	$93	$140	$196	$258	$326	$401	$482	$569	$662	$762	$867	$979
TOWN OF NORTH HEMPSTEAD															
21T - Town General Fund	$1	$4	$7	$12	$18	$26	$34	$43	$52	$63	$74	$86	$99	$113	$128
SPECIAL DISTRICT															
215 - Westbury Water District	$4	$13	$26	$44	$66	$93	$122	$154	$189	$228	$269	$313	$360	$410	$463
251 - Westbury Fire District	$4	$13	$25	$42	$64	$89	$118	$149	$183	$220	$259	$302	$347	$395	$446
WESTBURY SCHOOL DISTRICT															
Net School Tax	$60	$179	$358	$597	$895	$1,253	$1,651	$2,088	$2,566	$3,083	$3,640	$4,237	$4,873	$5,549	$6,265
Net Library Tax	$2	$5	$10	$17	$25	$35	$47	$59	$72	$87	$103	$120	$138	$157	$177
VILLAGE OF WESTBURY															
Village Property Tax	$4	$13	$25	$42	$63	$88	$116	$147	$181	$217	$256	$298	$343	$390	$441

Notes: Data produced by BJH Advisors using tax rates for corresponding district, RWCDS projections, and Nassau County Assessor's methodology for AVs

3.3.2.4 Other Per Capita State Aid

State Aid, distributed on a per capita basis, represents approximately 5% of the annual general fund revenue of the Village. Aid received for the fiscal year ending May 31, 2018, included Aid and Incentives for Municipalities funding (AIM), mortgage recording tax and sales tax received through Nassau County, as well as other miscellaneous income. It is anticipated that due to the increase in population projected by the RWCDS, State Aid will likely increase on a pro rata basis with the entire budget, reflecting the increased contribution of the enlarged Village population to the State economy, but it may take some time for the increased population to be calculated and accounted for in the State Aid.

3.3.2.5 Costs of Services

The Study Area is located within the Westbury UFSD. According to the NYS Education Department, the Westbury UFSD had a base cost per student of $14,767 for the 2018-2019 school year. The $14,767 represents the cost per student to the UFSD before State Aid is added in. Using the demographic multipliers projection, there would be 189 new school-age children in the Westbury UFSD at full build-out, which would come at a cost of $2.8 million annually, without accounting for future inflation. Using the projection based on Long Island TODs, there would be 43 new school-aged children at full build-out, which would come at a cost of $0.6 million annually, without accounting for future inflation. These are both conservative approaches that assume all school-aged children attend public schools. Some students would likely attend private schools.

The Village had a FY18 municipal budget of $7.7 million. Based on a 2017 estimated population of 15,396, the budget corresponds to a $500 per capita cost for all Village municipal services, including the general fund, insurance fund, and debt service. The Proposed Action is projected to generate a new residential population of 2,858 persons. At $500 per capita, this new population would increase the Village's costs of services by $1.4 million annually at full build-out. It is likely the Village's costs of services would increase by less than this amount since the marginal cost of services for each new resident would decrease given the existing infrastructure in place and the nature of the projected new development. As noted above, the redevelopment enabled by the rezoning is just one revenue source for the Village, and only a portion of the total budget is funded by property tax levy. In addition, the proposed zoning requires that there be private sanitation and recycling services provided, so this material cost to the Village will not be borne by the Village budget. Furthermore, not all municipal costs are directly related to shifts in population. Those services that are more directly related to population shifts include police, fire, parks and recreation, and highways/roads. It should be noted that Westbury recently repaved 80 percent of its roadways, and that the cost of new roads required by the development may be borne by developers through the permitting and approvals process.

3.3.2.6 Net Impact

Full Tax Projection – Based on the projected tax revenues, the proposed rezoning is expected to generate $10.8 million in new property taxes for the Westbury UFSD and the Village at full build-out, $8.9 million of which would go to the Westbury UFSD and $1.9 million of which would go to the Village. Westbury UFSD's projected increased costs are $2.8 million and the Village's projected increased costs are $1.4 million. The total combined cost would be $4.2 million annually based on new required services, including school services, for the projected new population. The difference between the $10.8 million in property tax revenues and the $4.2 million in total costs would produce a net benefit of $6.6 million annually at full build-out, without accounting for inflation.

PILOT Tax Projection – Under the conservative assumption that all new development would receive a PILOT agreement, and that the lower PILOT revenues would generate $7.8 million dollars for the UFSD and Village, $6.3 million of which would go to the UFSD and $1.5 million of which would go to the Village. The total combined cost would be $4.2 million annually. The difference between the $7.8 million in PILOT revenues and the $4.2 million in total costs would still produce a net benefit of $3.6 million annually at full build-out, without accounting for inflation. The assumption that all new development receives a PILOT agreement is highly conservative, so it is likely that under the Proposed Action the actual combination of tax and PILOT revenues would fall between full taxes and the PILOT revenues shown.

3.3.2.7 Direct Residential Displacement

Direct residential displacement is the involuntary displacement of residents that can occur from the area or areas that are directly affected by the Proposed Action. Each residential property in the Maple Union Triangle Rezoning Area was overlaid on a map of the RWCDS projected development and tallied to determine the number of potentially displaced residential buildings. The number of units in each redeveloped property was summed and then multiplied by the average household size in the Village, 3.15, to yield a projected number of displaced residents. This analysis projects the Proposed Action to result in the redevelopment of approximately 36 residential buildings containing 62 units and 195 residents. 37% of residents in the Study Area own their place of residence, in which case they have the ability to determine if their property is redeveloped or not. Instances where residents are voluntarily displaced are not categorized as direct residential displacement. This analysis assumes that all residents living in properties with multiple units are renters, and that 37% of residents in single unit properties own their residence. Using these assumptions, of the 195 residents whom reside in properties that would be redeveloped, approximately 72 own their place of residence. The remaining 172 residents would be directly displaced. This accounts for 2.0% of the Study Area's and 1.1% of the Village's populations.

The No Action Scenario would result in the redevelopment of approximately 30 residential buildings containing 48 units and 151 residents. Of the 151 residents,

approximately 17 own their place of residence. The remaining 134 would be directly displaced. The directly displaced population would represent 1.5% of the Study Area's and 0.9% of the Village's populations. The methodology to determine the number of potentially displaced residential buildings, units and residents is the same as the methodology of the expected Proposed Action displacements, but only looked at properties projected to be redeveloped in the No Action Scenario of the RWCDS.

Although both the With Action and No Action Scenarios would likely result in some residential displacement, any displacement would be the result of redevelopment, which would increase the number of residential units and housing options for current and future Village residents. The RWCDS would increase the number of residential units in the Maple Union Triangle by 1,590 (including at least 10% affordable units) while the No Action Scenario would increase the number of residential units by 189. Bonus density provisions may also allow for resettlement agreements with developers within the Rezoning Area.

3.3.2.8 Indirect Residential Displacement

Indirect residential displacement is the involuntary displacement of residents that can result from a change in socioeconomic conditions created by a project. Indirect residential displacement may be caused by increased property values generated by a project, which then results in higher rents in an area, making it difficult for some existing residents to continue to afford their homes. Indirect residential displacement can also occur from disinvestment in a neighborhood. For example, if a project introduces a land use that is large or prominent enough to create a critical mass when combined with other similar uses in the area, a project can offset positive trends in the study area, impede efforts to attract investment to the area, or create a climate for disinvestment.

To assess the potential adverse effects of the Proposed Action, this analysis employed the guidelines established in the *New York City Environmental Quality Review (CEQR) Technical Manual*. The *CEQR Technical Manual* provides a framework, through the following questions, to evaluate the potential for significant adverse impacts due to indirect residential displacement. The SEQR Handbook does not provide any equivalent guidelines.

1. Would the Proposed Action add a substantial new population with different socioeconomic characteristics compared to the size and character of the existing population?

The RWCDS assumes a higher mix of microunits, studios and one-bedroom units in comparison to two-bedroom and three-bedroom units. This would suggest that the development scenario would contain a higher proportion of students, younger adults, and seniors. The addition of the studio and one-bedroom apartments may result in the cohort share of those aged 20-34 and 55-64 to increase in both the Study Area and the Village. In 2017, the median age of the Study Area was 35.2 and

the largest age groups were 20-34 years old, 28%, and 35-54 years old, 23%. The Village followed a similar trend with the median age at 38.5, and the largest age groups were 35-54 years old, 26%, and 20-34 years old, 23%. For both areas, the Study Area and Village, 55-64 years old was the smallest age group, 12% and 13%, respectively. Thus, given the expected unit mix there is a potential for the age cohort shares of younger adults and seniors to increase.

There may be a concern that the new development may result in more expensive units and thus, result in a population with a different and higher average household income. The 2017 median household incomes in the Study Area and the Village have increased by 19% and 21% since 2010, to $78,851 and $96,563, respectively. According to data from Zillow, the Study Area's median rent value experienced a 5% increase from $2,810 in 2010 to $2,958 in 2017. Furthermore, the Village experienced a 6% increase from $2,810 in 2010 to $3,001 in 2017.

There have been similar TODs in the surrounding area in recent years such as the Avalon at Glen Cove, Allure in Mineola, Modera in Mineola, Avalon at Rockville Centre, and the Jefferson at Farmingdale Plaza. A sample of apartments rent data obtained from Trulia shows that the average asking rent for a one-bedroom apartment in these communities is $42.77 per square foot. One-bedroom apartment rents in the Village in Q1 2019 were $41.88 per square foot, based on data reported by CoStar. Rents in the Village are currently similar to the rents in nearby TODs, so new development in the Village would be expected to maintain current rent levels and attract residents with household incomes reflective of the current population.

2. Would the Proposed Actions directly displace uses or properties that have had a "blighting" effect on property values in the area?

The Maple Union Triangle Rezoning Area contains some properties that are vacant or underutilized, especially within its current Industrial and Light Industrial Zones. Household income and home value data suggest that there is not currently a "blighting" effect in the Study Area or the Village from these vacant or underutilized properties. Analysis from section XX-D indicates the median home values increased by 11% in the Study Area and by 10% in the Village from 2010 to 2017. The number of owner- occupied households in the Study Area, 37%, and the Village, 75%, remained stable over that same period. The aforementioned trends indicate that the Proposed Action would not directly displace uses or properties that have had a blighting effect on property values in the area, but it would incentivize property owners to invest in some otherwise blighted properties.

3. Would the proposed actions directly displace enough of one or more components of the population to alter the socioeconomic composition of the study area?

The Proposed Action has potential to directly displace 123 residents and add 1,590 residential units in the Maple Union Rezoning Triangle. It is difficult to analyze the precise characteristics of this area, but it is helpful to refer to the Census Tract data that is mentioned earlier in this section. The studio and one-bedroom residential units may attract younger adults, 20-34 years old, and seniors, 55-64. In 2017, the

median age of the Study Area was 35.2 and the largest age groups were 20-34 years old, 28%, and 35-54 years old, 23%. The Village followed with the average median age at 38.5, and the largest age groups were 35-54 years old, 26%, and 20-34 years old, 23%. Since the 55-64 years old cohort is the smallest age group in the Study Area and the Village, 12% and 13% respectively, it is anticipated that they would displace the 35-54 years old cohort as one of the largest age groups in the Study Area.

The 2017 median household incomes of the Study Area and the Village are $78,851 and $96,563, respectively. The Proposed Action is not expected to change the median household income in the Study Area because as previously mentioned, one-bedroom apartments in neighboring towns have rents similar rents to Westbury.

4. Would the Proposed Actions introduce a substantial amount of a more costly type of housing compared to existing housing and housing expected to be built in the study area by the time the program is developed?

The Proposed Action may potentially lead to the development of 1,590 residential units in the Study Area. These units would be a mix of micro, studio, 1-bedroom and 2-bedroom units. There have been similar TODs in the surrounding area in recent years such as the Avalon at Glen Cove, Allure in Mineola, Modera in Mineola, Avalon at Rockville Centre, and the Jefferson at Farmingdale Plaza. The current asking rents in these apartment communities range from $28.70 to $55.50 per square foot. A sample of apartments currently available for rent in these communities shows that the average one-bedroom apartment rent is $42.77 per square foot. One-bedroom apartment rents in the Village in Q1 2019 were $41.88 per square foot, based on data reported by CoStar. Rents in the Village are already similar to the current rents in nearby TODs, and one might expect that the new TODs enabled by the Proposed Action would result in similarly situated rents within the Study Area. It is also noted that redevelopment (under the proposed zoning amendments) would require that projects include at least 10% affordable units.

5. Would the Proposed Actions introduce a "critical mass" of non-residential uses, such that the surrounding area becomes more attractive as a residential neighborhood complex?

The Proposed Action is likely to result in a mostly residential development according to the RWCDS. Although the RWCDS includes newly developed commercial spaces, the Proposed Action is projected to result in a net loss of square footage of non-residential uses. Moreover, while the area would likely be more attractive as a residential neighborhood due to the Proposed Action, a critical mass of non-residential uses is not expected.

6. Would the Proposed Actions introduce a land use that could have a similar indirect effect if it is large enough, prominent enough, or combines with other like uses to create a critical mass large enough to offset positive trends in the study area, to impede efforts to attract investment to the area, or to create a climate for disinvestment?

The Proposed Action would not introduce any new land uses to the Study Area but would provide a framework that is expected to lead to over $436 million in direct investment in the Study Area. The investment would create new housing stock on underutilized industrial properties, that would in turn make the area more attractive for investment and draw in new residents.

3.3.2.9 Jobs and Employment

The following section presents the direct and indirect economic benefits of the Proposed Action. These economic benefits represent key positive social and economic gains that would accrue to the surrounding communities as a result of externalities associated with the execution of the Proposed Action. The two categories of benefits considered in this study are (1) job creation and economic output (2) economic synergies. The first category employs an input-output model and RIMS multipliers from the Bureau of Labor Statistics to produce independent estimates of the number of full-time-equivalent permanent jobs created for each use and temporary jobs created during construction. The same input-output model and RIMS multipliers are used to generate estimates for the total economic output generated under the RWCDS, both permanently and during construction. The second category, economic synergies, describes qualitatively the benefits that the Proposed Action would have on the community beyond job creation. These benefits are all positive externalities associated with the Proposed Action that would lead to social and economic gains for businesses and residents in the area surrounding the Proposed Action.

Job Creation

One of the most critical benefits of the Proposed Action is job creation. Overall, the RWCDS is expected to generate a total of 280 full-time-equivalent permanent jobs and 4,892 temporary construction jobs, including direct, indirect and induced jobs. Direct permanent jobs total 212, while total direct temporary construction jobs total 2,567 jobs (in person-years). The two uses that would generate the most jobs within the RWCDS are General Retail and Residential with 78 and 64 jobs, respectively. Table 53 and Table 54 present the results from the job creation analysis.[31]

[31] Although the analysis does not specify where indirect and induced jobs would be created, it is likely these jobs would be created not only in the Village, but also in Nassau County.

Table 53 Temporary Job Creation (During Construction)

Year	Direct Jobs	Indirect Jobs	Induced Jobs	Total
2020	214	111	83	408
2021	214	111	83	408
2022	214	111	83	408
2023	214	111	83	408
2024	214	111	83	408
2025	214	111	83	408
2026	143	74	55	272
2027	143	74	55	272
2028	143	74	55	272
2029	143	74	55	272
2030	143	74	55	272
2031	143	74	55	272
2032	143	74	55	272
2033	143	74	55	272
2034	143	74	55	272
Total	**2,567**	**1,331**	**994**	**4,892**

Notes: All jobs are presented in full-time equivalents. For temporary construction employment, one job is the equivalent of one person working full time for one year. All job estimates in this study were calculated independently using the RWCDS estimates for new development. The development numbers used represent the increment change from existing conditions, so construction jobs would likely be even greater since not all increased development would be new construction, and some existing spaces would be redeveloped, but not account for an incremental increase. Totals may not sum due to rounding.

Sources: Data produced by BJH Advisors using Bureau of Economic Analysis RIMS II Multipliers and other sources.

Table 54 Permanent Job Creation

Project Component	Direct Jobs	Indirect Jobs	Induced Jobs	Total
Residential	64	8	9	80
General Retail	78	9	10	97
Dining and Food Service	37	4	4	46
Professional or Service-Based Office	34	9	14	57
Total	**212**	**29**	**38**	**280**

Notes: All jobs are presented in full-time equivalents; office estimates include jobs associated with the proposed community center use. All job estimates in this study were calculated independently using the RWCDS estimates for new development. Totals may not add up due to rounding.

Sources: Data produced by BJH Advisors using Bureau of Economic Analysis RIMS II Multipliers and other sources.

3.3.2.10 Economic Output

New construction and the addition of new commercial space in the Study Area would generate significant economic output, through direct investment and ongoing business activity. Overall, the project is expected to generate over $88 million annually in economic output and $686 million during construction. Office use is projected to generate the most output, despite accounting for a minimal amount of new development. Residential use also generates a significant amount of economic output since it accounts for most of the new development. Tables 55 and 56 display the economic output from construction and on a permanent annual basis.

Table 55 Construction Period: Economic Impact

Project Component	Direct Effects	Indirect Effects	Induced Effects	Total
Output	$436,950,970	$154,068,912	$95,604,872	$686,624,755
Earnings	$218,475,485	$77,842,815	$53,176,933	$349,495,234
Employment	2,567	1,331	994	4,892

Notes: All jobs are presented in full-time equivalents; office estimates include jobs associated with the proposed community center use. All job estimates in this study were calculated independently using the RWCDS estimates for new development. Totals may not add up due to rounding.

Sources: Data produced by BJH Advisors using Bureau of Economic Analysis RIMS II Multipliers and other sources.

Table 56 Ongoing Economic Output

Impact Type	Direct Effects	Indirect Effects	Induced Effects	Total
Residential	$17,348,652	$4,580,044	$4,155,002	$26,083,698
General Retail	$10,698,167	$3,097,119	$2,404,948	$16,200,235
Dining and Food Service	$2,180,922	$3,911,611	$1,730,690	$10,757,833
Professional or Service-Based Office	$20,690,926	$6,623,751	$7,718,491	$35,033,168
Total	**$55,583,967**	**$16,481,836**	**$16,009,131**	**$88,074,934**

Notes: All jobs are presented in full-time equivalents; office estimates include jobs associated with the proposed community center use. All job estimates in this study were calculated independently using the RWCDS estimates for new development. Totals may not add up due to rounding.

Sources: Data produced by BJH Advisors using Bureau of Economic Analysis RIMS II Multipliers and other sources.

3.3.2.11 Economic Synergies

The RWCDS would increase commercial investment in the immediate Study Area, drawing direct investment through building construction and increased commercial activity. Direct investment in the Study Area could total over $436 million, based on the RWCDS and construction cost estimates in Nassau County. In addition, the RWCDS would draw new residents and workers to the area, thereby increasing the area's spending power and benefiting existing commercial establishments. The development would also provide opportunities to utilize local materials, inputs and services during construction and for future operations of all uses: residential, retail, dining, and office.

Direct Business Displacement

Direct business displacement is the involuntary displacement of businesses that can occur from the area or areas that are directly affected by a Proposed Action. The methodology to determine the potential business displacement under the With Action and No Action Scenarios was similar to the methodology used to determine residential displacement. The only difference in methodology is that the analysis focuses on businesses rather than residences.

The RWCDS would result in the displacement of approximately 31 businesses. Under the No Action Scenario, the development projection would displace approximately 15 businesses.

Under the With Action Scenario, the RWCDS would include approximately 0.63 million square feet, which is a 6% increase from the existing commercial inventory in the full Rezoning Area. Although commercial SF increases in the full Rezoning Area, it still is important to note that the With Action Scenario projects commercial square footage to decrease by 7,636 square feet in the Maple Union Rezoning Area. The loss of commercial area in the Maple Union Triangle Rezoning Area is countered by the increase of 45,008 commercial SF in the Post Avenue Rezoning Area. Likewise, the No Action Scenario would allow for approximately 0.68 million SF, which is a 15% increase from the existing commercial SF. While the difference is not substantial, the With Action Scenario would represent a net loss of approximately 52,000 square feet of commercial space when compared to the No Action Scenario.

Indirect Business Displacement

This section evaluates factors from the *CEQR Technical Manual*, which provides a framework (questions in bold italics) to evaluate the potential for significant adverse impacts due to indirect business displacement. Moreover, this assessment evaluates three principle means by which significant adverse impacts can potentially occur due to indirect business displacement: (1) adverse changes in neighborhood character due to displacement caused by increases in property value and rent that make it difficult for some existing categories of business to remain in the area; (2) the introduction of land uses that offset positive trends in a study area, impede efforts to attract investment to an area and/or create a climate for disinvestment; and (3) adverse changes in neighborhood character due to displacement caused by competition with existing businesses.

1. Would the Proposed Actions introduce enough of a new economic activity to alter existing economic patterns?

The Proposed Action would change the Maple Union Triangle Rezoning to a primarily residential zoning, with commercial uses allowed in certain sub-districts. New residential space is projected to generate 64 direct jobs, primarily around the management and maintenance of residential dwellings. These jobs would fall under the "Real Estate and Rental and Leasing" employment category, and while the new jobs would greatly increase employment in that sector, the new jobs would only

account for 2% of all jobs in the study area, and even fewer if employment growth trends continue. It is safe to assume that the jobs created by new residential development would not alter existing economic patterns in the study area.

The RWCDS would lead to new commercial development that is expected to support residents, for example food and drug stores, personal care services, doctor's and lawyer's office, and restaurants. These uses already exist in the Rezoning Area and would not alter the existing economic patterns. While the difference is not substantial, the With Action Scenario would represent a net loss of approximately 52,000 square feet of commercial space when compared to the No Action Scenario.

2. Would the Proposed Actions add to the concentration of a particular sector of the local economy to alter or accelerate an ongoing trend to alter existing economic patterns?

The Proposed Action is expected to lead to the creation of 78 jobs in the retail sector and 37 jobs in the dining and food service category upon full build-out. Employment in the Study Area decreased between 2010 and 2015 in the "Retail Trade" category, and the "Accommodation and Food Services" category saw only 2.1% employment growth over the same period. However, both categories experienced significant employment growth in the Village, respectively growing 40% and 64% from 2010-2015. "Manufacturing" and "Transportation and Warehousing" jobs both decreased by over 30% during the same period, indicating at trend of industrial jobs being replaced by service and retail-oriented jobs.

The Proposed Action is expected to add to this trend as properties with industrial uses are redeveloped to more profitable residential and commercial uses. However, the growth in employment generated by the RWCDS, over the course of the 15-year build-out and in context of the total employment in the Village, would not significantly alter or accelerate the trend. Employment in the Village grew 20% from 2010-2015, yet the 212 new jobs the Proposed Project would create represent only a 5% increase over current employment in the Village and would be generated over the course of 15 years.

3. Would the Proposed Actions displace uses or properties that have had a "blighting" effect on commercial property values in the area, leading to rises in commercial rents?

Similar to the analysis of residential blighting, the businesses in the Study Area have seen positive growth in rents and sale prices. As of 2018, the Village's average sale price per square foot for commercial office properties was $208 and the asking price per square foot was $320. The average sale price and asking price per square foot exceeded their 5-year averages, $119 and $251, respectively. There does not appear to be a blighting effect on commercial property values in the area, and therefore the Proposed Action would not displace uses or properties that have had a blighting effect on commercial property values in the area, but it would incentivize property owners to invest in some otherwise blighted properties.

4. Would the Proposed Actions directly displace uses of any type that directly support businesses in the Study Area or bring people to the area that form a customer base for local businesses?

As mentioned in the "Direct Residential Displacement", the RWCDS would directly displace approximately 123 residents who may have patronized local businesses. Over the 15-year analysis period, the RWCDS is expected to increase the number of residents in the area by 2,858, to 3,022 total residents. The projected growth may potentially create a new customer base for local businesses, greatly outweighing any direct residential displacement.

The businesses in the Study Area include auto repair shops, commercial offices, and hair and beauty salons. Services from these businesses, which are not unique to the Rezoning Area, may still serve a strong customer base. However, there would be new commercial space in the Post Avenue Rezoning Area. Although the businesses may be displaced, there is potential for local businesses to see customer base growth from new residential and commercial development. The Proposed Action would potentially allow the Village to attract new businesses currently in high demand in the Village, as determined through the retail gap analysis. The retail gap analysis showed that the Village's retail gap demand was greatest with general merchandise, department, clothing, and food and beverage stores.

5. *Would the Proposed Actions directly or indirectly displace residents, workers or visitors who form the customer base of existing businesses in the study area?*

As mentioned in the "Direct Residential Displacement", the Proposed Action is projected to directly displace 123 residents, and 31 businesses. A few examples of the businesses that may be displaced include auto-repair shops, commercial offices, and hair and beauty salons. Likewise, the new residential and commercial developments, new residents, and potential new businesses mentioned above have the potential to form a strong customer base for new and existing businesses in the area. In particular, the Economic Impact Analysis showed that retail, dining, and food service businesses have the potential to generate 115 new jobs within the study area, over 15-year time period.

6. Would the Proposed Actions introduce a land use that could have a similar indirect effect, through the lowering of property values if it is large enough or prominent enough or combines with other like uses to create a critical mass large enough to offset positive trends in the study area, to impede efforts to attract investment to the area, or to create a climate of disinvestment?

The Proposed Action would not introduce any new land uses to the Study Area but would provide a framework that is expected to lead to over $436 million in direct investment in the Study Area. The Proposed Action would likely lead to new housing stock and commercial uses on currently underutilized land. This would increase the Study Area's attractiveness for investment and likely increase property values.

3.3.2.12 Conclusions

Based on the analysis presented in this section, the overall socioeconomic impacts of the Proposed Action are generally expected to be beneficial and include a net positive fiscal impact for the Westbury UFSD and Village within the range of $3.1 to $5.7 million annually at full build-out, the creation of 4,892 temporary construction jobs and 280 permanent full-time-equivalent jobs, and the generation of $686 million in one-time economic output from construction and $88 million annually from economic activity.

While the RWCDS would add a projected 1,590 residential units, 2,858 new residents and up to 189 new school-aged children to the Study Area, the demographic makeup is not expected to change from its existing condition, and as previously stated, the fiscal impact would be net positive despite the increased costs of services.

The RWCDS would lead to the direct displacement of 172 residents and 31 businesses. The 172 directly displaced residents would not be considered a significant adverse socioeconomic impact as they only account for 2.0% of the Study Area's and 1.1% of the Village's populations. The directly displaced businesses do not provide products or services that would be considered essential to the local economy, or that would no longer be available in the area due to difficulty relocating or establishing new, comparable businesses. The directly displaced businesses are also not expected to be the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect them. Therefore, the directly displaced businesses would not be considered a significant adverse socioeconomic impact.

3.3.3 Proposed Mitigation Measures

As no significant adverse socioeconomic impacts have been identified, no mitigation measures are proposed.

3.4 Aesthetic Resources/Urban Design

This section of the DGEIS provides a discussion of the visual character of the Rezoning Areas, accompanied by representative photographs. A discussion is presented about how development under the proposed action is intended to enhance visual conditions/design characteristics within the study area. This section also describes how the proposed zoning and other administrative policy changes could affect aesthetics within the Village, including streetscape and façade enhancements. Finally, mitigative provisions in the proposed zoning amendments are identified.

3.4.1 Existing Conditions

As previously discussed, there is no cohesive visual identity throughout the Rezoning Areas. The Post Avenue Rezoning Area features buildings of various architectural styles and heights ranging from one-to-six stories. Most buildings are two-to-three stories with occasional instances of office and residential buildings at the taller end of the range. Some older buildings are showing their age in poor physical condition while others provide a sense of history in a positive manner. The newer buildings (such as the Horizon condominium building at 130 Post Avenue and Maple Tower condominium building at 242 Maple Avenue) tend to be larger in scale. Building façade materials are variable and include a mixture of brick, stucco, vinyl, stone and glass. There is limited vegetation along the corridor including sparse street trees, and amenities such as benches are infrequent. However, the corridor contains brick crosswalks, stylized street signs and light-pole banners along the street. South of the LIRR overpass, the Post Avenue Rezoning Area begins a transition to a more automobile-oriented area, rather than compact walkable downtown setting. The Post Avenue corridor benefits visually from a lack of utility poles north of the LIRR ROW, as same are confined to side streets. Decorative and coordinated street lights also add to the visual quality of this part of the corridor. The Bristal Assisted Living facility, standing at five stories, features a large front yard setback and manicured landscaping features, serving as a visual gateway to the downtown area north of the LIRR overpass.

South of the LIRR ROW and The Bristal Assisted Living, the west side Post Avenue corridor transitions from the mixed-use core downtown to a lower density pattern with single-use, one-to-two-story buildings (mostly commercial uses or religious institutions) with surface parking lots along much of the street frontage adjacent to the sidewalk. Many of the commercial buildings have the appearance of converted residences. Utility Poles and associated overhead wires are present in this area whereas they are confined to side streets north of the LIRR overpass. In contrast, the east side of the Post Avenue corridor in this area is exclusively devoted to St. Brigid Catholic Church and the Cemetery of the Holy Rood, with church buildings and hedge-lined fences along the sidewalk. Toward the southern limit of the Post Avenue Rezoning Area at Old Country Road, there are several older structures

including an automobile repair shop and monument businesses serving the cemetery. The transition to highway corridor is completed with a gas station at the corner of Post Avenue and Old Country Road. As described in the *DRI Plan*,

> *Post Avenue presents an eclectic character, with little consistency in architectural style. Differences in building form have created an uneven street wall…The pedestrian environment on Post Avenue includes several other challenges associated with safe and east navigation. Many sidewalks are narrow and offer limited amenities such as trees, benches, and bike racks. Some areas also lack crosswalks or pedestrian signals* (p. iv).

Below are several representative photographs depicting the aesthetic character of the Post Avenue Rezoning Area. These photographs are also provided along with several others in Appendix E of this DGEIS.

View south along Post Avenue at Asbury Avenue – the northern gateway to the corridor.

View of storefronts and sidewalk along the east side of Post Avenue, facing south near Belmont Avenue.

View along the west side of Post Avenue, north of Drexel Avenue.

View along the east side of Post Avenue, north of Winthrop Avenue.

View of storefronts and sidewalk along the west side of Post Avenue, south of Winthrop Avenue.

View facing northeast at the intersection of Post Avenue and Maple Avenue toward Piazza Ernesto Strada.

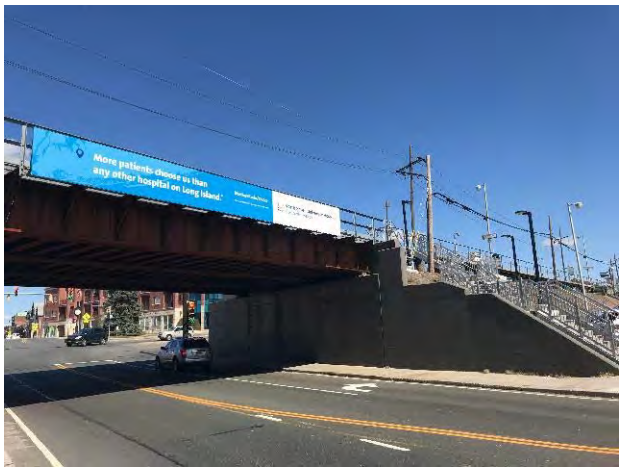
View facing southwest at the intersection of Post Avenue and Maple Avenue.

View facing north along Post Avenue at Scally Place.

View along the west side of Post Avenue, south of Butler Street.

View facing north along Post Avenue at Orchard Street.

View facing southeast at the intersection of Post Avenue and Union Avenue.



View of the LIRR overpass at Post Avenue, facing northeast.

View of the Fr. Fred Schafer Parish Center at 75 Post Avenue.

View along the west side of Post Avenue, north of Myrtle Avenue.

View along the west side of Post Avenue near Lexington Avenue.

View along the west side of Post Avenue near Madison Avenue.

Whereas the Post Avenue Rezoning Area portrays a typical central business district with its mix of retail, restaurant, service, residential and community facility uses, the Maple Union Triangle Rezoning Area presents a visually disparate industrial aesthetic that is mismatched with the residential uses that are interspersed within the area. Many of the non-industrial buildings are clearly aging and are dwarfed by surrounding warehouses and other industrial structures. The section of the Maple Union Triangle Rezoning Area between Madison Street, Scally Place and Linden Avenue is a small residential neighborhood containing more modern, three-story townhouses as well as older, two-story single-family homes. The Maple Avenue corridor is an extension of the Post Avenue "main street" corridor as the mingling of residential, commercial and community facility uses creates a walkable portion of the neighborhood, albeit at a lower density than along Post Avenue. As with Post Avenue, building materials and ages are varied along Maple Avenue.

View facing east along Maple Avenue at Post Avenue.

View facing west along Maple Avenue, west of School Street.

View of residences along the north side of Scally Place

View facing west along Maple Avenue, west of Linden Avenue.

The section of the Maple Union Triangle Rezoning Area, west of Linden Avenue and south of Scally Place is dominated by the presence of surface parking lots, outdoor storage areas and low-height industrial buildings. Industrial buildings and uses dominate the landscape east of Linden Avenue. These industrial uses impose on the two-story residences along Sullivan Avenue, creating a stark contrast of uses and visual characteristics.

View of an outdoor construction yard along Spruce Street

View of the commuter parking lot between Scally Place and Union Avenue, facing southwest.

View along the south side of Scally Place, west of Linden Avenue.

View along the west side of Linden Avenue, south of Scally Place.

View facing north along Linden Avenue at Union Avenue.

View facing northwest along the west side of Sullivan Street at Union Avenue.

View facing northeast along the east side of Sullivan Street at Union Avenue.

The Union Avenue Corridor transitions from the downtown feel of Post Avenue with the modern Horizon condominium building, just north of the LIRR ROW, to an automobile-focused commercial/industrial corridor on its north side, featuring one-to-two-story buildings fronting a sidewalk with utility poles and no vegetation. However, some aging multifamily structures remain in the portion of Union Avenue surrounding Sullivan Street. A lawn area along the south side of Union Avenue provides a buffer between the LIRR station and the industrial area north of Union Avenue. This lawn area gives way to more industrial buildings east of Linden Avenue.

View facing east along Union Avenue at Post Avenue.

View facing northeast along the north side of Union Avenue, east of the commuter parking lot.

View of residential buildings along the north side of Union Avenue, east of Linden Avenue.

View of residential buildings along the north side of Union Avenue, west of Sullivan Street.

View facing southwest along Union Avenue, west of School Street.

The southern portion of the Maple Union Triangle Rezoning Area is traversed by the LIRR ROW. The area immediately south of the LIRR ROW contains a commuter parking lot extending from Post Avenue 750 feet to the east. The parking lot is followed by a modern glass and painted metal self-storage facility. East of this self-storage facility, older warehouses, generally one story in height with paved areas to accommodate trucks make up the remainder of the corridor. Due to the heavy flow of trucks along this route, there are no sidewalks or vegetation present; however, directly to the south, the Cemetery of the Holy Rood provides visual relief with vegetated open space and no buildings near this Rezoning Area.

View facing northeast of the commuter parking lot south of the LIRR station.

View of a self-storage facility along the north side of Railroad Avenue, facing east.

View of warehouses along the north side of Railroad Avenue, facing west.

Refer to Appendix E of this DGEIS for a complete photograph log.

3.4.2 Probable Impacts of the Proposed Action

The Proposed Action would introduce new zoning regulations to the Rezoning Areas that are intended, in part, to improve upon existing aesthetic conditions. Specifically, with regard to the Maple Union Triangle Rezoning Area, as discussed in Section 3.4.1, there is an existing visually disparate industrial aesthetic that is mismatched with the residential uses that are interspersed within the area. One of the intents of the MU District is to "foster and improve the existing aesthetic appearance of the Maple Union Area." Thus, based on the proposed zoning amendments, a transition from industrial and business zoning to the new MU District in the Maple Union Triangle Rezoning Area is expected to lead to the gradual transformation of the area into a more visually pleasing and cohesive mixed-use area.

Maximum heights of new buildings in the MU District would reach between three-to-five stories, or 40-to-65 feet (after development bonuses), depending in which subdistrict the building is located. The heights permitted in the MU District would be in character and compatible with existing heights allowed in other existing multifamily zoning districts within other portions of the Village, near the downtown. The sub-districts are proposed in an arrangement that would allow the tallest buildings (five stories / 65 feet, with development bonuses) to be located in the existing Industrial and Light industrial districts (proposed MU-R4, MU-R5 and MU-R6 sub-districts), as these areas are least likely to impact established single-family residential neighborhoods. The middle range of proposed height limits (four stories / 50 feet, with incentives, in the MU-R3 and MU-R7 sub-districts) would be situated along the south side of Maple Avenue and along Scally Place. The most restrictive proposed height limits would in the proposed MU-R1 and MU-R2 , where the Zoning Code limits the height of buildings to three stories/40 feet, and does not

allow for development bonuses for height. The MU-R1 and MU-R2 sub-districts are adjacent to the established single-family residential neighborhood to the north. As such, the more restrictive height limitations would be protective of existing aesthetic character surrounding the MU District while allowing for the density necessary on the interior of the district to create a thriving downtown.

Aside from the height limitations in the MU District, the proposed zoning regulations include a non-exhaustive list provisions for public benefits that can be provided in exchange for development bonuses, several of which are intended to beautify the Village in one way or another. Included in this list are the provision of:

- *Off-site improvements to parks, open space, transit facilities, and streetscape within the Maple Union TOD District*
- *Additional open space, enhancement of existing open space, and ecological restoration*
- *Off-street passenger loading (for hotels, apartment, condominium, or housing cooperative buildings, etc.)*
- *Sidewalk canopy*
- *Interior freight loading*
- *Additional setback at grade, allowing for sidewalk widening or plaza with landscaping and/or unique paving design*
- *Unique landscaping*

Note again that this is a non-exhaustive list, and it would be at the Board of Trustees' discretion to grant development bonuses for other public benefits associated with superior urban design and aesthetics, in order to meet the intent of the incentive zoning program, which includes (among other purposes):

- *Providing, encouraging the retention and development of attractive and useful open space*
- *Arranging and designing buildings to provide light and air to streets and other properties and to enhancing aesthetic views*
- *Encouraging the development of attractive, pedestrian-oriented retail areas*
- *Encouraging the provision of both passive and active recreation areas*
- *Preserving and/or increasing the quantity and quality of landscaping*
- *Encouraging creative and superior architectural design.*

Provided below is a prospective rendering of what future development within the Maple Union Triangle Rezoning Area could look like given the incentive zoning program for provision of public open space and other public benefits. This rendering is not representative of a particular location or proposed development and is meant only as a hypothetical visual aid for this discussion of potential impacts.

Rendering of potential future development conditions in the Maple Union Triangle Rezoning Area.

The proposed zoning amendments in the Post Avenue Rezoning Area are far less extensive, pertaining only to improvements to the pedestrian environment and aesthetic conditions. These amendments would introduce a requirement in the B-1, B-2 and B-4 districts to provide a sidewalk width of between 12 and 20 feet as measured from the face of the curb. This would allow for the placement of street furniture, street trees and other pedestrian amenities that would enhance the visual character of Post Avenue. Additionally, the proposed incentive zoning program for the MU District does not set a geographical limit on the provision of public benefits within the Village. As such, potential developers of properties in the MU District could meet the public benefit requirements for development bonuses by investing in aesthetic/urban design improvements to the Post Avenue corridor, subject to the discretion of the Board of Trustees.

The above analysis shows that the Proposed Action would lead to beneficial aesthetic impacts in the Village through a system of incentive zoning to encourage aesthetic/urban design improvements, a transition from industrial to mixed-use development, and dimensional regulations governing height and setbacks. It is important to note as well, that any development within the Village subject to the proposed zoning amendments would be subject to review by the Board of Trustees, including an application package with "a preliminary rendering of the architectural treatments expected to be implemented on completion of the project."

3.4.3 Proposed Mitigation Measures

As demonstrated above, the Proposed Action would not result in significant adverse aesthetic impacts. As such, no mitigation measures are necessary beyond the proposed zoning amendments.

3.5 Cultural Resources

This section examines the Cultural Resources within the Village that may be impacted by proposed development. Cultural resources include both architectural historic (above-ground) resources, and archaeological (below-ground) resources. Historic properties include districts, buildings, structures, objects, and sites that are listed or may be eligible for listing in the National Register of Historic Places (NRHP). Artifacts and archaeological sites are examples of archaeological resources, which are typically found buried within and on the ground. These resources are investigated by archaeologists to identify and interpret human behavior for hundreds or thousands of years. Archaeological deposits range in date from 50 years old to several thousands of years old. Like historic resources, archaeological resources are reviewed for their eligibility for inclusion in the NRHP.

As part of this general review, the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) was consulted to identify any State and/or National Register (S/NR) listed or previously determined eligible properties within and immediately adjacent to the project corridors. CRIS is a GIS mapping tool for documenting historic and archaeological sites, and a predictive model for assessing archaeological sensitivity throughout New York State. Additional consulted resources include the *DRI Plan*; the Historic Resources Section of the Final Environmental Impact Statement (FEIS) and Phase IA report for the (LIRR) Third Track project; the Heritage Trail- A Stroll Through the History of Westbury video; Westbury Rewind; and the Westbury Village Code pertaining to the Landmarks Preservation Commission. These resources provide information about locally-designated historic sites which are commemorated on the Westbury Village Heritage Trail that fall within the Rezoning Area. Finally, historic maps from 1873, 1914, and 1927 were reviewed, along with aerial photographs from 1926 and 1950, to assess historical changes in the landscape.

Cultural resources are subject to review under Section 14.09 of the New York State Historic Preservation Act of 1980 (SHPA), as amended, for New York State agency permits and approvals (e.g., NYSDEC, SPDES, SWPPP, and capital-funded projects including the Westbury Façade and Fit-Out Fund), and Section 106 of the National Historic Preservation Act of 1966 (NHPA), as implemented by Federal regulations at 36 CPR Part 800, for Federal agency permits and approvals. At the Village level, the Landmarks Preservation Commission is authorized to "identify, restore, protect and preserve such places, districts, sites, buildings, structures, publicly displayed works of art and other objects as authorized by and in accordance with Article 5, § 96-a, of the General Municipal Law of the State of New York and Article 14 of the Parks, Recreation and Historic Preservation Law of the State of New York" (Westbury Village Code).

3.5.1 Existing Conditions

No S/NR listed properties are listed within or adjacent to the Post Avenue and Maple Union Triangle Rezoning Areas. There are no State, National, or locally-designated historic districts within or adjacent to the Rezoning Areas. The Village has created a Heritage Trail in which sites of local historical significance or interest are commemorated by inclusion and sign demarcation. However, the sites included in the Heritage Trail are not designated as landmarks within the Village code. According to the Westbury Village Code, the Village Landmarks Preservation Commission is authorized to designate landmarks and regulate changes to those designated landmarks, but currently no sites are designated as landmarks in the context of the Village Code. The Village has no Architectural Review process for the redevelopment of historic buildings.

As part of the DRI, retail incentive and façade improvement programs continue to be offered to promote development in the Rezoning Areas. These programs are generally used to assist with redesign of Main Street/Downtown areas and can be a valuable resource for guiding historic preservation and complimentary new re-designs of existing historic resources. However, no design guidelines have been established that consider the historic nature of the existing buildings within the Rezoning Area.

There are no properties within the Rezoning Area that are currently benefiting from Federal or State Historic Tax Credit Programs. The Federal Investment Tax Credit Program for Income Producing Properties provides tax credits to income producing properties that are certified as historic structures by the National Park Service. New York State offers the Tax Credit Program for Income Producing Properties (which must be used with the federal tax program) to properties that have been approved to receive the federal tax credit, and that are located within a qualifying census tract. The entire Rezoning Area is located within a qualifying census tract, as outlined in the NYSHPO CRIS. Properties must be reviewed by the NYSHPO for their eligibility for these programs.

Historic Resources

According to CRIS, there are 19 Unique Site Numbers (USNs) for historic resources within and immediately adjacent to the Post Avenue and Maple Union Triangle Rezoning Areas. USN numbers are created by the NYSHPO in order to inventory historic and potentially historic resources throughout the State. The presence of a USN number does not imply that a historic resource has been evaluated by the NYSHPO for its eligibility on the S/NRHP. Some of these resources with USNs were inventoried by local individuals and local historical societies in the 1970s and are no longer extant.

In addition to the previously-inventoried buildings, an inventory was compiled of other buildings that could warrant recognition as historic resources (that is, properties that could be eligible for listing on the S/NRHP) in compliance with the SHPA and SEQRA guidelines. The Criteria for inclusion in the NRHP are listed in the Code of Federal Regulations, Title 36, Part 36. Generally, properties that are younger than 50 years are not eligible for listing on the NRHP unless they have achieved exceptional significance.

The inventory of existing historic resources was compiled as a result of historic research and field reconnaissance of the Rezoning Areas during a field visit on March 18, 2019 by an historian that meets the Secretary of the Interior's Professional Qualification Standards for Historians (36 CFR Part 61). Table 57 compares the documentation of historic resources in CRIS with the existing conditions.

Table 57 Historic Resources identified within and immediately adjacent to the Post Avenue Rezoning Area, listed North to South along Post Avenue and West to East along cross streets

Address	USN	Site Name	NYSHPO Determination for NRHP	Location	Description	Condition	On Cultural Sensitivity Map*
360 Post Ave	05989.000083	House of Ambrose Clark/Westbury Community Center	Not eligible	Within corridor	Late 19th century residence; designated site on Heritage Trail	existing	
347 Post Ave	05989.000050	currently Flowers by Carol	Not eligible	Within corridor	Post 1950 commercial property	existing	
275 Liberty Ave	05989.000017	Kennely and Persoff Law Office	Undetermined	Within corridor	c.1865-70 residence	Demolished and replaced by 21st century building	
346 Post Ave	05989.000045	PF&I Youth Center, currently M. Phipps Sports Center	Not eligible	Within corridor	Post 1950 recreational building	existing	
311-313 Post Ave	05989.000049	currently Interstate Security and Investigation	Not eligible	Within corridor	Post 1950 commercial buildings	existing	
330 Cross Street	05989.000065	Residential property	Not eligible	Adjacent to corridor	Post 1950 building	existing	
272-278 Post Ave	05901.000620	Commercial building 1938	Not eligible	Within corridor	Possibly 1920s brick commercial building	Existing; modified facade	
263 Post Ave		Currently C&B Avenue Restaurant; Joe's Organic Cleaners		Within corridor	c. 1930s single-story brick commercial building	Existing	Yes
251 Post Ave		Currently Setik Spa and Beauty; H&R Block		Within corridor	c. 1930 2 story brick commercial building	existing	Yes
250 Post Ave	05989.000031	Westbury Theatre	Eligible (NYSHPO DOE 1994)	Within corridor	Designed by Douglas P. Hall and built in 1927	Existing; modified facade	Yes
245 Post Ave		Currently Deli Salvadoreno		Within corridor	c. 1910 2 story building	Existing; modified facade	Yes
327 Winthrop Street	05901.000621	Commercial building, 1930	Not eligible	Adjacent to corridor	Post 1926 brick commercial and residential building	existing	
234 Post Ave		Currently Johanna's Jewelry		Within corridor	c. 1920 (but possibly as early as 1914) brick 2 story commercial and residential building		Yes
233 Post Ave		Currently Iris Jhade and Reflections Salon		Within corridor	c. 1910 brick commercial and residential building (first floor store fronts)	existing	Yes
231 Post Ave	05989.000048	Currently Friar's Tavern	Not eligible	Within corridor	c. 1920s brick commercial	Existing; new facade	
229 Post Ave		Currently Westbury Dental		Within corridor	c. 1920s 2 story brick commercial and residential building (possibly as early as 1914)	existing	Yes
223 Post Ave		Currently Chinatown Kitchen		Within corridor	c. 1920s 2 story frame commercial building	Existing, modified exterior	Yes
221 Post Ave		Currently Metropolitan Business and Tax Services Corp		Within corridor	Possibly 1920s	Existing; modified facade	Yes
217 Post Ave		Currently El Pueblito		Within corridor	1928 2 story brick commercial and residential building	existing	Yes
255 Schenck Ave	05989.000084	Future home of Westbury Arts	Not eligible (NYSHPO Evaluation 2018)	Within corridor	c. 1950 single story brick commercial building	existing	
242 Maple Ave	05989.000030	Apple Annie's, formerly known as Maple Manor	Undetermined	Within corridor		Demolished; replaced with 21st century high rise	Yes
467 Maple Ave		Bethel AME Church		Within corridor	c. 18887 Church; Designated site on Heritage Trail		Yes
209 Post Ave		Currently vacant; former Post Office and Hook and Ladder		Within corridor	c. 1900 2 story frame commercial building (1909 photograph)	Existing; modified exterior	Yes
207 Post Ave		Currently Multi-Services Express Income Tax; former Bank of Westbury	-	Within corridor	c. 1910 2 story brick commercial building (1910 photograph)	existing	Yes
199 Post Ave	05989.00016	Currently Benny's Restaurant; formerly the William O'Connor U.S. Hotel	Undetermined		c. 1890-1900 3 story frame commercial building	Existing; modified exterior	Yes

Address	USN	Site Name	NYSHPO Determination for NRHP	Location	Description	Condition	On Cultural Sensitivity Map*
190 Post Ave		Currently Mediterranean Kabob		Within corridor	c. 1920s 2 story frame commercial and residential building	Existing; modified exterior	Yes
175-181 Post Ave		Currently multiple businesses		Within corridor	c. 1920s brick 2 story brick commercial and residential building	Existing; modified facade	Yes
172-176 Post Ave	05989.000047	Currently multiple businesses	Not eligible	Within corridor			Yes
169 Post Ave		Currently Aqua Quality Pools and Spas (formerly S. Marvin Barley)		Within corridor	c. 1910 2 story frame commercial building	Existing; modified facade	Yes
167 Post Ave		Maria's Pastry Shop (formerly S. Marvin Barley)		Within corridor	c. 1910 2 story frame commercial building	Existing; modified exterior	Yes
164 Post Ave	05989.000082	Republican Headquarters (formerly Wheatley Hills National Bank Nassau Co.)	Eligible (NYSHPO 2016)	Within corridor	1920 2 story brick commercial building	Existing	Yes
153 Post Ave		Currently Dulcemania		Within corridor	c. 1910 2 story brick commercial building (according to 1914 map)	Existing; modified exterior	Yes
151 Post Ave		Currently Azteca Deli and Grocery; Julio's Barber Shop		Within corridor	c. 1910 3 story brick commercial building (according to 1914 map)	Existing; modified exterior	Yes
140-144 Post Ave	05989.000046	Currently multiple businesses	Not eligible	Within corridor		Existing; modified exteriors	
130 Post Ave	05989.000011	Piping Rock Inn	Undetermined	Within corridor	c. 1860 Italianate frame commercial building	Demolished; replaced by Horizon residential development	
311 Union Ave	05989.000051	Currently Horizon residential development	Not eligible	Within corridor			
274 Grand Ave		Westbury A.M.E. Zion Church		Adjacent to corridor	c. 1867 Church; Designated site on Heritage Trail	existing	
Post Ave LIRR Bridge	05989.000080	Post Ave LIRR Bridge	Not Eligible	Within corridor	c. 1914 bridge over LIRR	existing	
75 Post Ave	05989.000006	St. Brigid's Church	Undetermined	adjacent			

*See Figure 9 of this DGEIS for the Cultural Sensitivity Map.

Sources: NYSHPO CRIS; Westbury Village Heritage Trail; 1914 Hyde *Atlas of Nassau County*; 1926 and 1950 aerial photos.

Two NR-eligible historic sites are documented within/adjacent to the Post Avenue Rezoning Area. The Westbury Theatre (USN 05989.000031), located at 250 Post Avenue, has been determined eligible for listing on the NRHP based on Criterion C, as an intact representative example of a theatre/movie house.[32] The theatre was designed by Douglas P. Hall in the Tudor Revival style and built in 1927. The NYSHPO determination of eligibility was made in 1994; since then the building has been modified with a new façade (Photos 1 and 2).

Photo 1. Westbury Theatre (1937)

Source: Westbury Public Library

Photo 2. The Space at Westbury Theatre (2019)

[32] https://cris.parks.ny.gov/Default.aspx. Accessed March 2019.

Photo 3. Republican Headquarters (2019)

Source: VHB

The Nassau County Republican Headquarters building (USN05989.000082), which has also been determined S/NR eligible, is located at 164 Post Avenue. This building is a 2-story brick commercial structure constructed around 1920 and housed the Wheatley Hills National Bank of Nassau County (Photo 3).

Two Village-designated historic sites are documented within the Post Avenue and Maple Union Triangle Rezoning Area. The House of Ambrose Clark/Westbury Community Center (USN 05989.000083) is located at 360 Post Avenue. This late 19th century residence was home to F. Ambrose Clark, a noted equestrian and grandson of Singer Sewing Machine Partner Edward Cabot Clark. The White family owned this building by 1914, after which it functioned as a Saks Fifth Avenue, a funeral home, and a public library (Historical Societies of the Westburys n.d.; Photo 4). This building is part of the Village Heritage Trail.

The Bethel A.M.E. Church is also included in the Village Heritage Trail. Built around 1887, the congregation of the Bethel A.M.E. Church separated from the Westbury A.M.E. Zion Church (which is also a Village Heritage Trail site). The Westbury A.M.E. Zion Church, located at 274 Grand Street, is adjacent to the Maple Union Triangle Rezoning Area. The presence of both Churches signifies an historic African American presence in the Village. Historically, African American settlement patterning was established by the early 20th century around the Westbury A.M.E. Zion Church in a neighborhood identified as Grantsville (Figure 7).

Photo 4. House of Ambrose Clark/Westbury Community Center (2019)

Source: VHB

Photo 5. Bethel A.M.E. Church (2019)

Source: VHB

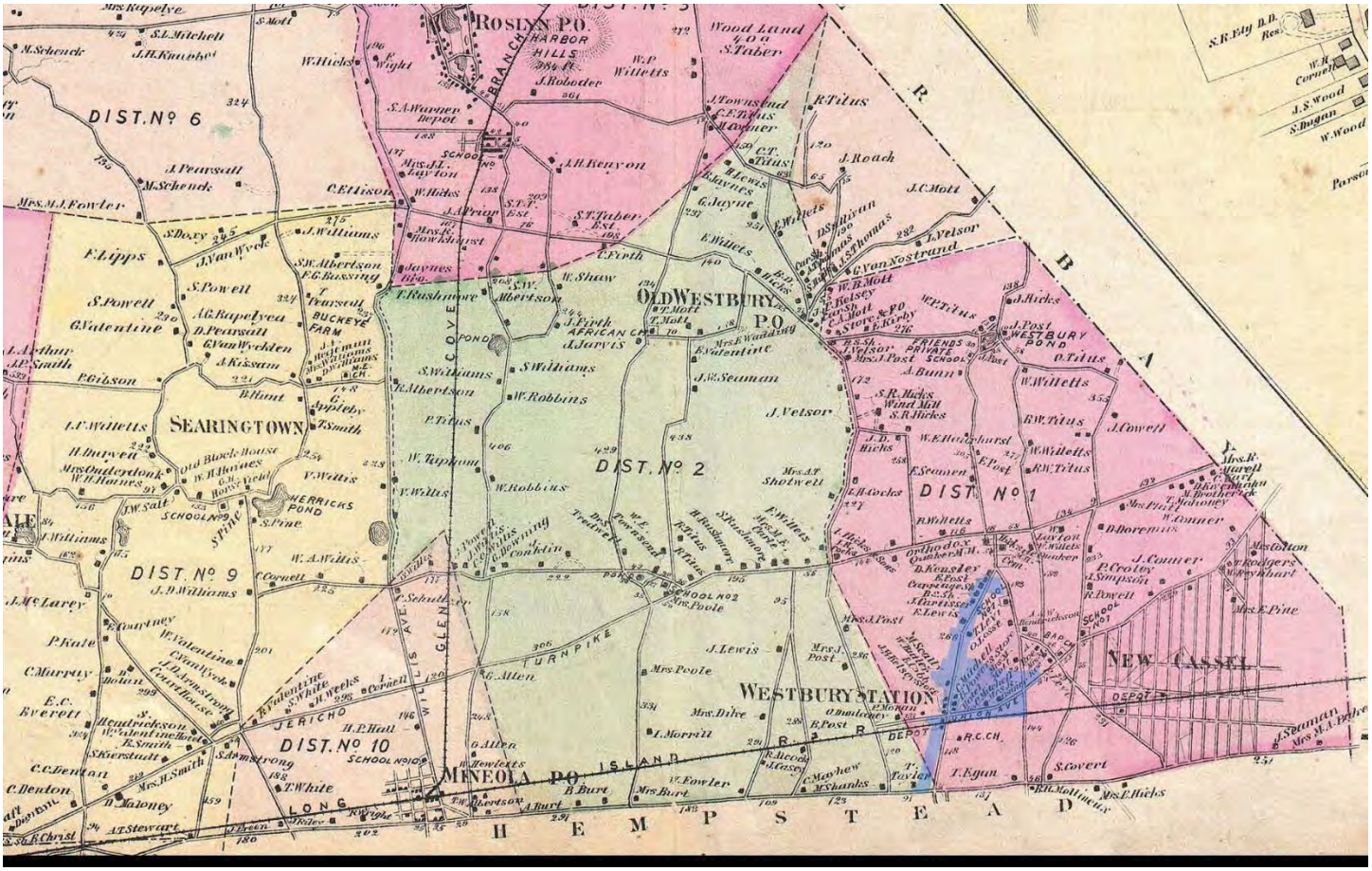
The early history of the Village is well-documented by local historians, the Historical Societies of the Westburys, the Westbury Public Library, and the Village Landmarks Preservation Commission. Walking tours and the Heritage Trail are geography-based historical programs that highlight some of the earliest sites and activities in the history of the Village. As noted in these historical resources, the early history of the Village is attributed to the arrival of Quakers in the 17th century, who established homes, spaces of worship, schools, and businesses throughout the Village. By the 18th century, the Quakers promoted abolition and encouraged the education of people of color. The historical entanglement of Quakers and free people of color in the 18th and 19th centuries was the foundation for the development of schools, churches, and residential neighborhoods for African American people, many of which continued to function into the 20th century. Few sites pertaining to these early histories are located within the Post Avenue and Maple Union Triangle Rezoning Areas. However, the historic African American settlement at Grantsville is adjacent to the southeastern portion of the Maple Union Triangle Rezoning Area (Figure 2).

By the late 19th century, a linear settlement pattern was established along Post Ave and Union Ave. The 1873 Beers *Atlas of Long Island* shows a few houses along the northern portion of the Post Ave Rezoning Area (Figure 7). Further south, dense development is shown at the intersection of Post Ave and Union Ave, and along Union Ave toward Maple Ave. Development in this area was characterized by residential and commercial activities, strategically situated to take advantage of the travel and transportation of agricultural and other commercial goods along the LIRR.

A similar settlement pattern is evident also on the 1914 Hyde *Atlas of Long Island* (Figure 8). On this map, the development of Post Ave as a commercial center is illustrated between Lewis Street and Maple Ave. These maps demonstrate the historical roots of transit-oriented development.

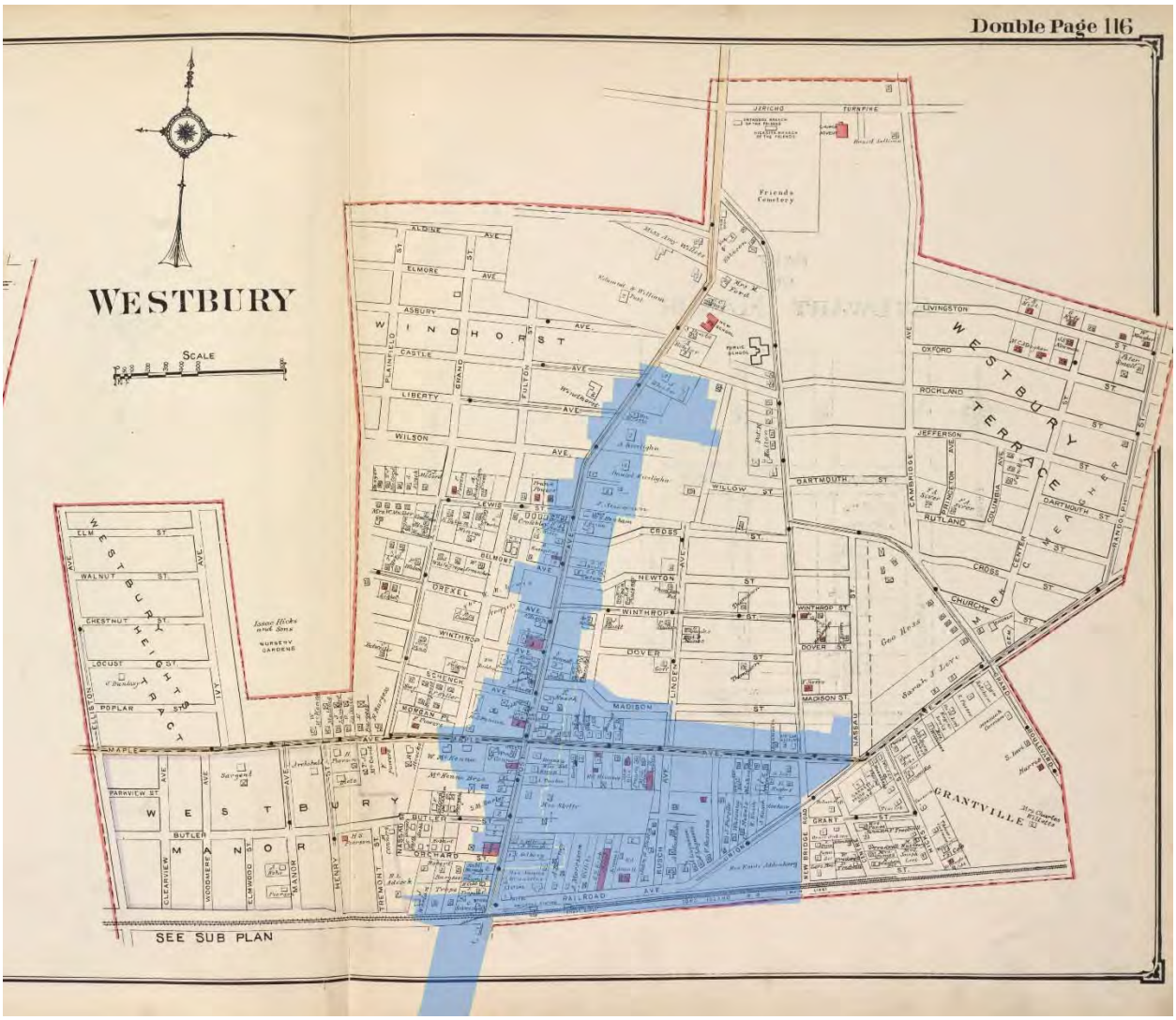
Figure 7 1873 Beers *Atlas of Long Island* showing the Post Avenue and Maple Union Triangle Rezoning Areas

Commercial development expanded through the 1920s, and many of the buildings from that era of development (1900-1930) are still standing throughout the Post



Avenue Rezoning Area (Photos 6-9). The facades and exteriors of some of these buildings have been modified (some through the Westbury Façade and Fit Out Fund), thus impacting their historic integrity and eligibility for listing on the NRHP.

Figure 8 1914 Hyde *Atlas of Nassau County* showing the Post Avenue and Maple Union Triangle Rezoning Areas



Photos 6 and 7. Northwest view of historic structures on the northwest corner of Post Avenue and Maple Avenue. The building at 209 Post Avenue dates to around 1900, as functioned as the Village post office. The brick building at 207 Post Avenue was built around 1910 and was the Bank of Westbury.

Photo 6.

Source: Westbury Rewind

Photo 7.

Photos 8 and 9. Northern view of northwest corner of Post Avenue and Butler Street. Note the reuse of c. 1910 structures. In 1910 and 1914, these properties were owned by S. Marvin Barley.

Photo 8.

Source: Westbury Rewind

Photo 9.

Archaeological Resources

The potential for encountering archaeological resources within a proposed area of potential effect is determined by a series of factors, including: data from sensitivity models (which are based on proximity to freshwater and other vital natural resources); documentation of known, nearby archaeological sites (these are recorded in State Historic Preservation Office (SHPO) site files and are often maintained with restrictive access); the presence of known historic properties (e.g., map-documented structures and/or cemeteries); and the presence of historic-period and/or recent ground disturbance (e.g., land development). In general, disturbed areas have a very low potential for the presence of intact archaeological deposits and subsurface features.

Archaeological sensitivity of the Post Avenue and Maple Union Triangle Rezoning Areas was assessed by an archaeologist that meets the Secretary of the Interior's Professional Qualification Standards for Archaeologists (36 CFR Part 61).

According to the NYSHPO CRIS, the Post Avenue and Maple Union Triangle Rezoning Areas are not identified within an area of archaeological sensitivity. No archaeological sites have been documented within or adjacent to the Rezoning Areas.

In general, the presence of structures documented on historic maps increases a site's sensitivity for the presence of archaeological deposits (such as midden [trash] deposits and outbuildings [like barns and outhouses/privies]) associated with those map-documented structures. However, due to the heavily-developed nature of the downtown area, late 20th and 21st century redevelopment has likely disturbed many portions of the Rezoning Areas, resulting in a low likelihood for encountering intact archaeological deposits. Vacant or under-developed lots in close proximity to map-documented structures have an increased sensitivity for the presence of intact historic archaeological deposits.

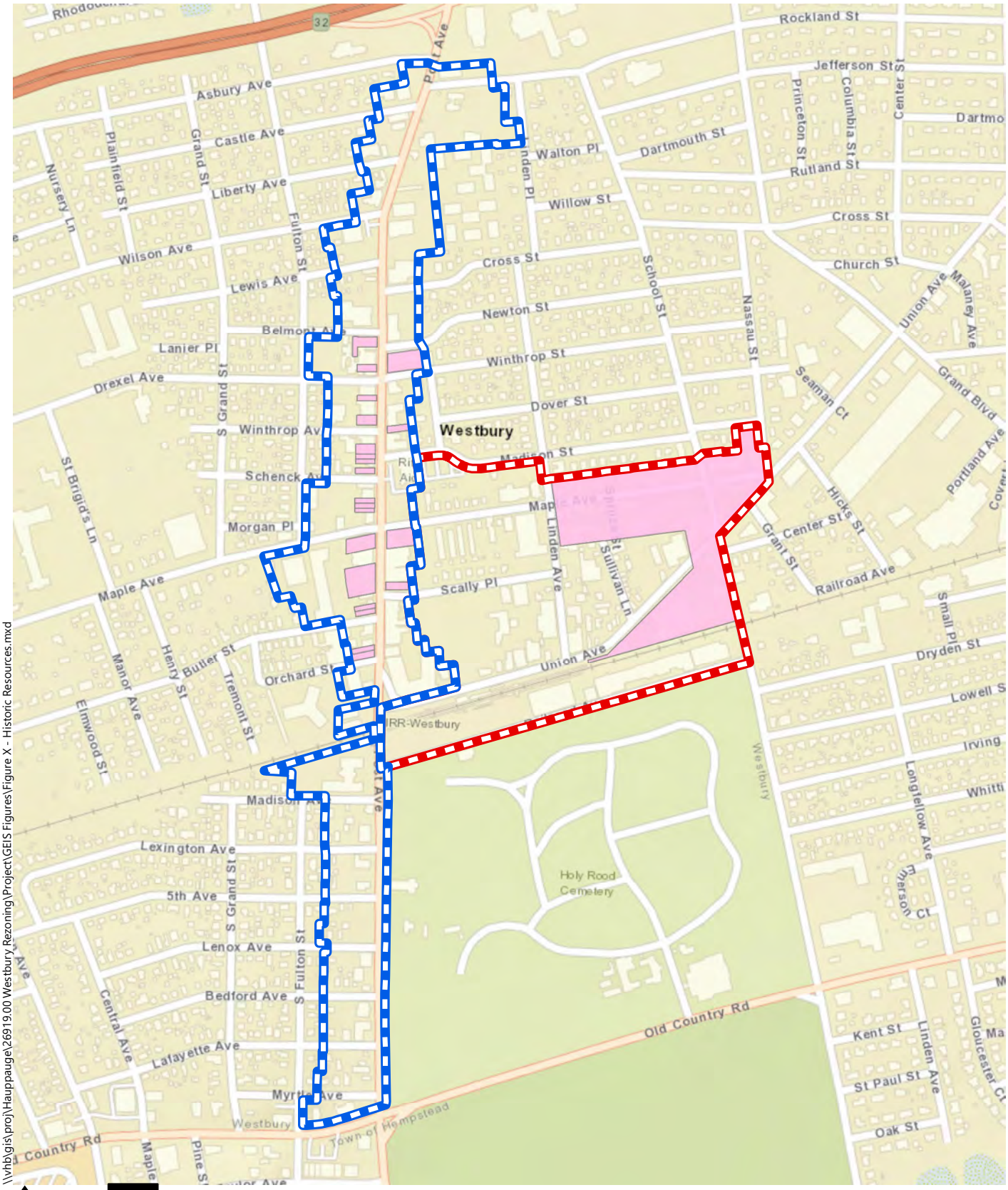
The presence of the Bethel A.M.E. Church within, and the Westbury A.M.E. Zion Church adjacent to, the Maple Union Triangle Rezoning Area increases the sensitivity of these areas for the presence on 19th and early 20th century archaeological deposits associated with historic African American settlement, which is concentrated around these houses of worship. Historical research shows that in 19th and early 20th century African American communities, the Church was the center of community life as not only a place of worship, but a place for social gathering, for economic and social support, and for collective social identity. Often times, the church would assist people in achieving home ownership (this is seen in other parts of Long Island) at times when African American people faced economic, social, and political challenges to achieving homeownership. These factors have led to a distinct settlement pattern around African-American churches. These factors make the areas around the African American churches sensitive for the potential presence of resources associated with this aspect of history.

3.5.2 Probable Impacts of the Proposed Action

As mentioned above, there are only two previously-documented NR-eligible sites within the Rezoning Area; there are no S/NR-listed properties within or adjacent, and no State, National, or locally-designated historic districts within or adjacent to the Rezoning Areas. The Village has a Heritage Trail in which locally historic sites are commemorated by inclusion and sign demarcation, but these sites are not landmarked within the Village Code. In addition to these documented sites, the inventory above lists structures within the Rezoning Areas that are more than 50 years old that may be reviewed for their potential historic significance.

Without conducting site-specific investigations, it is difficult to predict any and all impacts to cultural resources as a result of development within the Rezoning Areas. As development of the Rezoning Areas proceeds, analyses of potential effects on historic and archaeological resources would be required on a site-specific basis. As described above, this would include, in consultation with NYS OPRHP, the completion of the identification of historic properties, identification of appropriate APEs, assessment of the development's effects on any identified historic properties, and development of appropriate mitigation measures if adverse effects would occur on historic and/or archaeological resources. Potential effects that would be evaluated include direct impacts (including demolition, alteration, or damage from construction) and indirect visual impacts.

In order to facilitate cultural resources review in advance of development within the Rezoning Areas, a map has been prepared which highlights specific properties and sensitivity areas that will require consultation with OPRHP for review of potential impacts to historic and archaeological resources (Figure 9). These properties and areas have been identified based on the research outlined above. Specifically, there are two S/NR-eligible sites within the Rezoning Area: the Westbury Theatre (located at 250 Post Avenue) and the Republican Headquarters building (164 Post Avenue). Because of their determination of eligibility for inclusion in the S/NR, future development projects that may require site plan and/or subdivision approval by the Village of Westbury Planning Board; a demolition permit by the Village of Westbury Buildings Department; State funding/permits/approvals; and/or Federal funding/permits/approvals should be reviewed for potential impacts to cultural (historic and archaeological) resources.



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Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Properties that will require consultation with OPRHP for review of Potential Impacts to Historic and Archaeological Resources

Incorporated Village of Westbury
Nassau County, New York

Post Avenue Rezoning Area
Maple Union Triangle Rezoning Area
Areas of Sensitivity (see Table 57 in DGEIS for Site-Specific Historical Information)

Source Info: NYS Office of Information Technology Services GIS Program Office

In addition to the two S/NR-eligible properties, there are 19 properties that, due to the presence of historic buildings within their boundaries, should be reviewed for potential impacts to historic and archaeological resources, if Village subdivision and/or site plan approval is needed, if a Buildings Department demolition permit is requested, and/or if State and/or Federal actions are involved.

In addition to the historic resources listed above, the eastern portion of the Maple Union Triangle Rezoning Area should be reviewed for historic and archaeological sensitivity on a site-specific basis for site plan and/or subdivision approval, for State actions, and/or for Federal actions. This recommendation is due to the presence of the Bethel A.M.E. Church (located at 467 Maple Avenue) within the Maple Union Triangle Rezoning Area, the proximity of the Westbury A.M.E. Zion Church (located at 274 Grand Avenue) adjacent to the Rezoning Area, and the proximity of the Grantville neighborhood to the Rezoning Area. Both of these churches are listed on the Village Heritage Trail, and the historic context of African-American settlement patterning (mentioned above) warrants a review of potential impacts to historic and archaeological resources. Ultimately, the currently-developed conditions of the parcels most likely to be redeveloped within this area will probably have already impacted the integrity of any historic and archaeological resources (if they are indeed present). Therefore, it is anticipated that, at most, a disturbance assessment or Phase IA cultural resources investigation would be recommended for these parcels to determine the likelihood that any historic or archaeological resources are present within the development parcels.

Cultural resources review is initiated by submission of a project notification to OPRHP through CRIS, which includes (at minimum) information about the proposed development program, lead review agency, State and/or Federal funding and approvals, and photographs of existing conditions. OPRHP will respond to a project notification with their determination of within 30 days.

3.5.3 Proposed Mitigation Measures

Mitigation of potential impacts to historic and/or archaeological resources involves close coordination with the lead review agency, OPRHP, and applicable State and Federal agencies (when State or Federal permits and/or funding are involved). Mitigation measures would be detailed in a Letter of Resolution or Memorandum of Agreement (MOA) between the applicant (project sponsor) and the involved agencies, describing the measures for avoiding, minimizing, or mitigating the adverse effects on archaeological resources.

3.6 Transportation and Parking

A traffic analysis was conducted to evaluate existing traffic operating characteristics and was utilized to develop baseline and future conditions without the Proposed Action. These results have been compared with the future traffic conditions under the Proposed Action to identify potential traffic impacts. Subsequently, mitigation measures have been investigated as needed to address significant impacts. This study also evaluated the existing on-street and off-street parking utilization within the study area. The findings of these studies are presented herein and includes a summary of the data collection process, traffic analysis methodology and study conclusions. Supplemental traffic information is included in Appendix H.

3.6.1 Existing Conditions

3.6.1.1 Study Methodology

The following describes the methodology used in this traffic study:

- Traffic data for Westbury from the *Long Island Rail Road Expansion Project Floral Park to Hicksville*[33] EIS was utilized to develop the existing (2018) traffic volume network. Additionally, intersection geometry, lane configurations and signal timings were obtained by conducting a field inventory at the study intersections on June 19 and July 25, 2018.
- Based on a review of the roadway network and Long Island Rail Road (LIRR) Third Track project, five signalized and two unsignalized intersections were identified as critical intersections that may be impacted by the Proposed Action.
- An annual growth rate was developed using the New York Metropolitan Transportation Council (NYMTC) auto trip projections from the 2045 NYMTC Regional Transportation Plan.[34] The growth rate was used to extrapolate LIRR Third Track project. Capacity analysis were conducted using Synchro® software, version 10. This software utilizes the highway capacity analysis techniques outlined in the 2010 *Highway Capacity Manual* (published by the Transportation Research Board). Under this methodology, the analysis determines the traffic operations in terms of flow rates, volume to capacity (v/c) ratios, traffic delays and Levels of Service (LOS). These are the typical Measures of Effectiveness (MOEs) used to evaluate the traffic impacts at an intersection. LOS is a letter designation that describes a range of traffic operating conditions on a particular type of roadway facility. A LOS 'A' typically represents the best traffic operating condition, while LOS 'E/F' represents constrained traffic operations, with traffic flow at or near the capacity of the facility. Refer to Appendix H for Level of Service classification for signalized and unsignalized intersections.

[33] Long Island Rail Road Expansion Project, April 2017.

[34] New York Metropolitan Transportation Council – Regional Transportation Plan 2045, Maintaining The Vision For a Sustainable Region, Adopted June 29, 2017

- Utilizing the 10th Edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, the estimated number of trips generated under the No-Build and Build Conditions were developed and assigned to the roadway network
- A parking survey was conducted on a typical Saturday evening between the hours of 5:00 pm to 9:00 pm, and on a typical weekday between the hours of 12:00 noon to 8:00 pm, to document existing parking utilization.
- Parking requirements were assessed by comparing the proposed Westbury Reasonably Worst-Case Development Scenario (RWCDS) codes with that presented in the *Parking Generation Handbook*, 5th Edition, published by the Institute of Transportation Engineers (ITE).
- An accident assessment was conducted utilizing the traffic crash data available from Nassau County for the latest three-year study period for the project study area.
- Pedestrian connectivity was assessed to identify existing facilities available and general conditions.
- A review of transit service including LIRR and Nassau Inter County Express (NICE) bus was conducted to describe services available in vicinity of Proposed Action.

3.6.1.2 Roadways

The primary roadways identified for study within the Rezoning Areas are described below:

Post Avenue

Post Avenue is a north-south minor arterial road under the jurisdiction of Nassau County. It has one travel lane and a parking lane in each direction between Old Country Road and the Northern Parkway. Turning lanes are provided at some key intersections within the study area. The Annual Average Daily Traffic[35] (AADT) in 2016 along Post Avenue between Rockland Street and the LIRR was 19,383 vehicles per day. The posted speed limit is 30 miles per hour (mph). The LIRR crosses over Post Ave via a bridge south of Union Avenue.

School Street

School Street is a north-south major collector road under the jurisdiction of the Town of North Hempstead. It has one travel lane and narrow shoulders in each direction between Old Country Road and Maple Ave. School Street crosses the LIRR at grade east of the Westbury LIRR station. The AADT on School Street between the

[35] NYSDOT Traffic Data Viewer https://gis3.dot.ny.gov/html5viewer/?viewer=tdv

LIRR and Union Avenue was 7,333 vehicles per day. The posted speed limit is 30 mph.

Railroad Avenue

Railroad Avenue is an east-west major collector roadway under the jurisdiction of the Village of Westbury. It has one lane and metered parking in each direction near the Westbury LIRR station between Post Avenue and School Street. The forecasted AADT for 2013 was 2,654 vehicles per day. The posted speed limit is 30 mph.

Union Avenue

Union Avenue is an east-west minor arterial under the jurisdiction of Nassau County. It has one lane in each direction with limited parking on-street in the vicinity of the LIRR station. East of School Street, Union Avenue has two lanes in each direction. The AADT in 2016 was 11,092 vehicles per day between Post Avenue and School Street. The posted speed limit is 30 mph.

Scally Place

Scally Place is an east-west local roadway that runs between Post Avenue and Linden Avenue and it is under the jurisdiction of the Village of Westbury. It has one lane in each direction with metered parking on the north side. AADT is not available. There is no posted speed limit, accordingly the speed limit is 30 mph.

Maple Avenue

Maple Avenue is an east-west minor arterial under the jurisdiction of Nassau County. It has one lane in each direction with parking on the north side. A small section of the parking is metered between Post Avenue and Linden Avenue. The forecasted 2016 AADT west of Post Avenue was 8,138 vehicles per day. There is no posted speed limit within the study area, accordingly the speed limit is 30 mph.

3.6.1.3 Study Intersections

The traffic operations were analyzed at seven key study intersections to assess existing conditions. Five of these seven intersections are signalized, while two are unsignalized intersections. All the signalized intersections are operating under a two-phase signal scheme. The intersections along Post Avenue are presently coordinated using a time-based system. They are scheduled to be interconnected via fiberoptic in the near future under a separate Nassau County project. The future fiberoptic interconnection will be installed between Old Country Road and Northern State Parkway. The intersections along School Street are interconnected and coordinated.

Pavement markings, particularly the crosswalk striping, is noted to be deteriorated at all signalized intersections except for the Post Avenue intersections at Railroad Avenue and Union Avenue. Further information on these intersections is noted below.

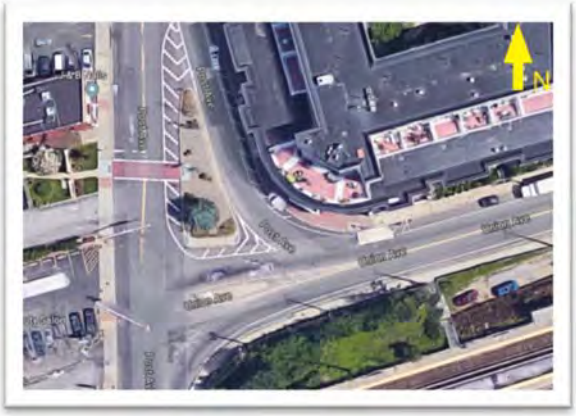
Post Avenue at Railroad Avenue

It is a signalized 4-way intersection with left turn lanes provided on Post Avenue. There is a striped pedestrian crosswalk located on the north side of this intersection which is provided with pedestrian countdown signals and push buttons. The intersection is well connected with sidewalks on both sides of Post Avenue. Parking is restricted at the corners of this intersection. However, metered parking is allowed on Railroad Avenue as well as on northbound Post Avenue.

Post Avenue at Railroad Avenue

Post Avenue at Union Avenue

It is a signalized 3-way intersection with right turn lanes in the northbound and westbound directions. The westbound right turn lane at the intersection operates independent of the traffic signal control and is provided with a stop sign as it with merges Post Avenue via a slip right turn bay. Even though the southbound movement is about 20 feet wide, under the current pavement striping and field observations, it is operating as a shared through and left turn lane. There is a textured pedestrian crosswalk located north of the southbound stop bar and is provided with pedestrian crossing signage. However, the pedestrian countdown signals and push buttons are provided about 40 feet south of the pedestrian crosswalk. The intersection is well connected with sidewalks on both sides of Post Avenue. Parking is restricted at all corners of this intersection.



Post Avenue at Union Avenue

Post Avenue at Scally Place

It is an unsignalized 3-way intersection without turn lanes. Only the westbound approach is stop controlled and a textured pedestrian crosswalk is provided to cross Scally Place. In addition, there is an uncontrolled crosswalk with pedestrian crossing signage on Post Avenue located about 50 feet south of this intersection. There are not sidewalk curb ramps provided at this crosswalk. This intersection is well connected with sidewalks and metered parking is allowed on both sides of Post Avenue.

Post Avenue at Scally Place

Post Avenue at Maple Avenue

It is a signalized 4-way intersection with left turn lanes on all approaches. Textured pedestrian crosswalks are located on all four intersection approaches. It is important to note that pedestrian countdown signals, pedestrian crossing signs and push buttons are only provided for Post Avenue crossings. The intersection is well

connected with sidewalks on both sides of Post Avenue. Parking is restricted at all corners of this intersection.

Post Avenue at Maple Avenue

School Street at Railroad Avenue

It is an unsignalized 3-way intersection without turn lanes. Only the eastbound Railroad Avenue approach is stop controlled. There are no crosswalks on any approaches, and sidewalks are located along the north side of Railroad Avenue and the east side of School Street. Sidewalks are further located along the west side of School Street, north of Railroad Avenue. There are no sidewalks on the southwest quadrant of the intersection.

School Street at Railroad Avenue

School Street at Union Avenue

It is a signalized skewed 4-way intersection with left turn lanes on the Union Avenue approaches. The eastbound right turn lane at the intersection merges on to School Street via a slip right turn bay which is provided with a yield sign. There are striped pedestrian crosswalks located on the northbound and westbound approaches.

Pedestrian countdown signals and push buttons are only provided for the westbound approach crosswalk. The traffic signal is located near an at-grade railroad crossing and is not provided with the railroad preemption. The intersection is well connected with sidewalks and parking is restricted at all corners of this intersection.

School Street at Union Avenue

School Street at Maple Avenue

It is a signalized 4-way intersection without turn lanes. A striped pedestrian crosswalk is only visible on the north side of this intersection. However, pedestrian countdown signals and push buttons are provided on the eastbound approach indicating the possibility of a crosswalk that is presently not visible. Pedestrian signals are not provided for any of the other three approaches. The intersection is well connected with sidewalks and parking is restricted at the corners of this intersection.

School Street at Maple Avenue

Figure 10 and Figure 11 provide a map of traffic turning movement counts for the above noted intersections during the AM and PM peak periods, respectively. As noted previously, these counts were taken as part of the LIRR Third Track project and have been extrapolated to 2018. The peak traffic hours within the study networks are as follows:

- Weekday AM peak hour from 8:00 am - 9:00 am
- Weekday PM peak hour from 5:00 pm - 6:00 pm

Figure 10 2018 Weekday AM Peak Hour Traffic Volumes

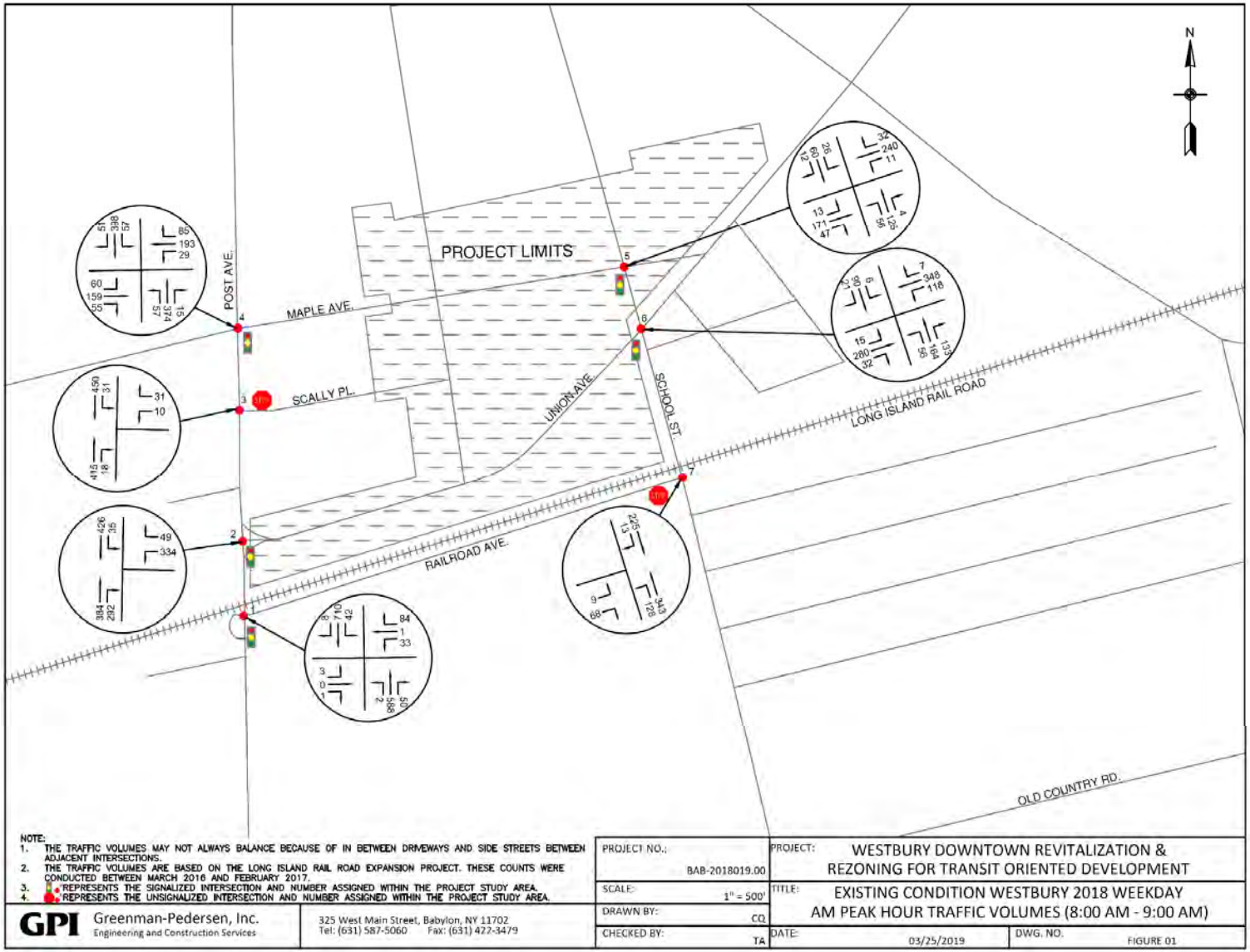
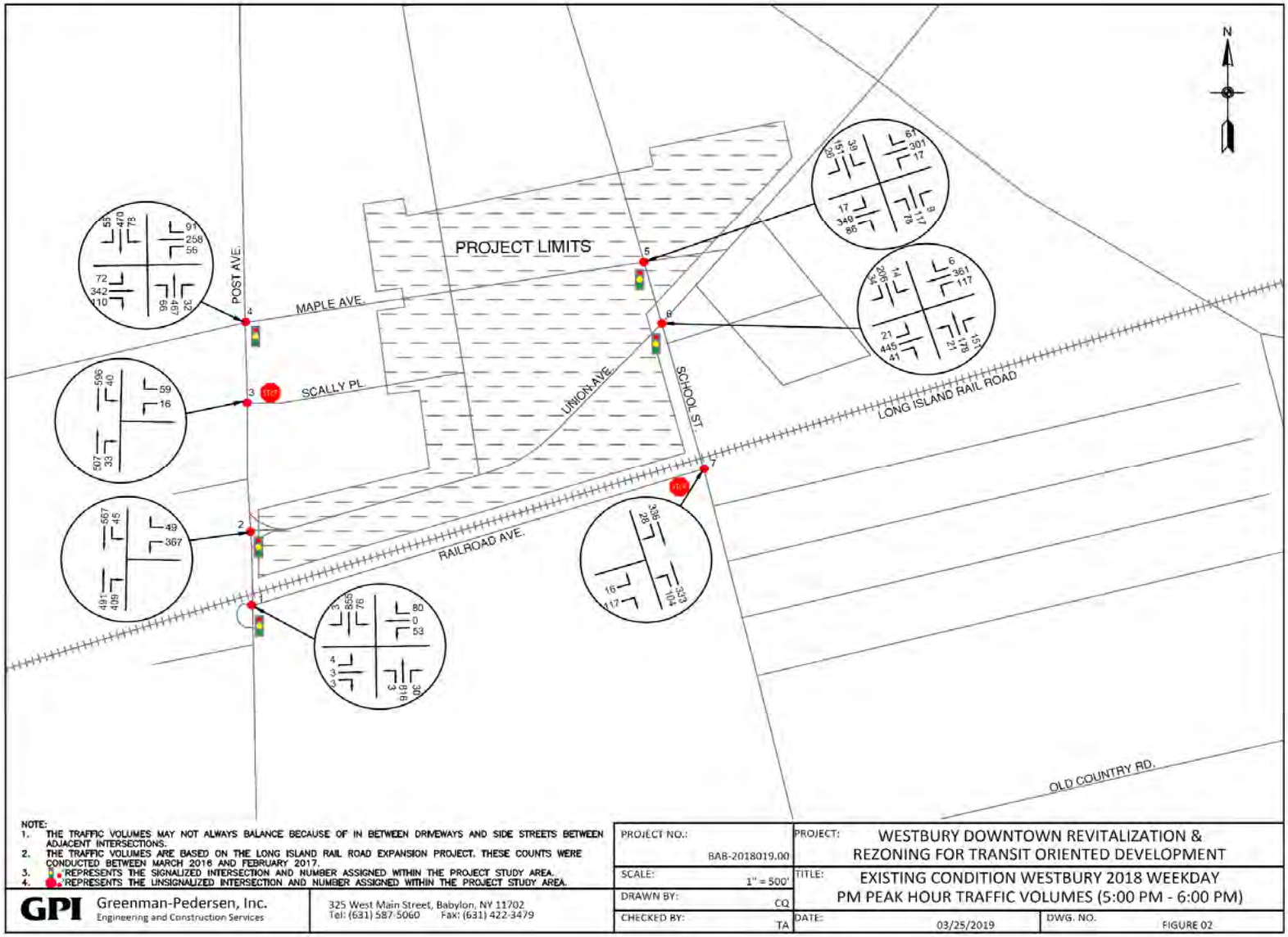


Figure 11 2018 Weekday PM Peak Hour Traffic Volumes



3.6.1.4 Transit

Nassau County operates a public bus service via a public-private partnership with Nassau Inter-County Express (NICE). NICE provides service to the Westbury LIRR station along two routes. The N35 Bus stops at Post Avenue and Railroad Avenue, approximately 0.1 miles from the station, and the N22 Bus stops at Post Avenue and Maple Avenue, approximately 0.3 miles from the station. Service from NICE is provided between 5:30 a.m. and Midnight during weekdays.[36] Neither of these bus stop locations provide a bus shelter or seating.

The Westbury LIRR station is on the Port Jefferson Branch and is located on Union Avenue east of Post Avenue. The service runs from Penn Station to Port Jefferson. Westbury is within the limits of the LIRR Third Track Expansion project between Floral Park and Hicksville that is currently under construction. The LIRR provides excellent service to Westbury with 11 westbound trips during the AM peak and 11 eastbound trips during the PM peak.[37] During a typical weekday, 72 stops are made at the Westbury station. This is anticipated to increase to 84 stops after the completion of the Third Track Expansion Project and East Side Access.

3.6.1.5 Capacity Analysis (2018)

Capacity analyses were conducted at the 7 key intersections that are noted above utilizing Synchro® software, version 10 to analyze the Existing traffic operating conditions. The network peak traffic hour traffic volumes at the study intersections from 8:00 am - 9:00 am and 5:00 pm - 6:00 pm were utilized in conducting the peak hour capacity assessment. As indicated above, the peak hour volumes were obtained from the LIRR Third Track project and were extrapolated to the 2018 Existing conditions. Signal timings were provided by Nassau County Department of Public Works (NCDPW) and field verified. (The traffic signals at the key intersections are owned, operated and maintained by NCDPW.) In addition, the intersection geometry was collected and inputted into Synchro.® It is important to note that methodology to determine LOS is based on control delay (in seconds per vehicle) for an intersection lane group, at an approach or at the entire intersection, while v/c ratio quantifies the degree to which lane capacity is utilized by a lane group. The procedure to determine control delay differs between the signalized and unsignalized intersections. A discussion of differences in methodology between signalized and unsignalized intersections is presented in Appendix H.

[36] NICE (Nassau Inter-County Express) https://www.nicebus.com/Tools/Maps-and-Schedules
[37] MTA Schedule from web site. http://www.mta.info/lirr

The Existing condition capacity analysis results are shown in Table 58 in terms of v/c ratios, traffic delays and LOS.

According to these analysis results the overall Level of Service (LOS) at each intersection ranges from LOS A to LOS C which is considered very stable unconstrained traffic operating conditions. However, close examination further indicates that there are a few intersection approaches/lane groups that currently operate poorly during specific peak hours. Of specific concern are following signalized intersections:

- Westbound Union Avenue left turn at Post Avenue operates at LOS F in the AM peak hour
- Westbound Maple Avenue left turn at Post Avenue operates at LOS F in the PM peak hour
- Eastbound Maple Avenue through and right turn at Post Avenue operates at LOS E in the PM peak hour.

The locations and approaches/lane groups at LOS D would have to be carefully evaluated under future conditions and may require mitigation under the Proposed Action.

Refer to Appendix H for the Existing conditions capacity analysis Synchro backup results.

Table 58 Existing Condition Level of Service

EXISTING CONDITION (2018)

Signalized Intersection Level of Service and Delays (sec)

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING - AM PEAK HOUR (8:00 AM-9:00 AM)			EXISTING - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.04	0.2	A	0.09	21.0	C
	WB	LTR	0.56	19.6	B	0.55	20.6	C
	NB	L	0.01	5.0	A	0.02	5.3	A
	NB	TR	0.61	9.0	A	0.69	11.6	B
	SB	L	0.15	4.5	A	0.32	7.6	A
	SB	TR	0.60	9.3	A	0.66	9.8	A
	OVERALL*		0.61	9.9	A	0.69	11.4	B
Post Ave & Union Ave	WB	L	**0.84**	**99.7**	**F**	0.73	35.3	D
	WB	R	0.05	0.1	A	0.04	0.0	A
	NB	T	0.40	7.5	A	0.47	8.4	A
	NB	R	0.25	0.3	A	0.29	0.4	A
	SB	LT	0.45	8.6	A	0.60	9.8	A
	OVERALL*		0.84	27.7	C	0.73	12.0	B
Post Ave & Maple Ave	EB	L	0.51	41.0	D	0.49	33.8	C
	EB	TR	0.63	35.7	D	**0.94**	**55.0**	**E**
	WB	L	0.18	26.1	C	**0.79**	**81.1**	**F**
	WB	TR	0.85	47.6	D	0.70	30.7	C
	NB	L	0.20	9.1	A	0.27	11.5	B
	NB	TR	0.37	8.3	A	0.50	10.5	B
	SB	L	0.20	10.1	B	0.33	14.5	B
	SB	TR	0.42	10.3	B	0.53	13.6	B
	OVERALL*		0.85	21.6	C	0.94	27.0	C
School Street & Maple Ave	EB	LTR	0.29	7.4	A	0.45	11.4	B
	WB	LTR	0.25	6.6	A	0.38	10.2	B
	NB	LTR	0.71	44.9	D	0.78	32.7	C
	SB	LTR	0.57	39.6	D	0.71	40.9	D
	OVERALL*		0.71	20.4	C	0.78	20.3	C
School Street & Union Ave	EB	L	0.07	9.5	A	0.06	9.0	A
	EB	TR	0.37	11.1	B	0.51	12.7	B
	WB	L	0.30	12.2	B	0.36	13.3	B
	WB	TR	0.44	12.3	B	0.36	10.7	B
	NB	LTR	0.89	50.4	D	0.86	46.5	D
	SB	LTR	0.29	18.3	B	0.66	24.8	C
	OVERALL*		0.89	22.8	C	0.86	22.1	C

Unsignalized Intersection Level of Service and Delays (sec)

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING - AM PEAK HOUR (8:00 AM-9:00 AM)			EXISTING - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Scally Pl	WB	LR	0.13	17.1	C	0.29	23.2	C
	NB	TR	-	-	-	-	-	-
	SB	LT	0.04	9.0	A	0.06	9.3	A
	OVERALL*		0.13	1.0	A	0.29	1.6	A
School Street & Railroad Ave	EB	LR	0.18	13.8	B	0.36	18.2	C
	NB	LT	0.16	8.5	A	0.11	8.8	A
	SB	TR	-	-	-	-	-	-
	OVERALL*		0.18	3.0	A	0.36	3.4	A

Notes:

1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.

EXISTING CONDITION (2018)

Signalized Intersection Level of Service and Delays (sec)

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING - AM PEAK HOUR (8:00 AM-9:00 AM)			EXISTING - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.04	0.2	A	0.09	21.0	C
	WB	LTR	0.56	19.6	B	0.55	20.6	C
	NB	L	0.01	5.0	A	0.02	5.3	A
	NB	TR	0.61	9.0	A	0.69	11.6	B
	SB	L	0.15	4.5	A	0.32	7.6	A
	SB	TR	0.60	9.3	A	0.66	9.8	A
	OVERALL*		0.61	9.9	A	0.69	11.4	B
Post Ave & Union Ave	WB	L	**0.84**	**99.7**	**F**	0.73	35.3	D
	WB	R	0.05	0.1	A	0.04	0.0	A
	NB	T	0.40	7.5	A	0.47	8.4	A
	NB	R	0.25	0.3	A	0.29	0.4	A
	SB	LT	0.45	8.6	A	0.60	9.8	A
	OVERALL*		0.84	27.7	C	0.73	12.0	B
Post Ave & Maple Ave	EB	L	0.51	41.0	D	0.49	33.8	C
	EB	TR	0.63	35.7	D	**0.94**	**55.0**	**E**
	WB	L	0.18	26.1	C	**0.79**	**81.1**	**F**
	WB	TR	0.85	47.6	D	0.70	30.7	C
	NB	L	0.20	9.1	A	0.27	11.5	B
	NB	TR	0.37	8.3	A	0.50	10.5	B
	SB	L	0.20	10.1	B	0.33	14.5	B
	SB	TR	0.42	10.3	B	0.53	13.6	B
	OVERALL*		0.85	21.6	C	0.94	27.0	C
School Street & Maple Ave	EB	LTR	0.29	7.4	A	0.45	11.4	B
	WB	LTR	0.25	6.6	A	0.38	10.2	B
	NB	LTR	0.71	44.9	D	0.78	32.7	C
	SB	LTR	0.57	39.6	D	0.71	40.9	D
	OVERALL*		0.71	20.4	C	0.78	20.3	C
School Street & Union Ave	EB	L	0.07	9.5	A	0.06	9.0	A
	EB	TR	0.37	11.1	B	0.51	12.7	B
	WB	L	0.30	12.2	B	0.36	13.3	B
	WB	TR	0.44	12.3	B	0.36	10.7	B
	NB	LTR	0.89	50.4	D	0.86	46.5	D
	SB	LTR	0.29	18.3	B	0.66	24.8	C
	OVERALL*		0.89	22.8	C	0.86	22.1	C

Unsignalized Intersection Level of Service and Delays (sec)

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING - AM PEAK HOUR (8:00 AM-9:00 AM)			EXISTING - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Scally Pl	WB	LR	0.13	17.1	C	0.29	23.2	C
	NB	TR	-	-	-	-	-	-
	SB	LT	0.04	9.0	A	0.06	9.3	A
	OVERALL*		0.13	1.0	A	0.29	1.6	A
School Street & Railroad Ave	EB	LR	0.18	13.8	B	0.36	18.2	C
	NB	LT	0.16	8.5	A	0.11	8.8	A
	SB	TR	-	-	-	-	-	-
	OVERALL*		0.18	3.0	A	0.36	3.4	A

Notes:

1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.

EXISTING CONDITION (2018)

Signalized Intersection Level of Service and Delays (sec)

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING - AM PEAK HOUR (8:00 AM-9:00 AM)			EXISTING - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.04	0.2	A	0.09	21.0	C
	WB	LTR	0.56	19.6	B	0.55	20.6	C
	NB	L	0.01	5.0	A	0.02	5.3	A
	NB	TR	0.61	9.0	A	0.69	11.6	B
	SB	L	0.15	4.5	A	0.32	7.6	A
	SB	TR	0.60	9.3	A	0.66	9.8	A
	OVERALL*		0.61	9.9	A	0.69	11.4	B
Post Ave & Union Ave	WB	L	**0.84**	**99.7**	**F**	0.73	35.3	D
	WB	R	0.05	0.1	A	0.04	0.0	A
	NB	T	0.40	7.5	A	0.47	8.4	A
	NB	R	0.25	0.3	A	0.29	0.4	A
	SB	LT	0.45	8.6	A	0.60	9.8	A
	OVERALL*		0.84	27.7	C	0.73	12.0	B
Post Ave & Maple Ave	EB	L	0.51	41.0	D	0.49	33.8	C
	EB	TR	0.63	35.7	D	**0.94**	**55.0**	**E**
	WB	L	0.18	26.1	C	**0.79**	**81.1**	**F**
	WB	TR	0.85	47.6	D	0.70	30.7	C
	NB	L	0.20	9.1	A	0.27	11.5	B
	NB	TR	0.37	8.3	A	0.50	10.5	B
	SB	L	0.20	10.1	B	0.33	14.5	B
	SB	TR	0.42	10.3	B	0.53	13.6	B
	OVERALL*		0.85	21.6	C	0.94	27.0	C
School Street & Maple Ave	EB	LTR	0.29	7.4	A	0.45	11.4	B
	WB	LTR	0.25	6.6	A	0.38	10.2	B
	NB	LTR	0.71	44.9	D	0.78	32.7	C
	SB	LTR	0.57	39.6	D	0.71	40.9	D
	OVERALL*		0.71	20.4	C	0.78	20.3	C
School Street & Union Ave	EB	L	0.07	9.5	A	0.06	9.0	A
	EB	TR	0.37	11.1	B	0.51	12.7	B
	WB	L	0.30	12.2	B	0.36	13.3	B
	WB	TR	0.44	12.3	B	0.36	10.7	B
	NB	LTR	0.89	50.4	D	0.86	46.5	D
	SB	LTR	0.29	18.3	B	0.66	24.8	C
	OVERALL*		0.89	22.8	C	0.86	22.1	C

Unsignalized Intersection Level of Service and Delays (sec)

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING - AM PEAK HOUR (8:00 AM-9:00 AM)			EXISTING - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Scally Pl	WB	LR	0.13	17.1	C	0.29	23.2	C
	NB	TR	-	-	-	-	-	-
	SB	LT	0.04	9.0	A	0.06	9.3	A
	OVERALL*		0.13	1.0	A	0.29	1.6	A
School Street & Railroad Ave	EB	LR	0.18	13.8	B	0.36	18.2	C
	NB	LT	0.16	8.5	A	0.11	8.8	A
	SB	TR	-	-	-	-	-	-
	OVERALL*		0.18	3.0	A	0.36	3.4	A

Notes:

1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.

3.6.1.6 Traffic Accident Analysis

Traffic crash inventory was conducted from the most recent data provided by the Nassau County for the project study area. This 3-year crash data encompassed the period from January 2016 to December 2018 and covered Post Avenue and School Street between Railroad Avenue to the south and Maple Avenue to the north. The information on crash type and resulting injuries/fatalities are summarized in Table 59 and Table 60. These tables indicate that there was a combined total of 144 crashes on Post Avenue and School Street within the study limit (48 crashes per year), with no fatal crashes and 24 injury crashes. About 84% of the crashes occurred along Post Avenue, while 16% occurred along School Street. A vast majority of these crashes occurred under dry roadway surface conditions (110 crashes or 76.3%) and during the daytime hours (103 crashes or 71.5%).

Table 59 – Post Avenue: 3-Year Crash Type Summary

Post Avenue - 3 Year Crash Type Summary (2016-2018)																				
Cross Street	**ALL TYPES**	**COLL. W. BICYCLIST**	**COLL. W. FIXED OBJ**	**COLL. W. MOTOR VEHICLE**	**COLL. W. PEDESTRIAN**	**HEAD ON**	**LEFT TURN (AGAINST OTHER CAR)**	**LEFT TURN (WITH OTHER CAR)**	**OTHER NON-COLL.**	**OVERTAKING**	**REAR END**	**RIGHT ANGLE**	**RIGHT TURN**	**SIDESWIPE**	**UNKNOWN**	**AVERAGE CRASH PER YEAR**	**FATAL**	**INJURY**	**PROPERTY DAMAGE**	**NON REPORTABLE**
Railroad Avenue	11	1	4	0	0	0	0	0	0	2	3	0	1	0	0	3.7	0	1	4	6
Union Avenue	32	0	7	1	1	0	3	0	0	10	6	4	0	0	0	10.7	0	3	13	16
Orchard Street	6	0	0	0	0	0	1	0	0	3	1	1	0	0	0	2	0	0	3	3
Butler Street	23	0	1	3	2	1	1	0	0	5	5	2	2	1	0	7.7	0	7	9	7
Maple Avenue	49	1	1	1	5	1	2	1	0	17	13	6	1	0	0	16.3	0	9	16	24
Total Study Accidents in 3 Yrs	121	2	13	5	8	2	7	1	0	37	28	13	4	1	0		0	20	45	56
Study Accidents Per Year	40	1	4	2	3	1	2	0	0	12	9	4	1	0	0		0	7	15	19

Table 60 School Street: 3-Year Crash Type Summary

School Street - 3 Year Crash Type Summary (2016-2018)																				
Cross Street	ALL TYPES	COLL. W. BICYCLIST	COLL. W. FIXED OBJ	COLL. W. MOTOR VEHICLE	COLL. W. PEDESTRIAN	HEAD ON	LEFT TURN (AGAINST OTHER CAR)	LEFT TURN (WITH OTHER CAR)	OTHER NON-COLL.	OVERTAKING	REAR END	RIGHT ANGLE	RIGHT TURN	SIDESWIPE	UNKNOWN	AVERAGE CRASH PER YEAR	FATAL	INJURY	PROPERTY DAMAGE	NON REPORTABLE
Railroad Avenue	10	0	0	0	0	0	1	0	1	1	4	2	1	0	0	3.3	0	2	3	5
Midblock	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0.3	0	1	0	0
Union Avenue	12	1	0	0	1	0	2	0	0	0	5	2	0	1	0	4	0	1	7	4
Total Study Accidents in 3 Yrs	23	1	0	0	1	0	3	1	1	1	9	4	1	1	0		0	4	10	9
Study Accidents Per Year	8	0	0	0	0	0	1	0	0	0	3	1	0	0	0		0	1	3	3

Based on the analysis shown in Table 59, there were a total of 121 crashes along Post Avenue within the study area (40 crashes per year). About 46% of these crashes were non-reportable crashes, 37% were property damage crashes and about 17% were Injury crashes. The dominant type of crashes included: 37 overtaking crashes (30.5%), 28 rear-end crashes (23.1%), 13 right angle crashes (10.7%), 13 fixed object collisions (10.7%), and 8 pedestrian crashes (6.6%). The highest number of crashes occurred at the intersection of Post Avenue and Maple (49 crashes), followed by Post Avenue and Union Street (32 crashes). At both intersections, most crashes resulted from overtaking and rear end collisions. Maple Avenue intersection also had 5 pedestrian crashes while at the Union Avenue intersection, there were 7 crashes that resulted from collisions with fixed objects within the study period. The main contributing factors to these Post Avenue crashes included: failure to yield right of way; following too closely; improper lane usage; unsafe braking; driver inattention; improper turning and disregard of the traffic control devices.

Based on the analysis shown in Table 60, there were a total of 23 crashes along School Street within the study area (8 crashes per year). About 39% of these crashes were non-reportable crashes, 44% were property damage crashes and about 17% were Injury crashes. The dominant type of crashes included: 9 rear-end crashes (39.1 %), 4 right angle crashes (17.4%), and 3 left turn crashes against other vehicles (13%). The average crash per year at the 2 key intersections within the School Street study area varied between 3.33 (at School Street and Railroad Avenue) to 4 crashes (at School Street and Union Street). It is important to note that there were no crashes reported for the School Street and Maple Avenue intersection. The main contributing factors to these School Street crashes included: failure to yield right of way; following too closely; improper lane usage, and driver inattention.

On both study corridors, there is a relatively low percentage of crashes resulting in injuries. This indicates that most of the crashes are fortunately occurring at low speeds. The above noted crash contributing factors are mostly associated with driver behavior. In particular, the number of overtaking and rear end crashes on Post Avenue may be a result of driver impatience as well as frequent stops that can be expected in a downtown community with high pedestrian activity and frequent parking maneuvers. In addition, Maple Avenue and Union Avenue have a high number of turning movements and delays due to intersection volume which may result in drivers attempting to bypass queues. Some crashes can be reduced by providing better traffic signal coordination and signal timing modifications.

Refer to Appendix H for the backup crash information.

3.6.2 Probable Impacts of the Proposed Action

3.6.2.1 No Build Conditions

The future No Build condition analysis (or No Action analysis) typically quantifies the traffic operations that are expected to occur if the proposed project is not constructed within the project study area for a specified time period. The estimated time to build the Westbury rezoning project is 2033 (i.e., 15 years from existing 2018 conditions). Thus, the future No-Build condition traffic analysis was conducted for the year 2033. The only difference between the existing 2018 conditions and the future No Build 2033 conditions is the anticipated background traffic growth and any planned modifications within the project study area such as: roadway improvements or other planned developments that are expected to be constructed independent of the proposed Westbury rezoning project. This future No-Build analysis serves as a benchmark, which would later be used to determine, evaluate and where applicable mitigate traffic impacts that may develop due to the implementation of the proposed Westbury rezoning project under the future build conditions.

To estimate the conditions that would prevail during the future No-build 2033, the traffic volumes were derived as follows:

- The 2040 Build Condition traffic volume maps presented in the *Long Island Rail Road Expansion Project Floral Park to Hicksville* [38] were utilized. It is important to note that these volume maps included changes in the existing traffic pattern resulting from the two at-grade LIRR railroad crossings (at School Street and at Urban Avenue) that would be grade-separated in the near future, and the addition of two new parking garages that are proposed near the Westbury LIRR Station (one garage to be located on the north side of the Union Avenue replacing the existing surface parking lot north of LIRR Station, and second garage to be located on north side of the Railroad Avenue replacing the existing surface parking lot south of LIRR Station).

[38] Long Island Rail Road Expansion Project, April 2017.

- The 2040 Build Condition Traffic volumes obtained from the Long Island Rail Road *Long Island Rail Road Expansion Project Floral Park to Hicksville* were adjusted downward to represent 2033 the No Build condition utilizing the growth rate of 0.395% per year derived for Nassau County from the New York Metropolitan Transportation Council (NYMTC) 2045 Regional Transportation Plan[39]. The No Build Traffic volumes represent the traffic growth that would occur regardless of the proposed action.
- In addition to the general background traffic growth, traffic growth resulting from the following developments (soft sites) were also included in the forecast of the No Build 2033 Condition traffic volume projections. These soft sites are expected to be built by the future No Build year (2033) under the existing Westbury zoning regulations. Thus, traffic generated by these developments was included in the No Build condition analysis.
  - Along Maple/Union Triangle: 95 Residential units, Commercial 44,645 SF, and Industrial 125,083 SF.
  - Along Post Avenue: 94 Residential units, and Commercial 45,008 SF.

Utilizing the 10th Edition of *the Institute of Transportation Engineer (ITE) Trip Generation Manual*, traffic was forecasted under the No Build 2033 conditions for the above noted soft sites. The ITE Land Use Codes #110 *(General Light Industrial),* #221 *(Multifamily Housing-Mid Rise)* and #820 *(Shopping Center)* were used for this purpose. From *the Regional Transportation Statistical Report*[40]*,* it was determined that 16.3% trips that are made in Nassau County utilized mass transit. Additionally, a conservative 20% pass-by traffic credit was taken for Shopping Center trips for the PM peak hours only, utilizing the ITE guidelines. (Note: ITE average PM peak hour pass-by traffic credit published for Shopping Centers is 34%). The No Build condition traffic forecast for the soft sites are depicted in the Peak Hour Trip Generation table below, see Table 61.

The vehicle trips generated by the soft sites were assigned to the study area roadways based on the existing traffic patterns as well as the surrounding roadway network characteristics. Details of the trip distribution/assignments are presented in Appendix H. The resulting No Build 2033 condition AM and PM peak hour traffic volume maps are shown in Figure 12 and Figure 13, respectively.

No-Build Condition Capacity Analysis (2033)

The No Build condition capacity analyses were conducted at the same 7 study area intersections for which existing condition analyses were previously conducted. These intersections were reanalyzed utilizing the No Build 2033 condition traffic volumes

[39] New York Metropolitan Transportation Council – Regional Transportation Plan 2045, Maintaining The Vision For a Sustainable Region, Adopted June 29, 2017

[40] Regional Transportation Statistical Report 2015- New York Metropolitan Transportation Council, published June 2017.

for the AM and PM peak hours. This analysis also included the following modifications to the existing roadway network that are reflected in the No Build 2033 condition traffic models.

- The existing unsignalized intersection at School Street and Railroad Avenue was signalized utilizing a 90 second traffic cycle. This modification is a part of recommendation that is made under the *Long Island Rail Road Expansion Project Floral Park*. This recommendation is anticipated to be implemented in the near future (i.e., before 2033).
- Modifications are anticipated at the intersection of Post Avenue and Union Avenue under the New York State Downtown Revitalization Initiative Strategic Investment Plan for the Village of Westbury. These modifications would include installation of a southbound exclusive left-turn bay and improvements to the westbound approach to facilitate pedestrian crossing and normalizing the intersection by removing the free-flow right-turn bay on the northeast corner slip ramp by making it a part of the signalized intersection.
- The traffic signal timing modifications are as follows. It is anticipated that due to the introduction of above noted modifications (under the Long Island Rail Road Expansion Project Floral Park and the New York State Downtown Revitalization Initiative Strategic Investment Plan for the Village of Westbury), the signal timing changes to the adjacent study intersections would also be necessary in order to improve the overall traffic flow and intersection coordination along the two corridors. These modifications though not discussed in the above noted projects, are assumed to be implemented during the final design phase, regardless of the proposed Westbury Rezoning project being constructed to maintain adequate traffic flow.

<u>Post Avenue Intersections</u>

- For the AM peak hour, keep cycle length at 85 seconds as observed in the field under the existing conditions and modify phasing and optimize traffic signal offsets as per the No Build 2033 condition AM peak traffic volume requirements.
- For the PM peak hour, modify cycle length to 85 seconds from the observed 80 second field observed cycle length under the existing conditions. Modify phasing and optimize offsets as per the No Build 2033 condition PM peak traffic volume requirements.

<u>School Street Intersections</u>

- For the AM and PM peak hours, keep cycle length to 90 seconds as observed in the field under the existing conditions and modify phasing and optimize offsets as per the No Build 2033 condition for the respective peak traffic volume requirements.

The No Build 2033 condition capacity analysis results are shown in Table 62 along with its comparison to the Existing 2018 conditions. These results show that the overall Level of Service (LOS) at each intersection ranges from LOS A to LOS C which is considered very stable unconstrained traffic operating conditions. Close

examination further indicates that there are a few intersection approaches/lane groups that are anticipated to operate poorly during the PM peak hours. It is important to note that the AM peak hour is operating constrained free with intersection approaches/lane groups LOS D or better.

Of specific concern are following signalized and unsignalized intersections:

- Westbound Union Avenue left turn at Post Avenue operates at LOS E in the PM peak hour (Signalized)
- Westbound Maple Avenue left turn at Post Avenue operates at LOS F in the PM peak hour (Signalized)
- Westbound Scally Place approach at Post Avenue operates at LOS E in the PM peak hour (Unsignalized)

In addition to the above noted approaches/lane groups all other approaches/lane groups that are anticipated to be operating at LOS D would be carefully evaluated in order to determine the potential of their mitigation needs under future Build conditions.

Refer to Appendix H for the No Build 2033 condition capacity analysis Synchro backup results.

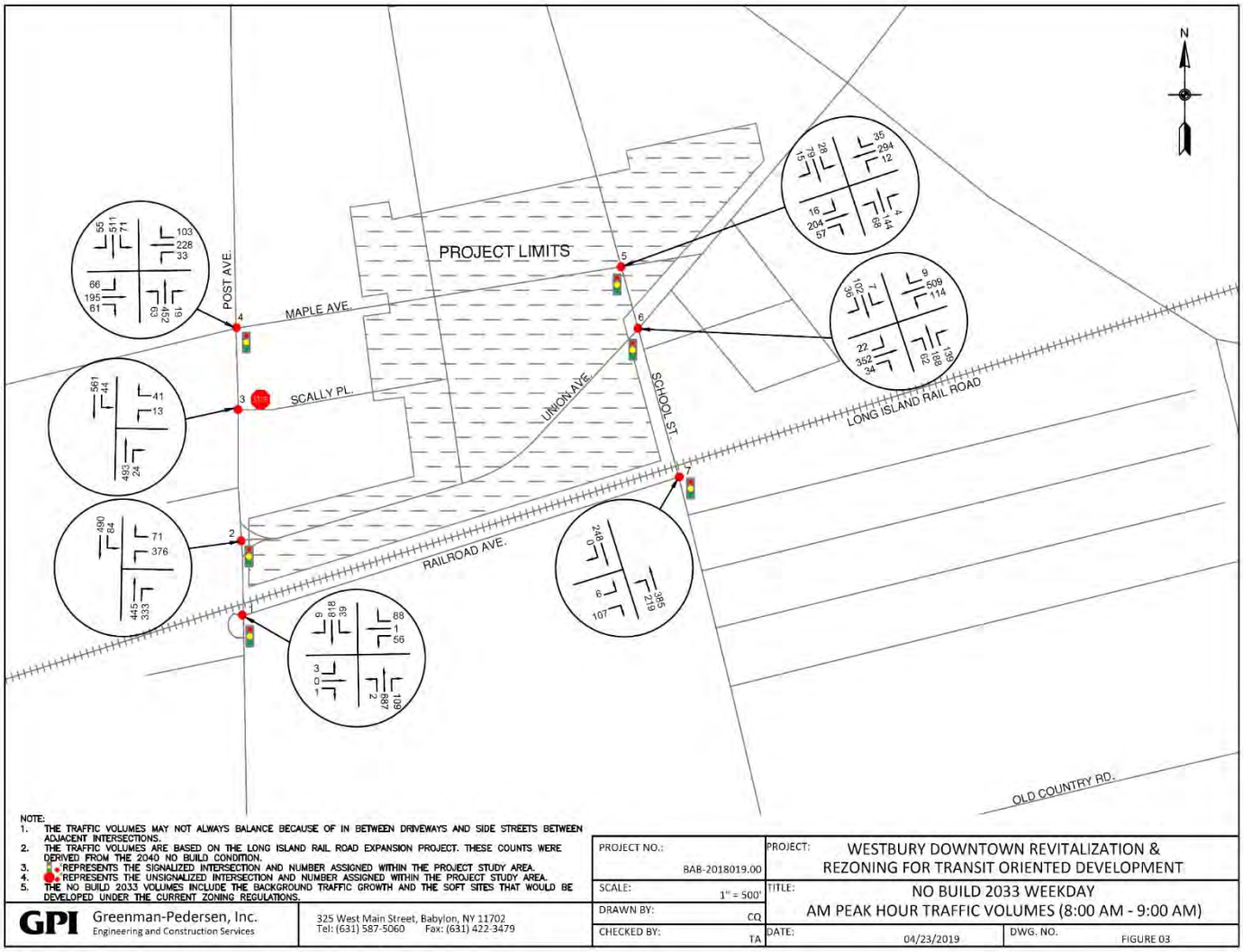
Table 61 No Build Condition – Peak Hour Trip Generation

NO BUILD CONDITION - 2033
Westbury - Peak Hour Trip Generation

AREA	PROJECT COMPONENTS	SOFT SITES	PROPOSED SIZE	TRIP GENERATION RATES Per Unit		NO BUILD TRAFFIC VOLUMES			
						AM Peak		PM Peak	
				AM Peak	PM Peak	IN	OUT	IN	OUT
MAPLE / UNION TRIANGLE	1	**Multifamily Housing (Mid-Rise)**		Ln(T) = 0.98 Ln(X) - 0.98	Ln(T) = 0.96 Ln(X) - 0.63	*26%*	*74%*	*61%*	*39%*
		ITE Land Use: 221	*95 Dwelling Units*	0.343	0.444	8	24	26	16
		Public Transit Usage		16.3%	16.3%	-1	-4	-4	-3
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**7**	**20**	**22**	**14**
	2	**Shopping Center**		T = 0.50(X) + 151.78	Ln(T) = 0.74 Ln(X) + 2.89	*62%*	*38%*	*48%*	*52%*
		ITE Land Use: 820	*44.645 1000 Sq. Ft.*	3.900	6.701	108	66	144	156
		Public Transit Usage		16.3%	16.3%	-18	-11	-23	-25
		Pass-By Trip Credit		0%	20%	0	0	-24	-26
					SUBTOTAL	**90**	**55**	**96**	**104**
	3	**General Light Industrial**		Ln(T) = 0.74 Ln(X) + 0.39	Ln(T) = 0.69 Ln(X) + 0.43	*88%*	*12%*	*13%*	*87%*
		ITE Land Use: 110	*125.083 1000 Sq. Ft.*	0.421	0.344	46	6	6	37
		Public Transit Usage		0%	0%	0	0	0	0
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**46**	**6**	**6**	**37**
					MAPLE / UNION TRIANGLE AREA TOTAL	144	82	123	155
POST AVENUE	1	**Multifamily Housing (Mid-Rise)**		Ln(T) = 0.98 Ln(X) - 0.98	Ln(T) = 0.96 Ln(X) - 0.63	*26%*	*74%*	*61%*	*39%*
		ITE Land Use: 221	*94 Dwelling Units*	0.343	0.444	8	24	25	16
		Public Transit Usage		16.3%	16.3%	-1	-4	-4	-3
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**7**	**20**	**21**	**14**
	2	**Shopping Center**		T = 0.50(X) + 151.78	Ln(T) = 0.74 Ln(X) + 2.89	*62%*	*38%*	*48%*	*52%*
		ITE Land Use: 820	*45.008 1000 Sq. Ft.*	3.872	6.687	108	66	144	157
		Public Transit Usage		16.3%	16.3%	-18	-11	-24	-26
		Pass-By Trip Credit		0%	20%	0	0	-24	-26
					SUBTOTAL	**90**	**55**	**97**	**105**
	3	**General Light Industrial**		Ln(T) = 0.74 Ln(X) + 0.39	Ln(T) = 0.69 Ln(X) + 0.43	*88%*	*12%*	*13%*	*87%*
		ITE Land Use: 110	*0.000 1000 Sq. Ft.*	0.000	0.000	0	0	0	0
		Public Transit Usage		0%	0%	0	0	0	0
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**0**	**0**	**0**	**0**
					POST AVENUE AREA TOTAL	97	75	118	118
				NET VEHICULAR TRIP GENERATION		**241**	**157**	**241**	**274**
					PEAK HOUR		**398**		**515**

NOTES:
1. The trip generation rates are obtained from the 10th Edition of Institute of Transportation Engineers (ITE) Trip Generation Manual.
2. The rounding of numbers may result in minor inconstancies between various spreadsheets.
3. The public transit usage of 16.3% is obtained from Regional Transportation Statistical Report for Nassau County published by New York Metropolitan Transportation Council in June of 2017.
4. The pass-by trip credit of 20% is derived after review of various ITE published sources including the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Figure 12 No Build 2033 Weekday AM Peak Hour Traffic Volumes (8:00 AM – 9:00 AM)



NOTE:
1. THE TRAFFIC VOLUMES MAY NOT ALWAYS BALANCE BECAUSE OF IN BETWEEN DRIVEWAYS AND SIDE STREETS BETWEEN ADJACENT INTERSECTIONS.
2. THE TRAFFIC VOLUMES ARE BASED ON THE LONG ISLAND RAIL ROAD EXPANSION PROJECT. THESE COUNTS WERE DERIVED FROM THE 2040 NO BUILD CONDITION.
3. REPRESENTS THE SIGNALIZED INTERSECTION AND NUMBER ASSIGNED WITHIN THE PROJECT STUDY AREA.
4. REPRESENTS THE UNSIGNALIZED INTERSECTION AND NUMBER ASSIGNED WITHIN THE PROJECT STUDY AREA.
5. THE NO BUILD 2033 VOLUMES INCLUDE THE BACKGROUND TRAFFIC GROWTH AND THE SOFT SITES THAT WOULD BE DEVELOPED UNDER THE CURRENT ZONING REGULATIONS.

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PROJECT NO.:	BAB-2018019.00	PROJECT:	WESTBURY DOWNTOWN REVITALIZATION & REZONING FOR TRANSIT ORIENTED DEVELOPMENT
SCALE:	1" = 500'	TITLE:	NO BUILD 2033 WEEKDAY AM PEAK HOUR TRAFFIC VOLUMES (8:00 AM - 9:00 AM)
DRAWN BY:	CQ		
CHECKED BY:	TA	DATE: 04/23/2019	DWG. NO. FIGURE 03

Figure 13 No Build 2033 Weekday PM Peak Hour Traffic Volumes (5:00 PM – 6:00 PM)

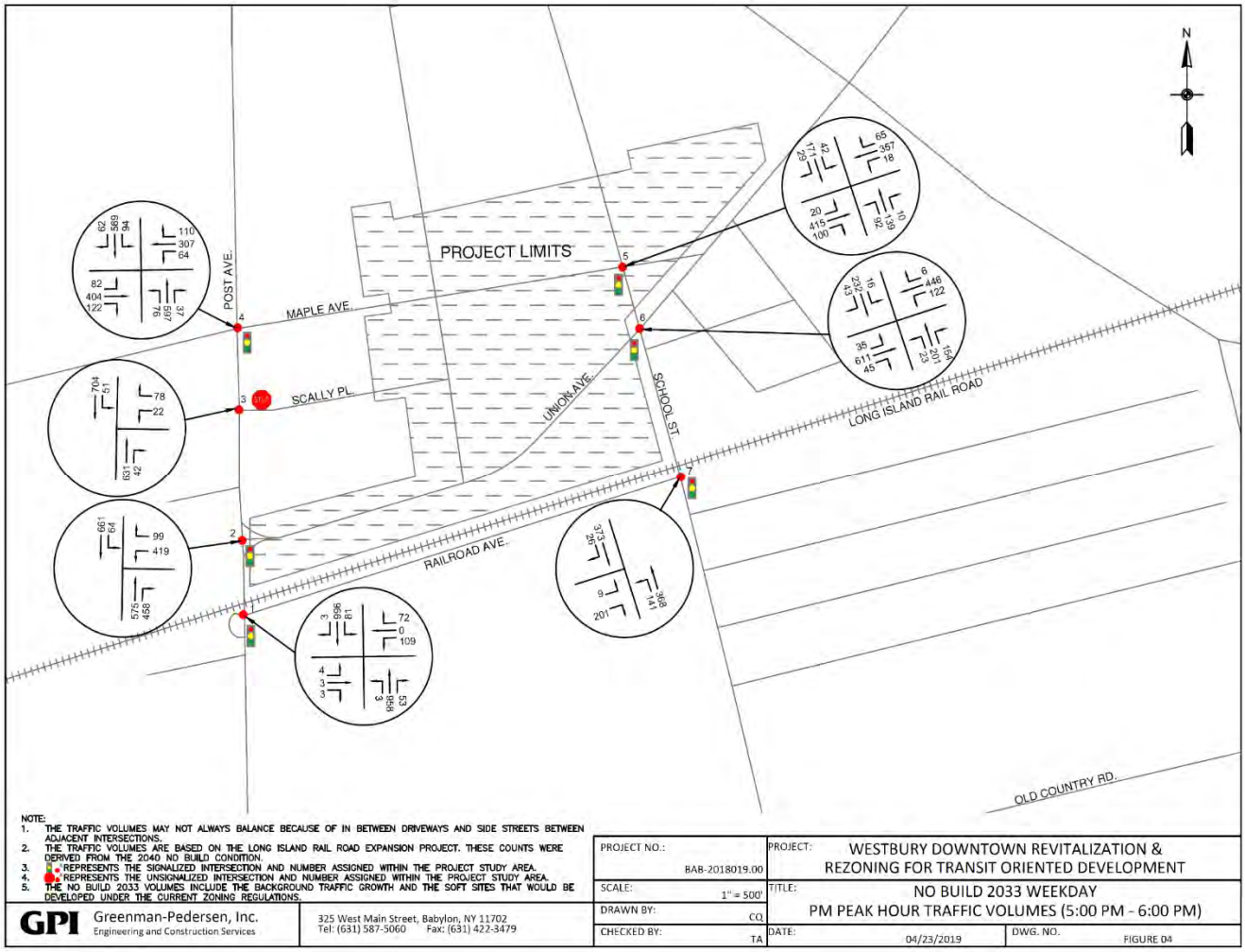


Table 62 No Build Conditions Level of Service

NO BUILD CONDITION (2033)

Signalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING 2018 - AM PEAK HOUR (8:00 AM-9:00 AM)			NO BUILD 2033 - AM PEAK HOUR (8:00 AM-9:00 AM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.04	0.2	A	0.03	0.2	A
	WB	LTR	0.56	19.6	B	0.68	31.1	C
	NB	L	0.01	5.0	A	0.02	5.5	A
	NB	TR	0.61	9.0	A	0.84	19.0	B
	SB	L	0.15	4.5	A	0.24	12.3	B
	SB	TR	0.60	9.3	A	0.71	20.0	C
	OVERALL*		0.61	9.9	A	0.84	20.3	C
Post Ave & Union Ave	WB	L	**0.84**	**99.7**	**F**	0.90	50.7	D
	WB	R	0.05	0.1	A	0.27	24.3	C
	NB	T	0.40	7.5	A	0.50	13.6	B
	NB	R	0.25	0.3	A	0.29	0.3	A
	SB	L	-	-	-	0.38	11.3	B
	SB**	LT/T	0.45	8.6	A	0.54	10.5	B
	OVERALL*		0.84	27.7	C	0.90	18.8	B
Post Ave & Maple Ave	EB	L	0.51	41.0	D	0.62	50.3	D
	EB	TR	0.63	35.7	D	0.67	35.4	D
	WB	L	0.18	26.1	C	0.20	25.9	C
	WB	TR	0.85	47.6	D	0.91	53.7	D
	NB	L	0.20	9.1	A	0.32	12.6	B
	NB	TR	0.37	8.3	A	0.47	10.7	B
	SB	L	0.20	10.1	B	0.32	13.6	B
	SB	TR	0.42	10.3	B	0.55	13.4	B
	OVERALL*		0.85	21.6	C	0.91	24.6	C
School Street & Maple Ave	EB	LTR	0.29	7.4	A	0.36	9.1	A
	WB	LTR	0.25	6.6	A	0.31	8.1	A
	NB	LTR	0.71	44.9	D	0.77	27.8	C
	SB	LTR	0.57	39.6	D	0.61	38.7	D
	OVERALL*		0.71	20.4	C	0.77	17.4	B
School Street & Union Ave	EB	L	0.07	9.5	A	0.17	11.5	B
	EB	TR	0.37	11.1	B	0.47	13.0	B
	WB	L	0.30	12.2	B	0.35	13.7	B
	WB	TR	0.44	12.3	B	0.66	17.2	B
	NB	LTR	0.89	50.4	D	0.94	49.3	D
	SB	LTR	0.29	18.3	B	0.35	18.1	B
	OVERALL*		0.89	22.8	C	0.94	23.6	C
School Street & Railroad Ave***	EB	LR	0.18	13.80	B	0.29	8.3	A
	NB	L	-	-	-	0.50	11.6	B
	NB	LT/T	0.16	8.5	A	0.45	9.7	A
	SB	TR	-	-	-	0.24	7.1	A
	OVERALL*		0.18	3.0	A	0.50	9.5	A

Unsignalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING 2018 - AM PEAK HOUR (8:00 AM-9:00 AM)			NO BUILD 2033 - AM PEAK HOUR (8:00 AM-9:00 AM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Scally Pl	WB	LR	0.13	17.1	C	0.23	22.8	C
	NB	TR	-	-	-	-	-	-
	SB	LT	0.04	9.0	A	0.06	9.5	A
	OVERALL*		0.13	1.0	A	0.23	1.3	A

Notes:

1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.
6. ** SB approach modified to a Thru and Left turn lane under the No Build Condition. This modification is proposed under the LIRR Third Track Expansion Project.
7. *** Unsignalized intersection modified to a traffic signal under the No Build Condition. This modification is proposed under the LIRR Third Track Expansion Project.

NO BUILD CONDITION (2033)

Signalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING 2018 - PM PEAK HOUR (5:00 PM - 6:00 PM)			NO BUILD 2033 - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.09	21.0	C	0.07	20.7	C
	WB	LTR	0.55	20.6	C	0.70	38.8	D
	NB	L	0.02	5.3	A	0.04	6.7	A
	NB	TR	0.69	11.6	B	0.86	21.1	C
	SB	L	0.32	7.6	A	0.66	27.0	C
	SB	TR	0.66	9.8	A	0.80	16.0	B
	OVERALL*		0.69	11.4	B	0.86	20.6	C
Post Ave & Union Ave	WB	L	0.73	35.3	D	**0.83**	**66.0**	**E**
	WB	R	0.04	0.0	A	0.29	23.3	C
	NB	T	0.47	8.4	A	0.58	12.9	B
	NB	R	0.29	0.4	A	0.32	0.3	A
	SB	L	-	-	-	0.31	12.5	B
	SB**	LT/T	0.60	9.8	A	0.71	15.4	B
	OVERALL*		0.73	12.0	B	0.83	21.3	C
Post Ave & Maple Ave	EB	L	0.49	33.8	C	0.56	36.7	D
	EB	TR	**0.94**	**55.0**	**E**	0.94	52.1	D
	WB	L	**0.79**	**81.1**	**F**	**0.97**	**119.8**	**F**
	WB	TR	0.70	30.7	C	0.73	30.3	C
	NB	L	0.27	11.5	B	0.53	25.5	C
	NB	TR	0.50	10.5	B	0.68	17.0	B
	SB	L	0.33	14.5	B	0.75	52.7	D
	SB	TR	0.53	13.6	B	0.68	20.1	C
	OVERALL*		0.94	27.0	C	0.97	32.3	C
School Street & Maple Ave	EB	LTR	0.45	11.4	B	0.57	15.5	B
	WB	LTR	0.38	10.2	B	0.46	13.2	B
	NB	LTR	0.78	32.7	C	0.80	24.5	C
	SB	LTR	0.71	40.9	D	0.69	37.0	D
	OVERALL*		0.78	20.3	C	0.80	20.3	C
School Street & Union Ave	EB	L	0.06	9.0	A	0.13	10.1	B
	EB	TR	0.51	12.7	B	0.68	17.2	B
	WB	L	0.36	13.3	B	0.63	28.5	C
	WB	TR	0.36	10.7	B	0.45	12.4	B
	NB	LTR	0.86	46.5	D	0.90	43.6	D
	SB	LTR	0.66	24.8	C	0.72	28.8	C
	OVERALL*		0.86	22.1	C	0.90	24.0	C
School Street & Railroad Ave***	EB	LR	0.36	18.2	B	0.40	7.4	A
	NB	L	-	-	-	0.29	8.9	A
	NB	LT/T	0.11	8.8	A	0.38	8.7	A
	SB	TR	-	-	-	0.41	13.2	B
	OVERALL*		0.36	3.4	A	0.41	10.2	B

Unsignalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP MOVEMENT		EXISTING 2018 - PM PEAK HOUR (5:00 PM - 6:00 PM)			NO BUILD 2033 - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Scally Pl	WB	LR	0.29	23.2	C	**0.56**	**45.3**	**E**
	NB	TR	-	-	-	-	-	-
	SB	LT	0.06	9.3	A	0.08	10.1	B
	OVERALL*		0.29	1.6	A	0.56	3.10	A

Notes:

1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.
6. ** SB approach modified to a Thru and Left turn lane under the No Build Condition. This modification is proposed under the LIRR Third Track Expansion Project.
7. *** Unsignalized intersection modified to a traffic signal under the No Build Condition. This modification is proposed under the LIRR Third Track Expansion Project.

Transit

Under the No Build 2033 conditions, the transit operations are not anticipated to change when compared to existing condition peak direction trip schedule. The N35 and the N22 Buses and the LIRR trains are anticipated to operate at similar frequency and timings as noted under the existing conditions during peak hours in peak directions. It is however important to note that according to the *Long Island Rail Road Expansion Project Floral Park to Hicksville*,[41] the LIRR ridership is expected to increase by 17% along with a frequency of eight trains in the reverse peak direction by 2040. Increase in reverse peak ridership is not expected to change the demand on buses. Furthermore, the elimination of at-grade crossings at School Street and at Urban Avenue is expected to improve traffic safety (vehicle, pedestrian, train) and would eliminate queuing of vehicles at the existing railroad gates that presently exist at these locations.

As this TOD develops, it would be important to regularly coordinate with NICE to ensure that adequate bus service is being maintained. At a minimum, consideration should be given to providing bus shelters with service information displayed and a seating area. Additionally, it would be beneficial to have bus turnouts where possible.

Pedestrian Connectivity

The connectivity of the sidewalks, availability of the curb ramps, short block lengths, pedestrian signals activated by push buttons and minimal dead-ends directly impacts the community's ability to safely walk to the downtown destinations. As connectivity increases, travel distance decreases and route options increase.

Visual assessment of the existing conditions of sidewalk and curb ramps showed their adequate availability within the study area (particularly south of Maple Avenue and north of LIRR tracks). Proper lighting and wayfinding signage can further enhance the pedestrian connectivity to the LIRR station as well as other downtown destinations.

Proper design of pedestrian facilities is essential to promote pedestrian safety and walkability in the downtown. Pedestrian countdown signals with push buttons at intersections and on-street pedestrian warning signs at mid-block crosswalks have been installed at crosswalks along Post Avenue which enhances pedestrian safety. However, the push-button for the pedestrian signal at intersection of Post Avenue and Union Avenue should be relocated closer to the crosswalk, where it has higher visibility and is safer and more convenient for the pedestrian to use. Also, at few locations – like midblock crosswalk on Post Avenue between Butler Street and Scally Place, pedestrian visibility at the crosswalk is reduced due to adjacent on-street parking. Curb bulb-outs can be installed at some of these locations to increase the pedestrian's visibility, reduce the crossing distance and decrease the potential of pedestrian-vehicular conflicts.

[41] Long Island Rail Road Expansion Project, April 2017.

Commuter parking lots are available north and south of the LIRR station. Striped crosswalk and double-sided mast-arm mounted flashing pedestrian regulatory sign are in place to help pedestrians cross from the north parking lot to the LIRR Station. With LIRR improvements and downtown redevelopment, this crosswalk should be considered for improvements such as the addition of a push-button activated pedestrian signal. Parking on the south side of the LIRR tracks is connected to the station via pedestrian staircase. An underpass is available that provides pedestrian connectivity to both parking lots via crosswalk on Union Avenue as well as the eastbound and westbound railroad connections. Handicap ramps are also available on both north and south sides of the tracks to accommodate train users with disabilities.

Access to NICE buses is available on Post Avenue and Railroad Avenue (N35) and Post Avenue and Maple Avenue (N35). Continuous sidewalk availability exists that connect the bus stops to the downtown as well as the LIRR Station. Bicycle parking racks are available close to the LIRR Station entrance on Union Avenue. However, no bicycle facilities, including bike lanes or shared use path markings are available within the study area. Both Post Avenue and School Street corridors lack safe bicycle accommodations.

3.6.2.2 Build Conditions

The future Build condition analysis (or With Action analysis) typically quantifies traffic operations that are expected to occur when the proposed project is constructed. As indicated earlier, the Westbury Reasonable Worst-Case Development Scenario (RWCDS) is expected to be built by 2033. The future Build Condition would entail the following land use changes under the new rezoning initiative that would facilitate a new Transit Oriented Development (TOD) around the Westbury LIRR Station. The proposed zoning amendments would thus reduce some of the existing land uses and create new density controls and regulations to create new development opportunities in the Village's central business district and adjacent areas.

- Along Maple Union Triangle:
  - Adding 1,401 new multifamily housing units (Mid-Rise),
  - Removing 52,281 SF existing commercial land use, and
  - Removing of 287,551 SF of existing Industrial land use.

Thus, there would be a decrease in the commercial and industrial square footage to create a new TOD, mainly geared to increase residential land use. Again, utilizing the 10th Edition of The ITE *Trip Generation Manual*, traffic was forecasted for the proposed projects Build 2033 conditions. The ITE Land Use Codes #110 (General Light Industrial), #221 (Multifamily Housing-Mid Rise) and #820 (Shopping Center) were used for this purpose. Since the proposed project is a TOD, that would be located within one-quarter mile from the LIRR Westbury Station, it would help in reducing the dependence on automobiles trips. The proximity of this rezoned development would encourage people residing in them to use train and buses for

their daily commute, particularly for work trips during peak hours. To estimate the reduction in vehicular trips by a TOD, various publications and approved traffic studies were reviewed. It was noted that TOD commuters typically utilize transit about two to five times more than non-TOD commuters. Furthermore, the transit share could reach as high as 50% of the total vehicular traffic generated by a TOD. In order to take a conservative approach, that is in line with the local TOD studies, such as the approved Ronkonkoma Hub TOD project, only a 25% reduction was assumed for this Westbury Rezoning project. It is important to note that this reduction is only about 8.7% more than the Nassau County mass transit utilization that is depicted in the Regional Transportation Statistical Report. Additionally, like the No Build conditions, a 20% pass-by traffic credit was taken for Shopping Center trips for the PM peak hours only, utilizing the ITE guidelines. It is important to note that due to the removal of existing commercial and industrial land uses to accommodate the 1,401 new residential units, the traffic that is generated by these land uses would be removed from the overall trip generation forecast. The resulting Build condition traffic forecast for the new proposed land use is depicted in Peak Hour Trip Generation Table 63, representing the RWCDS.

The vehicle trips generated by the proposed TOD, depicting the RWCDS, were assigned to the study area roadways based on the existing and anticipated traffic patterns, as well as the roadway network characteristics that surrounded the project. Details of the trip distribution/assignments are presented in Appendix H. The future Build 2033 condition peak hour traffic volumes were then developed by adding the No Build 2033 condition traffic volumes to the traffic volumes that were generated by the proposed TOD (i.e., by adding the net volume generated by proposed land use under the new zoning amendment). The resulting Build 2033 condition AM, and PM peak hour traffic volume maps are shown in Figure 14 and Figure 15, respectively.

Table 63 Build Condition – 2033 Peak Hour Trip Generation

BUILD CONDITION - 2033 WORST CASE
Westbury - Peak Hour Trip Generation

AREA	PROJECT COMPONENTS	SOFT SITES	PROPOSED SIZE	TRIP GENERATION RATES Per Unit		BUILD TRAFFIC VOLUMES			
						AM Peak		PM Peak	
				AM Peak	PM Peak	IN	OUT	IN	OUT
MAPLE / UNION TRIANGLE	1	**Multifamily Housing (Mid-Rise)**		Ln(T) = 0.98 Ln(X) - 0.98	Ln(T) = 0.96 Ln(X) - 0.63	*26%*	*74%*	*61%*	*39%*
		ITE Land Use: 221	*1,401 Dwelling Units*	0.325	0.399	118	337	341	218
		Transit Oriented Development Trip Credit		25%	25%	-30	-84	-85	-54
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**89**	**252**	**255**	**163**
	2	**Shopping Center** (LAND USE TO BE REMOVED)		T = 0.50(X) + 151.78	Ln(T) = 0.74 Ln(X) + 2.89	*62%*	*38%*	*48%*	*52%*
		ITE Land Use: 820	*52.281 1000 Sq. Ft.*	3.403	6.432	-110	-68	-161	-175
		Transit Oriented Development Trip Credit		25%	25%	28	17	40	44
		Pass-By Trip Credit		0%	20%	0	0	24	26
					SUBTOTAL	**-83**	**-51**	**-97**	**-105**
	3	**General Light Industrial** (LAND USE TO BE REMOVED)		Ln(T) = 0.74 Ln(X) + 0.39	Ln(T) = 0.69 Ln(X) + 0.43	*88%*	*12%*	*13%*	*87%*
		ITE Land Use: 110	*287.551 1000 Sq. Ft.*	0.339	0.266	-86	-12	-10	-66
		Transit Oriented Development Trip Credit		0%	0%	0	0	0	0
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**-86**	**-12**	**-10**	**-66**
					MAPLE / UNION TRIANGLE AREA TOTAL	-80	190	149	-8
POST AVENUE	1	**Multifamily Housing (Mid-Rise)**		Ln(T) = 0.98 Ln(X) - 0.98	Ln(T) = 0.96 Ln(X) - 0.63	*26%*	*74%*	*61%*	*39%*
		ITE Land Use: 221	*0 Dwelling Units*	0.000	0.000	0	0	0	0
		Transit Oriented Development Trip Credit		0%	0%	0	0	0	0
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**0**	**0**	**0**	**0**
	2	**Shopping Center**		T = 0.50(X) + 151.78	Ln(T) = 0.74 Ln(X) + 2.89	*62%*	*38%*	*48%*	*52%*
		ITE Land Use: 820	*0.000 1000 Sq. Ft.*	0.000	0.000	0	0	0	0
		Transit Oriented Development Trip Credit		0%	0%	0	0	0	0
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**0**	**0**	**0**	**0**
	3	**General Light Industrial**		Ln(T) = 0.74 Ln(X) + 0.39	Ln(T) = 0.69 Ln(X) + 0.43	*88%*	*12%*	*13%*	*87%*
		ITE Land Use: 110	*0.000 1000 Sq. Ft.*	0.000	0.000	0	0	0	0
		Transit Oriented Development Trip Credit		0%	0%	0	0	0	0
		Pass-By Trip Credit		0%	0%	0	0	0	0
					SUBTOTAL	**0**	**0**	**0**	**0**
					POST AVENUE AREA TOTAL	0	0	0	0
				NET VEHICULAR TRIP GENERATION		**-80**	**190**	**149**	**-8**
					PEAK HOUR		**110**		**141**

NOTES:
1. The trip generation rates are obtained from the 10th Edition of Institute of Transportation Engineers (ITE) Trip Generation Manual.
2. The rounding of numbers may result in minor inconstancies between various spreadsheets.
3. The transit oriented development credit of 25% is derived after review of available published studies.
4. The pass-by trip credit of 20% is derived after review of various ITE published sources including the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Build Condition Capacity Analysis (2033)

The Build condition capacity analyses were conducted at the same 7 study area intersections for which Existing, and No Build condition analyses were previously conducted. This analysis utilized the same roadway network (including roadway geometry and traffic signal control setups) that are reflected in the No Build 2033 condition traffic assessments. The intersections were reanalyzed utilizing the Build 2033 condition traffic volume for the AM and PM peak hours.

The Build 2033 condition capacity analysis results are shown in Table 64, along with its comparison to the No Build 2033 conditions. According to these analysis results, the overall Level of Service (LOS) at each intersection ranges from LOS A to LOS C which is considered very stable unconstrained traffic operating conditions. Close examination further indicates that there are a few intersection approaches/lane groups that are anticipated to operate poorly during the PM peak hours. It is important to note that the AM peak hour is operating constrained-free with intersection approaches/lane groups LOS D or better.

Of specific concern are following signalized and unsignalized intersections:

- Southbound Post Avenue left turn at Post Railroad Avenue operates at LOS F in the PM peak hour.
- Westbound Union Avenue left turn at Post Avenue operates at LOS F/E in the AM and PM peak hour, respectively.
- Westbound Maple Avenue through and right shared lane at Post Avenue operates at LOS E in the AM peak hour.
- Westbound Maple Avenue left turn at Post Avenue operates at LOS F in the PM peak hour.
- Southbound Post Avenue left turn at Maple Avenue operates at LOS E in the PM peak hour.
- Westbound Scally Place approach at Post Avenue operates at LOS F in the PM peak hour.

It is important to note that not all of the above noted intersection lane groups or approaches that are anticipated to operate under constrained conditions during various peak hours are the direct result of the proposed RWCDS project. Some of these intersection lane groups or approaches are noted to be operating poorly under the No Build conditions, i.e., irrespective of the proposed project being built. However, they may see minor degradation as new project generated traffic is added within the study area. Other lane groups may see poor LOS as a direct result of this proposed project-generated traffic. Thus, considerations should be given to minimize (improve) these traffic operational impacts at the noted intersection lane groups or approaches. Refer to Appendix H for the Build 2033 condition capacity analysis Synchro backup results.

Figure 14 Build 2033 Weekday AM Peak Hour Traffic Volumes (8:00 AM – 9:00 PM)

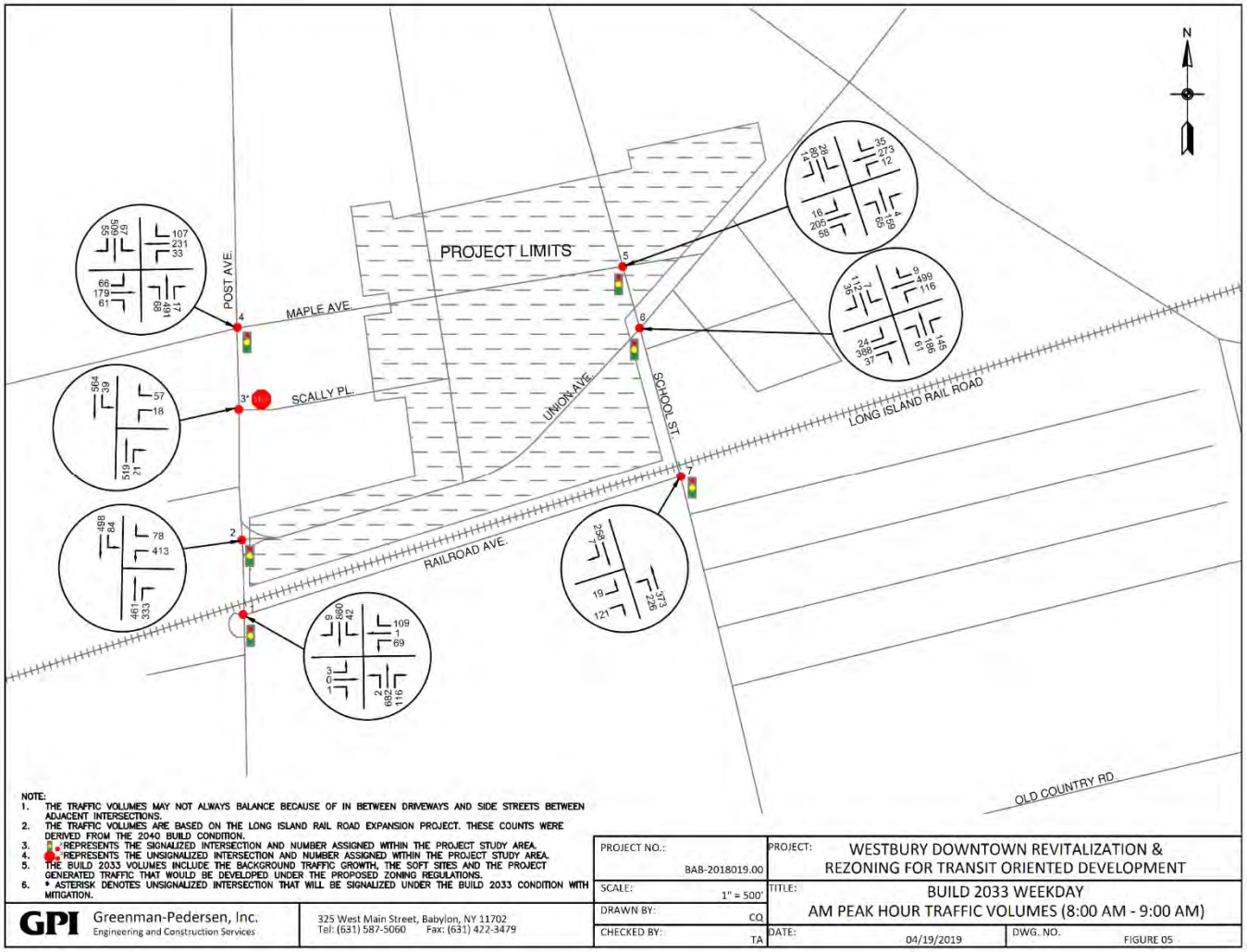


Figure 15 Build 2033 Weekday PM Peak Hour Traffic Volumes (5:00 PM – 6:00 PM)

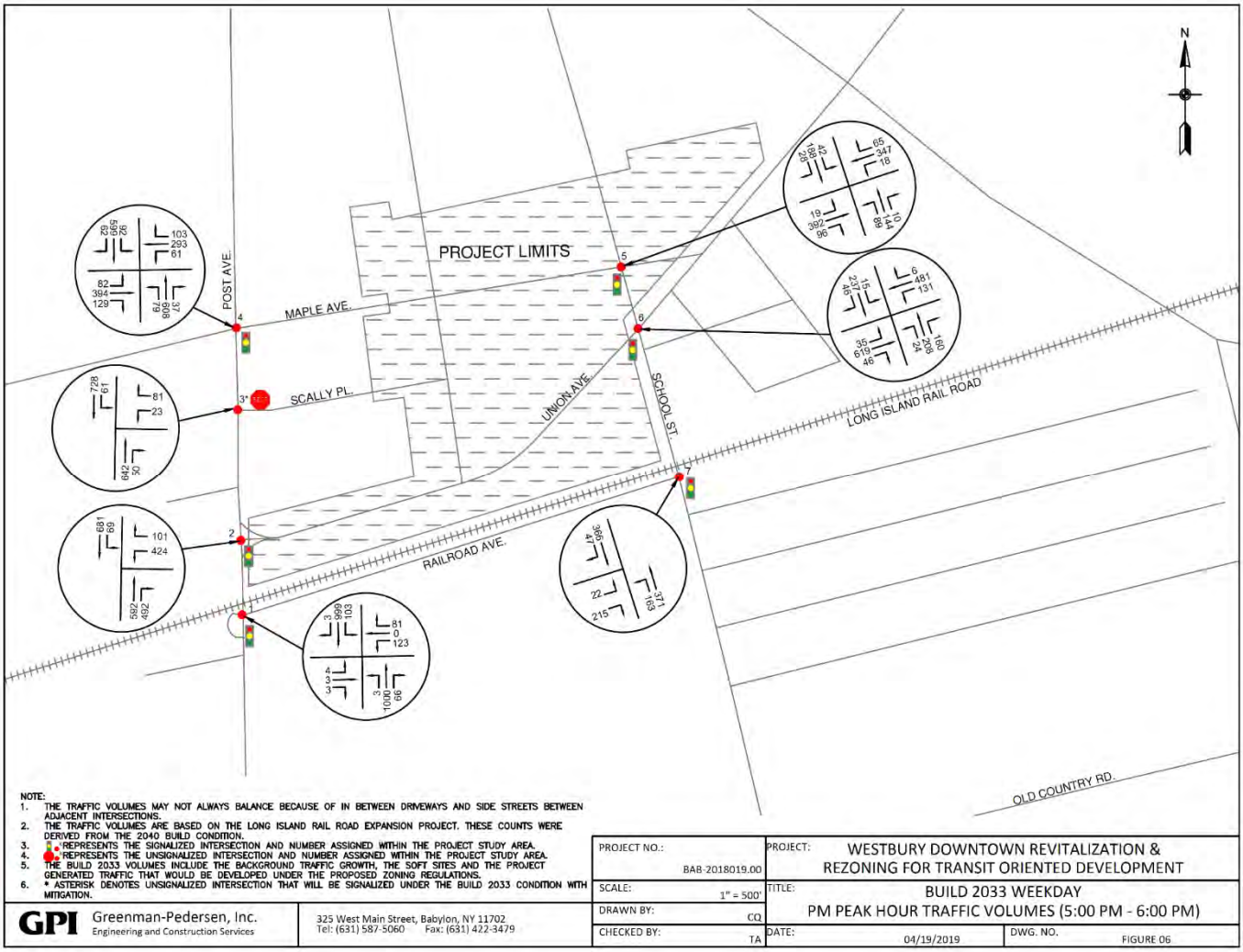


Table 64 Building Condition 2033 – Level of Service

BUILD CONDITION (2033)

Signalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP MOVEMENT		NO BUILD 2033 - AM PEAK HOUR (8:00 AM-9:00 AM)			BUILD 2033 - AM PEAK HOUR (8:00 AM-9:00 AM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.03	0.2	A	0.03	0.2	A
	WB	LTR	0.68	31.1	C	0.76	36.5	D
	NB	L	0.02	5.5	A	0.02	6.0	A
	NB	TR	0.84	19.0	B	0.88	23.0	C
	SB	L	0.24	12.3	B	0.30	15.2	B
	SB	TR	0.71	20.0	C	0.77	26.1	C
	OVERALL*		0.84	20.3	C	0.88	25.5	C
Post Ave & Union Ave	WB	L	0.90	50.7	D	**0.96**	**105.3**	**F**
	WB	R	0.27	24.3	C	0.29	24.5	C
	NB	T	0.50	13.6	B	0.53	15.3	B
	NB	R	0.29	0.3	A	0.29	0.3	A
	SB	L	0.38	11.3	B	0.41	12.2	B
	SB	T	0.54	10.5	B	0.56	12.4	B
	OVERALL*		0.90	18.8	B	0.96	33.0	C
Post Ave & Maple Ave	EB	L	0.62	50.3	D	0.62	51.3	D
	EB	TR	0.67	35.4	D	0.62	33.3	C
	WB	L	0.20	25.9	C	0.19	25.2	C
	WB	TR	0.91	53.7	D	**0.92**	**55.1**	**E**
	NB	L	0.32	12.6	B	0.34	13.1	B
	NB	TR	0.47	10.7	B	0.51	11.3	B
	SB	L	0.32	13.6	B	0.33	14.2	B
	SB	TR	0.55	13.4	B	0.55	13.5	B
	OVERALL*		0.91	24.6	C	0.92	24.6	C
School Street & Maple Ave	EB	LTR	0.36	9.1	A	0.36	9.5	A
	WB	LTR	0.31	8.1	A	0.30	8.2	A
	NB	LTR	0.77	27.8	C	0.77	27.4	C
	SB	LTR	0.61	38.7	D	0.60	38.2	D
	OVERALL*		0.77	17.4	B	0.77	17.7	B
School Street & Union Ave	EB	L	0.17	11.5	B	0.18	11.7	B
	EB	TR	0.47	13.0	B	0.52	14.0	B
	WB	L	0.35	13.7	B	0.38	14.7	B
	WB	TR	0.66	17.2	B	0.65	17.0	B
	NB	LTR	0.94	49.3	D	0.95	51.4	D
	SB	LTR	0.35	18.1	B	0.37	19.1	B
	OVERALL*		0.94	23.6	C	0.95	24.2	C
School Street & Railroad Ave	EB	LR	0.29	8.3	A	0.35	9.6	A
	NB	L	0.50	11.6	B	0.52	12.2	B
	NB	T	0.45	9.7	A	0.43	9.5	A
	SB	TR	0.24	7.1	A	0.26	7.1	A
	OVERALL*		0.50	9.5	A	0.52	9.7	A

Unsignalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP MOVEMENT		NO BUILD 2033 - AM PEAK HOUR (8:00 AM-9:00 AM)			BUILD 2033 - AM PEAK HOUR (8:00 AM-9:00 AM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Scally Pl	WB	LR	0.23	22.8	C	0.32	26.0	D
	NB	TR	-	-	-	-	-	-
	SB	LT	0.06	9.5	A	0.06	9.6	A
	OVERALL*		0.23	1.3	A	0.32	1.7	A

Notes:

1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.

BUILD CONDITION (2033)

Signalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP MOVEMENT		NO BUILD 2033 - PM PEAK HOUR (5:00 PM - 6:00 PM)			BUILD 2033 - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.07	20.7	C	0.06	20.2	C
	WB	LTR	0.70	38.8	D	0.74	40.9	D
	NB	L	0.04	6.7	A	0.04	7.0	A
	NB	TR	0.86	21.1	C	0.92	30.0	C
	SB	L	0.66	27.0	C	**1.29**	**189.7**	**F**
	SB	TR	0.80	16.0	B	0.82	18.2	B
	OVERALL*		0.86	20.6	C	1.29	34.6	C
Post Ave & Union Ave	WB	L	**0.83**	**66.0**	**E**	**0.84**	**62.5**	**E**
	WB	R	0.29	23.3	C	0.29	23.3	C
	NB	T	0.58	12.9	B	0.60	14.0	B
	NB	R	0.32	0.3	A	0.34	0.3	A
	SB	L	0.31	12.5	B	0.35	13.9	B
	SB	T	0.71	15.4	B	0.73	17.1	B
	OVERALL*		0.83	21.3	C	0.84	21.1	C
Post Ave & Maple Ave	EB	L	0.56	36.7	D	0.51	33.0	C
	EB	TR	0.94	52.1	D	0.94	52.1	D
	WB	L	**0.97**	**119.8**	**F**	**0.90**	**103.1**	**F**
	WB	TR	0.73	30.3	C	0.69	28.7	C
	NB	L	0.53	25.5	C	0.62	34.4	C
	NB	TR	0.68	17.0	B	0.69	17.8	B
	SB	L	0.75	52.7	D	**0.78**	**57.7**	**E**
	SB	TR	0.68	20.1	C	0.71	21.1	C
	OVERALL*		0.97	32.3	C	0.94	32.1	C
School Street & Maple Ave	EB	LTR	0.57	15.5	B	0.54	14.9	B
	WB	LTR	0.46	13.2	B	0.45	13.1	B
	NB	LTR	0.80	24.5	C	0.81	25.7	C
	SB	LTR	0.69	37.0	D	0.73	38.7	D
	OVERALL*		0.80	20.3	C	0.81	21.0	C
School Street & Union Ave	EB	L	0.13	10.1	B	0.14	10.4	B
	EB	TR	0.68	17.2	B	0.70	17.9	B
	WB	L	0.63	28.5	C	0.71	35.8	D
	WB	TR	0.45	12.4	B	0.49	13.2	B
	NB	LTR	0.90	43.6	D	0.91	46.7	D
	SB	LTR	0.72	28.8	C	0.71	28.2	C
	OVERALL*		0.90	24.0	C	0.91	25.4	C
School Street & Railroad Ave	EB	LR	0.40	7.4	A	0.45	8.7	A
	NB	L	0.29	8.9	A	0.36	10.0	B
	NB	T	0.38	8.7	A	0.38	8.8	A
	SB	TR	0.41	13.2	B	0.45	12.9	B
	OVERALL*		0.41	10.2	B	0.45	10.5	B

Unsignalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP MOVEMENT		NO BUILD 2033 - PM PEAK HOUR (5:00 PM - 6:00 PM)			BUILD 2033 - PM PEAK HOUR (5:00 PM - 6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Scally Pl	WB	LR	**0.56**	**45.3**	**E**	**0.65**	**56.9**	**F**
	NB	TR	-	-	-	-	-	-
	SB	LT	0.08	10.1	B	0.10	10.2	B
	OVERALL*		0.56	3.10	A	0.65	3.9	A

Notes:

1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.

3.6.2.3 Parking Analysis

Existing Condition Parking Inventory

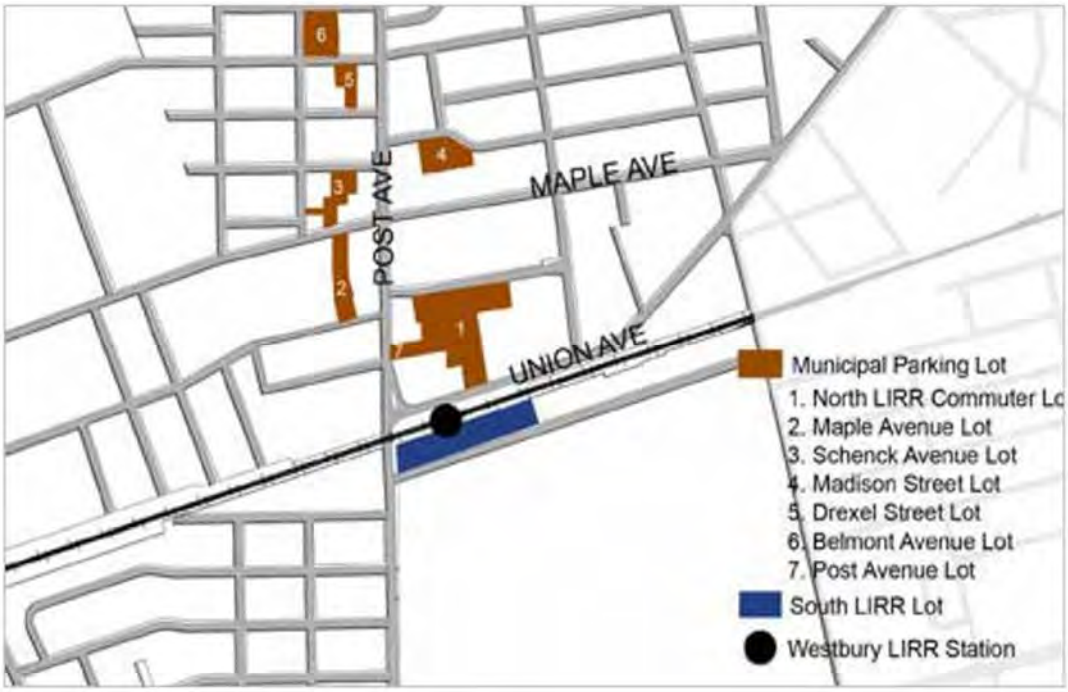
The intent of parking assessment is to help in determining the existing peak parking demand within the immediate vicinity of the proposed project, and to help in developing the new parking code under the proposed new zoning code amendments (project "build-out" scenario, a TOD), to overcome any potential parking shortfall, if warranted. For this purpose, on-street parking surveys were conducted on Saturday, November 17th, 2018 from 5:00 pm to 9:00 pm, as well as on Tuesday, November 20th, 2018 from 12:00 noon to 8:00 pm. The areas of this study included the following streets that are also depicted in Figure 16:

- Post Avenue – between Northern State Parkway and Old Country Road
- Maple Avenue – between Post Avenue and Nassau Street
- Union Avenue – between Post Avenue and Nassau Street
- Scally Place – between Post Avenue and Linden Avenue, and
- Linden Avenue – between Scally Place and Union Avenue

Additionally, the off-street parking utilization data have also been obtained directly from the *DRI Plan* dated February 2017, prepared by the Village of Westbury Local Planning Committee, and supported by the NYS Department of State and the NYS Homes and Community Renewal. A comprehensive memo dated December 18, 2018, depicting this parking analysis is presented in Appendix H.

The results of the existing condition parking assessment have indicated that about 35% to 37% on-street parking is typically available within the project study area. Similarly, based on the available off-street parking information, about 25% off-street parking is available in the seven municipal lots (Figure 16) within the project study area: The Commuter Lot, Maple Avenue, Schenck Avenue, Madison Street, Drexel Street, Belmont Avenue, and Post Avenue (see the Parking Utilization study in Appendix H).

Figure 16 Municipal Parking Lots



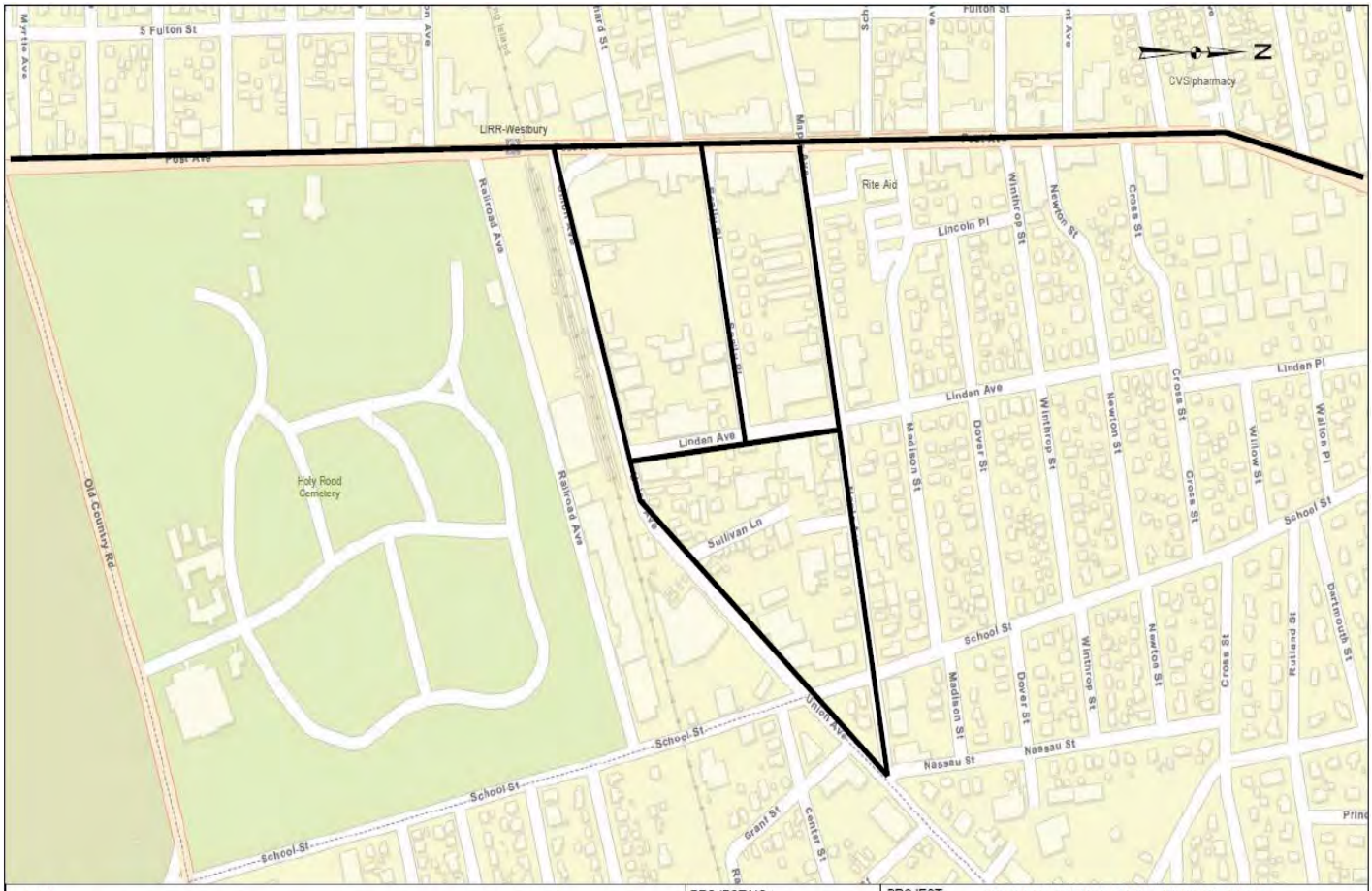
Thus, there is ample parking supply within the project study area under the existing conditions.

Parking Under the proposed Westbury TOD (Reasonable Worst-Case Development Scenario [RWCDS])

As the Village population grows, particularly due to the proposed new zoning code amendments, and due to the LIRR Expansion Project, a significant increase in parking demand is anticipated both for the on-street and off-street parking. While the LIRR commuter parking demand is anticipated to be accommodated in the proposed MTA and Westbury Commuter Lot parking garages that would be constructed as part of the Long Island Rail Road (LIRR) Third Track project, considerations should be given to revisiting the existing parking code so as to help in maintaining and sustaining its parking supply under the proposed new Land Use zoning code amendments (i.e., project "build-out" scenario).

It is important to note that TOD benefits under the RWCDS goes beyond reducing the dependency on auto trips and maximizing the transit usage. TOD by design also helps in reducing the parking requirements and enhancing other development opportunities such as open/green space. Keeping in mind the existing unused parking supply that is noted in the existing condition parking inventory within the project study area, the current parking codes do not necessarily support the transit objectives of a TOD. Thus, consideration has been given to further balance the existing parking ordinance under the proposed TOD project, such that it not only complements the reduction in auto dependency but also supplements it with adjustments of the existing parking codes, particularly for the land uses that are going to be considered for rezoning under this project. Table 65 depicts the land uses for which the new parking codes are being proposed for consideration.

Figure 17 Parking Study Boundary



NOTE:
1. ▬ INDICATES THE STREETS STUDIED FOR PARKING INVENTORY.

GPI Greenman-Pedersen, Inc. Engineering and Construction Services	324 West Main Street, Babylon, NY 11702 Tel: (631) 587-5060 Fax: (631) 422-3479	PROJECT NO.: BAB-2018019.00	PROJECT: WESTBURY DOWNTOWN REVITALIZATION & REZONING FOR TRANSIT ORIENTED DEVELOPMENT
		SCALE: 1:3,800	TITLE: PARKING STUDY BOUNDARY
		DRAWN BY: CQ	
		CHECKED BY: TA	DATE: 5/30/2019 DRAWING NO. FIGURE: 07

Table 65 Reasonable Worst-Case Development Scenario Parking Code Modifications

REASONABLE WORST-CASE DEVELOPMENT SCENARIO
PARKING CODE MODIFICATIONS

Land Use	Minimum Parking Requirement	
Residential		
Multifamily Housing (Mid-Rise)		
Micro/Studio	*0.5*	spaces/unit
1 Bedroom	*1*	spaces/unit
2 Bedrooms	*2*	spaces/unit
3 Bedrooms	*3*	spaces/unit
Commercial		
Shopping Center	*1*	space/250SF
Industrial		
General Light Industrial	*1*	space/300SF

The proposed RWCDS zoning amendments would reduce some of the existing land uses and create new density controls and regulations to create new TOD development opportunities. In order to make sure that the proposed parking code associated with these land uses would be conservative enough to accommodate the future parking demand, the proposed parking rates are being compared with the parking generation rates presented in the *Parking Generation Handbook*, 5th Edition, published by the ITE. The *Parking Generation Handbook* is an informational document that is commonly used as an industry standard to determine the parking needs of a proposed development. The above noted parking code total parking demand of the proposed RWCDS has been calculated and compared to the ITE parking standards.

The parking ratios for the proposed zoning amendment under the RWCDS were applied to the land use components to obtain the minimum parking requirement. The result of this assessment is depicted in Table 66. As shown in this table, a total 1,476 parking spaces would be required under this proposal. Similarly, ITE parking generation rates were also applied to the same land use components. The result of this assessment is depicted in Table 67. As shown in this table, the ITE rates indicated a total parking requirement of 1,112 parking spaces. Thus, the proposed parking ratios would provide a number of parking spaces that would exceed the parking need depicted by the ITE parking rates by 364 parking spaces. This indicates that the proposed modification to the parking ratios would not result in a parking shortfall at build-out (2033).

Table 66 Reasonable Worst-Case Development Scenario TOD Parking Requirements

REASONABLE WORST-CASE DEVELOPMENT SCENARIO
TOD PARKING REQUIREMENTS

Land Use	Parking Rate	Build Condition	Parking Required
Residential **Multifamily Housing (Mid-Rise)** *Micro/Studio* *1 Bedroom* *2 Bedrooms* *3 Bedrooms*	 *0.5 Spaces/Unit* *1 Spaces/Unit* *2 Spaces/Unit* *3 Spaces/Unit*	 *398 Units* *875 Units* *159 Units* *159 Units*	*1,869 Spaces*
Commercial **Shopping Center**	*250 SF/Space*	*37,372 SF*	*149 Spaces*
Industrial **General Lighting Industrial**	*300 SF/Space*	*-162,468 SF* (LAND USE TO BE REMOVED)	*-542 Spaces*
		TOTAL	1,476 Spaces

Table 67 Reasonable Worst-Case Development Scenario Minimum ITE Parking Requirements

REASONABLE WORST-CASE DEVELOPMENT SCENARIO
MINIMUM ITE PARKING REQUIREMENTS

AREA	Land Use	Parking Demand Equation	No Build Condition - 2033	No Build - Parking Required	Build Condition - 2033	Build - Parking Required
MAPLE / UNION TRIANGLE	**Multifamily Housing (Mid-Rise)** *ITE Land Use: 221*	*Ln(P) = 0.90 Ln(X) +0.04* *Bedrooms*	*127* *Bedrooms*	*81* *Spaces*	*1,820* *Bedrooms*	*894* *Spaces*
	Shopping Center *ITE Land Use: 820*	*P = 1.49 (X) +100.32* *1000 Sq. Ft.*	*44.645* *1000 Sq. Ft.*	*167* *Spaces*	*-52.281* *1000 Sq. Ft.* (LAND USE TO BE REMOVED)	*-178* *Spaces*
	General Light Industrial *ITE Land Use: 110*	*P = 0.60 (X) +2.77* *1000 Sq. Ft.*	*125.083* *1000 Sq. Ft.*	*78* *Spaces*	*-287.551* *1000 Sq. Ft.* (LAND USE TO BE REMOVED)	*-175* *Spaces*
			SUBTOTAL	*326* *Spaces*		*541* *Spaces*
POST AVENUE	**Multifamily Housing (Mid-Rise)** *ITE Land Use: 221*	*Ln(P) = 0.90 Ln(X) +0.04* *Bedrooms*	*121* *Bedrooms*	*78* *Spaces*	*0* *Bedrooms*	*0* *Spaces*
	Shopping Center *ITE Land Use: 820*	*P = 1.49 (X) +100.32* *1000 Sq. Ft.*	*45.008* *1000 Sq. Ft.*	*167* *Spaces*	*0.000* *1000 Sq. Ft.*	*0* *Spaces*
	General Light Industrial *ITE Land Use: 110*	*P = 0.60 (X) +2.77* *1000 Sq. Ft.*	*0.000* *1000 Sq. Ft.*	*0* *Spaces*	*0.000* *1000 Sq. Ft.*	*0* *Spaces*
			SUBTOTAL	*245* *Spaces*		*0* *Spaces*
			TOTAL	571 *Spaces*		541 *Spaces*
					No Build + Build Parking Requirement	1,112 Spaces

NOTES:
1. The parking period demands are obtained from the 5th Edition of Institute of Transportation Engineers (ITE) Parking Generation Manual.
2. The rounding of numbers may result in minor inconstancies between various spreadsheets.
3. The parking requirements are based on the proposed build condition. All existing parking conditions are not included into this parking demand.

Additional Parking Recommendations:

Of the 286 curb-side parking spaces that presently exist within the project study area, 155 parking spaces are provided with metered parking (refer to the Parking Utilization study in Appendix H). The metered parking spaces are controlled by single parking meter per parking space concept. It is recommended that these devices be replaced by MuniMeters, as they are an effective and proven ITS technology that increases parking space utilization by improving the turnover rate. Additionally, the parking fee could also be conveniently paid by a credit card or a pre-paid parking card rather than carrying change or "running for change". Since MuniMeters are not installed on one space/meter requirements, it allows fitting more vehicles within the same curbside parking space. By installing MuniMeters, the available parking supply could be increased by about 15% when compared to single parking meter installations. Another advantage of installing MuniMeters is that it could be programmed to meet a variety of objectives: The parking rate per hour or minutes can vary with time of the day (higher parking rates during peak parking hours). Other pricing measures could encourage short-term parking while discouraging long-term parking along curbside. It is further recommended that in addition to replacing the 155 existing metered parking spaces (115 on Post Avenue, 13 on Maple Avenue, 19 on Scally Place and 8 on Linden Place) by MuniMeters, consideration should also be given to providing them at the remaining 46 parking spaces along Post Avenue, where none presently exist.

3.6.3 Proposed Mitigation Measures

The following recommendations are being proposed in order to improve traffic operations at the impacted lane groups and approaches of intersections along Post Avenue. In proposing these mitigation measures, consideration was given such that these recommendations do not deteriorate other lane groups to LOS worse than for D. It is further important to note that no mitigation measures are needed at the School Street intersections under the Build 2033 conditions.

- Westbound Union Avenue left turn at Post Avenue operates at LOS F in the AM peak hour
  1. Post Avenue & Railroad Avenue:

     AM & PM Peaks – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 64 seconds and WB Railroad Avenue split to 26 seconds. Additionally, modify WB lane configuration to include a through and right shared lane and a left-turn lane. Remove parking for about 100' from both curbsides on Railroad Avenue as it intersects Post Avenue. Install "No Turn On Red" sign along the WB approach to improve pedestrian safety at the crosswalk that leads to the senior housing. Offset should be set to 7 seconds for AM peak and 1 seconds for PM peak.

2. Post Avenue & Union Avenue:

   AM Peak – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 51 seconds and WB Railroad Avenue split to 39 seconds. Offset should be set to 72 seconds.

   PM Peak – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 43 seconds and WB Railroad Avenue split to 47 seconds. Offset should be set to 84 seconds.

3. Post Avenue & Scally Place:

   As per the Manual of Uniform Traffic Control Devices (MUTCD) guidelines, based on the Build Condition 2033 PM peak hour traffic volumes, Traffic Signal Warrant # 3: Peak Hour Traffic Signal Warrant, would be satisfied. Thus, the installation of a traffic control signal may be considered under the Build condition. Following traffic signal timings should be considered under this installation:

   AM & PM Peaks – Install a new traffic signal. Set traffic signal cycle length to 90 seconds. Set signal timing for NB & SB Post Avenue split to 64 seconds and WB Scally Place split to 26 seconds. Offset should be set to 22 seconds for AM peak and 36 seconds for PM peak.

4. Post Avenue & Maple Avenue:

   AM Peak – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 55 seconds and EB & WB Maple Avenue split to 35 seconds. Offset should be set to 73 seconds. It is further recommended to modify the westbound left turn bay by increasing the bay length from 60′ to 100′.

   PM Peak – Modify traffic signal cycle length to 90 seconds. Modify signal timing by setting NB & SB Post Avenue split to 51 seconds and EB & WB Maple Avenue split to 39 seconds. Offset should be set to 87 seconds. As previously noted under the AM peak mitigation, it is also recommended to modify the westbound left turn bay by increasing the bay length from 60′ to 100′.

The Build with Mitigation 2033 condition capacity analysis results along with its comparison to the corresponding Existing, No Build 2033 and Build 2033 condition results are shown in Table 68 for the AM and PM peak hours. According to the comparative analysis results, all 4 Post Avenue intersections would continue to operate at an overall LOS C or better under the Build with Mitigation 2033 conditions. Additionally, the intersection lane groups and approaches that are anticipated to be operating poorly would improve their traffic operations due to the proposed mitigation measures, when compared to Build and majority of the corresponding No Build 2033 conditions. The exception would be in the PM peak hour where the Post Avenue and Railroad Avenue SB left turn bay would still operate at LOS F, but with less delays when compared to the Build conditions. Similarly, Post

Avenue and Maple Avenue WB left turn bay would be operating at LOS F, again it would be operating with less delays compared to the corresponding No Build conditions. It is also important to note that approval to install a traffic signal at Post Avenue and Scally Place intersection must be given by Nassau County. Thus, even though a traffic signal is warranted under Warrant # 3, if for any reason the proposed traffic signal is not deemed appropriate, than the proposed project would result in an increase of westbound approach delay of 11.6 seconds per vehicle in the PM peak compared to the No-build condition. However, as indicated above the overall intersection LOS would remain A.

Refer to Appendix H for the Build with Mitigation 2033 condition capacity analysis Synchro backup results.

Table 68 Build Condition with Mitigation – Level of Service

BUILD CONDITION WITH MITIGATION (2033)
Signalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP	MOVEMENT	AM EXISTING 2018 (8:00 AM-9:00 AM)			AM NO BUILD 2033 (8:00 AM-9:00 AM)			AM BUILD 2033 (8:00 AM-9:00 AM)			AM BUILD WITH MITIGATION 2033 (8:00 AM-9:00 AM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.04	0.2	A	0.03	0.2	A	0.03	0.2	A	0.03	0.2	A
	WB**	L	-	-	-	-	-	-	-	-	-	0.50	32.1	C
	WB**	LTR/TR	0.56	19.6	B	0.68	31.1	C	0.76	36.5	D	0.65	39.6	D
	NB	L	0.01	5.0	A	0.02	5.5	A	0.02	6.0	A	0.02	5.5	A
	NB	TR	0.61	9.0	A	0.84	19.0	B	0.88	23.0	C	0.86	20.7	C
	SB	L	0.15	4.5	A	0.24	12.3	B	0.30	15.2	B	0.28	11.2	B
	SB	TR	0.60	9.3	A	0.71	20.0	C	0.77	26.1	C	0.76	18.8	B
	OVERALL*		0.61	9.9	A	0.84	20.3	C	0.88	25.5	C	0.86	21.2	C
Post Ave & Union Ave	WB	L	**0.84**	**99.7**	**F**	0.90	50.7	D	**0.96**	**105.3**	**F**	0.89	35.6	D
	WB	R	0.05	0.1	A	0.27	24.3	C	0.29	24.5	C	0.27	13.7	B
	NB	T	0.40	7.5	A	0.50	13.6	B	0.53	15.3	B	0.54	20.0	C
	NB	R	0.25	0.3	A	0.29	0.3	A	0.29	0.3	A	0.29	0.3	A
	SB	L	-	-	-	0.38	11.3	B	0.41	12.2	B	0.43	13.4	B
	SB***	LT/T	0.45	8.6	A	0.54	10.5	B	0.56	12.4	B	0.58	12.3	B
	OVERALL*		0.84	27.7	C	0.90	18.8	B	0.96	33.0	C	0.89	17.4	B
Post Ave & Scally Pl****	WB	LR	0.13	17.1	C	0.23	22.8	C	0.32	26.0	D	0.23	13.5	B
	NB	TR	-	-	-	-	-	-	-	-	-	0.51	5.1	A
	SB	LT	0.04	9.0	A	0.06	9.5	A	0.06	9.6	A	0.62	6.2	A
	OVERALL*		0.13	1.0	A	0.23	1.3	A	0.32	1.7	A	0.62	6.1	A
Post Ave & Maple Ave	EB	L	0.51	41.0	D	0.62	50.3	D	0.62	51.3	D	0.58	45.7	D
	EB	TR	0.63	35.7	D	0.67	35.4	D	0.62	33.3	C	0.60	32.7	C
	WB	L	0.18	26.1	C	0.20	25.9	C	0.19	25.2	C	0.18	23.3	C
	WB	TR	0.85	47.6	D	0.91	53.7	D	**0.92**	**55.1**	**E**	0.89	49.9	D
	NB	L	0.20	9.1	A	0.32	12.6	B	0.34	13.1	B	0.35	10.7	B
	NB	TR	0.37	8.3	A	0.47	10.7	B	0.51	11.3	B	0.51	9.3	A
	SB	L	0.20	10.1	B	0.32	13.6	B	0.33	14.2	B	0.33	15.9	B
	SB	TR	0.42	10.3	B	0.55	13.4	B	0.55	13.5	B	0.56	14.8	B
	OVERALL*		0.85	21.6	C	0.91	24.6	C	0.92	24.6	C	0.89	23.1	C

Notes:
1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.
6. ** LTR has been modified into a single L turning lane and shared TR lane under the Build with Mitigation Condition.
7. *** SB approach modified to a Thru and Left turn lane under the No Build Condition. This modification is proposed under the LIRR Third Track Expansion Project.
8. **** Unsignalized intersection modified to a traffic signal under the Build with Mitigation Condition.
9. Results highlighted in BLUE indicate an unsignalized intersection under these scenarios.

BUILD CONDITION WITH MITIGATION (2033)
Signalized Intersection V/C Ratios, Delays (sec) and Level of Service

INTERSECTION NAME	LANE GROUP	MOVEMENT	PM EXISTING 2018 (5:00 PM-6:00 PM)			PM NO BUILD 2033 (5:00 PM-6:00 PM)			PM BUILD 2033 (5:00 PM-6:00 PM)			PM BUILD WITH MITIGATION 2033 (5:00 PM-6:00 PM)		
			v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS	v/c ratio	Delay (sec)	LOS
Post Ave & Railroad Ave	EB	LTR	0.09	21.0	C	0.07	20.7	C	0.06	20.2	C	0.07	22.3	C
	WB**	L	-	-	-	-	-	-	-	-	-	0.66	38.0	D
	WB**	LTR/TR	0.55	20.6	C	0.70	38.8	D	0.74	40.9	D	0.40	27.3	C
	NB	L	0.02	5.3	A	0.04	6.7	A	0.04	7.0	A	0.04	6.0	A
	NB	TR	0.69	11.6	B	0.86	21.1	C	0.92	30.0	C	0.89	27.4	C
	SB	L	0.32	7.6	A	0.66	27.0	C	**1.29**	**189.7**	**F**	**0.97**	**78.0**	**E**
	SB	TR	0.66	9.8	A	0.80	16.0	B	0.82	18.2	B	0.79	14.5	B
	OVERALL*		0.69	11.4	B	0.86	20.6	C	1.29	34.6	C	0.97	25.3	C
Post Ave & Union Ave	WB	L	0.73	35.3	D	**0.83**	**66.0**	**E**	**0.84**	**62.5**	**E**	0.77	46.2	D
	WB	R	0.04	0.0	A	0.29	23.3	C	0.29	23.3	C	0.27	13.1	B
	NB	T	0.47	8.4	A	0.58	12.9	B	0.60	14.0	B	0.62	18.5	B
	NB	R	0.29	0.4	A	0.32	0.3	A	0.34	0.3	A	0.34	0.3	A
	SB	L	-	-	-	0.31	12.5	B	0.35	13.9	B	0.38	17.7	B
	SB***	LT/T	0.60	9.8	A	0.71	15.4	B	0.73	17.1	B	0.76	20.6	C
	OVERALL*		0.73	12.0	B	0.83	21.3	C	0.84	21.1	C	0.77	19.9	B
Post Ave & Scally Pl****	WB	LR	0.29	23.2	C	**0.56**	**45.3**	**E**	**0.65**	**56.9**	**F**	0.30	12.6	B
	NB	TR	-	-	-	-	-	-	-	-	-	0.58	5.9	A
	SB	LT	0.06	9.3	A	0.08	10.1	B	0.10	10.2	B	0.81	12.8	B
	OVERALL*		0.29	1.6	A	0.56	3.10	A	0.65	3.90	A	0.81	9.9	A
Post Ave & Maple Ave	EB	L	0.49	33.8	C	0.56	36.7	D	0.51	33.0	C	0.52	34.8	C
	EB	TR	**0.94**	**55.0**	**E**	0.94	52.1	D	0.94	52.1	D	0.94	53.3	D
	WB	L	**0.79**	**81.1**	**F**	**0.97**	**119.8**	**F**	**0.90**	**103.1**	**F**	**0.91**	**99.7**	**F**
	WB	TR	0.70	30.7	C	0.73	30.3	C	0.69	28.7	C	0.69	26.5	C
	NB	L	0.27	11.5	B	0.53	25.5	C	0.62	34.4	C	0.60	27.8	C
	NB	TR	0.50	10.5	B	0.68	17.0	B	0.69	17.8	B	0.68	15.5	B
	SB	L	0.33	14.5	B	0.75	52.7	D	**0.78**	**57.7**	**E**	0.75	53.8	D
	SB	TR	0.53	13.6	B	0.68	20.1	C	0.71	21.1	C	0.70	21.6	C
	OVERALL*		0.94	27.0	C	0.97	32.3	C	0.94	32.1	C	0.94	31.1	C

Notes:
1. The capacity analysis is conducted by SYNCHRO, version 10, which utilizes the Highway Capacity Manual.
2. For LOS definition, see Traffic Appendix. Constrained traffic operations are presented in "Bold" letter font on this table.
3. WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
4. L = Left turn movement, R = Right turn movement, T = Thru movement, LT = Shared left and thru movement, TR = Shared thru and right movement, LTR =Shared left, thru and right, LR =Shared left and right.
5. * Overall v/c ratio is actually max v/c ratio of an approach within the intersection. However, delay and LOS values are based on the weighted average of all signalized intersection approaches.
6. ** LTR has been modified into a single L turning lane and shared TR lane under the Build with Mitigation Condition.
7. *** SB approach modified to a Thru and Left turn lane under the No Build Condition. This modification is proposed under the LIRR Third Track Expansion Project.
8. **** Unsignalized intersection modified to a traffic signal under the Build with Mitigation Condition.
9. Results highlighted in BLUE indicate an unsignalized intersection under these scenarios.

3.7 Air Quality

The Proposed Action to support downtown revitalization through transformative housing, economic development, transportation and community projects has the potential to bring sensitive receptors, such as residences, closer to sources of pollutant emissions and to increase emissions from traffic on nearby roadways. This section describes the existing air quality of the study area, evaluates the probable air quality impacts of the Proposed Action, and provides recommendations to mitigate potential air quality impacts.

The Existing Conditions section presents the regulatory context for evaluating air quality, describes the pollutants of concern and determines the background concentrations for the pollutants based on air monitoring stations. The section also describes the existing sources of pollutant emissions near the Proposed Action determined by reviewing geographical information systems and state and federal environmental databases.

The Probable Impacts of the Proposed Action section assesses future air quality conditions associated with the Proposed Action. The analysis considers the increases in vehicular emissions due to project-related traffic and estimates concentrations of pollutants in a hotspot analysis to ensure the applicable regulatory thresholds are not exceeded. The evaluation also qualitatively considers potential impacts from construction. The Proposed Mitigation Measures section presents recommendations to minimize the potential air quality impacts associated with the Proposed Action during construction. Supplemental air quality information is included in Appendix I.

3.7.1 Existing Conditions

Existing ambient air quality for the project area has been collected and is summarized in this section of the GEIS. The project area's current status with regard to the National Ambient Air Quality Standards (NAAQS) has been identified. Finally, existing pollutant concentrations have been determined using the State's air monitoring network.

3.7.1.1 Regulatory Context

Six principal air pollutants have been designated by the US Environmental Protection Agency (USEPA) as "criteria" pollutants that are proven detriments to public health. These air pollutants include sulfur dioxide (SO_2), carbon monoxide (CO), ozone (photochemical oxidants), particulate matter less than 10 micrometers (PM_{10}) and less than 2.5 micrometers ($PM_{2.5}$), nitrogen dioxide (NO_2) and lead (Pb). NAAQS have been established for these pollutants.

The 1990 U.S. Clean Air Act Amendments (CAAA) resulted in states being divided into attainment and non-attainment areas, with classifications based upon the severity of their air quality problems. Air quality control regions are classified and divided into one of three categories: attainment, unclassified, or non-attainment

depending upon air quality data and ambient concentrations of pollutants. Attainment areas are regions where ambient concentrations of a pollutant are below the respective NAAQS; non-attainment areas are those where concentrations exceed the NAAQS. An unclassified area is a region where data are insufficient to make a determination and is generally considered as an attainment area for administrative purposes. A single area can be in attainment of the standards for some pollutants while being in non-attainment for others.

Nassau County is designated as a non-attainment area (moderate severity) for the 8-hour ozone standard. Nassau County is designated as either a maintenance or attainment status for the remainder of the pollutants and is no longer subject to the 1-hour ozone standard as of June 15, 2005. The area has been re-designated from a non-attainment area and is currently a maintenance area for CO as of May 20, 2002 and $PM_{2.5}$ (for the 2006 standard) as of April 18, 2014. Nassau County is in "attainment" for all of the remaining criteria pollutants (PM_{10}, Pb, NO_2, and SO_2) for ambient air.

3.7.1.2 Air Quality Standards

The USEPA has established NAAQS that set limits on air pollutants considered harmful to public health. The State of New York has adopted similar standards as those set by the USEPA, with the exception of lead, total suspended particulates (TSP), particulate matter (PM_{10}, $PM_{2.5}$), and hydrocarbons. The respective Federal and State standards are summarized in Table 69. There are no specific local air quality standards for the Village of Westbury and, therefore, the NAAQS are the criteria that the project would need to adhere to.

Carbon Monoxide

CO is a product of incomplete combustion. It is a colorless and odorless gas that prevents the lungs from passing oxygen to the blood stream. Brief exposure to high levels of CO can also impair vision, physical coordination, and the perception of time. According to the USEPA, 60% of CO emissions result from motor vehicle exhaust, while other sources of CO emissions include industrial processes, non-transportation fuel combustion and natural sources (i.e., wildfires). In cities, as much as 95% of CO emissions result from mobile sources.[42]

Ozone: Volatile Organic Compounds (VOCs) and Nitrogen Oxide (NO_X)

VOCs and NO_X are important pollutants because of their role in forming ozone, which is also referred to as photochemical smog. Both of these pollutants are emitted from vehicular sources. VOCs are evaporative emissions from unburned fuel. NO_X, a brownish gas with a pungent odor, is a product of high temperature combustion; it is a pulmonary irritant, and short exposure may increase susceptibility to acute respiratory disease.

[42] Environmental Protection Agency, National Air Quality and Emissions Trends Report, 1999, March 2001.

Particulate Matter

Particulate matter (PM) is a term referring to particles found in the air. Some particles are large enough to be seen as dust, soot, or smoke, while others are too small to be visible. As previously discussed, PM_{10} refers to particulate matter that is 10 micrometers or smaller in size. Similarly, $PM_{2.5}$ refers to particulate matter that is 2.5 micrometers or smaller in size. Small particles can have adverse health effects because of their ability to reach the lower regions of the respiratory tract. Particulate matter comes from a variety of sources. Emissions from highway and non-road vehicles compose approximately 28% of total PM emissions.[43] Fuel combustion in power plants and industrial processes accounts for another five percent of PM. The largest direct source of PM is fugitive dust from paved and unpaved roads, agricultural and forestry activities, wind erosion, wildfires, and managed burning. PM is also formed indirectly in the atmosphere by the reaction of gaseous pollutants, such as NO_X.

[43] Environmental Protection Agency, National Air Quality and Emissions Trends Report, 1999, March 2001.

Table 69 National (Federal) and State of New York Ambient Air Quality Standards

Pollutant	Primary Standards		Secondary Standards	
	Level	Averaging Times	Level	Averaging Times
Carbon Monoxide	9 ppm (10 mg/m^3)	8-hour	None	
	35 ppm (40 mg/m^3)	1-hour		
Lead	0.15 µg/m^3 (1)	Rolling 3-month Average	Same as Primary	
Nitrogen Dioxide	53 ppb(23)	Annual (Arithmetic Mean)	Same as Primary	
	100 ppb	1-hour	None	
Particulate Matter (PM_{10})	150 µg/m^3	24-hour	Same as Primary	
Particulate Matter ($PM_{2.5}$)	12.0 µg/m^3	Annual (Arith. Mean)	15.0 µg/m^3	
	35 µg/m^3	24-hour	Same as Primary	
Ozone	0.07 ppm (2015 std)	8-hour(3)	Same as Primary	
	0.075 ppm (2008 std)	8-hour (3)	Same as Primary	
	0.08 ppm (1997 std)	8-hour (3)	Same as Primary	
Sulfur Oxides	75 ppb(4)	1-hour	3-hour	0.5 ppm (1300 µg/m^3)

(1) In areas designated nonattainment for the Pb standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m3 as a calendar quarter average) also remain in effect.
(2) The level of the annual NO2 standard is 0.053 ppm. It is shown here in terms of ppb for the purposes of clearer comparison to the 1-hour standard level.
(3) Final rule signed October 1, 2015, and effective December 28, 2015. The previous (2008) O3 standards additionally remain in effect in some areas. Revocation of the previous (2008) O3 standards and transitioning to the current (2015) standards would be addressed in the implementation rule for the current standards.
(4) The previous SO2 standards (0.14 ppm 24-hour and 0.03 ppm annual) would additionally remain in effect in certain areas: (1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and (2)any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO2 standards or is not meeting the requirements of a SIP call under the previous SO2 standards (40 CFR 50.4(3)). A SIP call is a USEPA action requiring a state to resubmit all or part of its State Implementation Plan to demonstrate attainment of the required NAAQS.

3.7.1.3 Existing Pollutant Concentrations

NYSDEC maintains an air quality monitoring system that measures and records the concentrations of various air pollutants within the State.[44] These monitoring data were used to assess the existing air quality levels, or background concentrations, in the area. Background concentrations are ambient pollution levels from other stationary, mobile, and area sources.

The project is located in NYSDEC Region 1. The background concentrations of criteria pollutants in the project area were determined using the monitoring data collected at receptor locations closest to the site within Region 1. For those pollutants not monitored in Region 1, their background concentrations were determined using the monitoring data collected at the closest receptor locations to the project site from Region 2 (New York City). The following summarizes the relevant air quality monitoring data for the study area.

A review of the NYSDEC monitoring data indicates that the closest monitoring site to the subject property that monitor CO is the Queens College 2 (Region 2) monitor. The maximum 1-hour and 8-hour (2015 - 2017) CO background concentration is 1.9 ppm and 1.4 ppm, respectively. This existing 1-hour background concentration of CO is approximately five percent of the maximum 1-hour levels of CO allowed by the NAAQS. The existing 8-hour background concentration of CO is approximately 16% of the maximum 8-hour levels of CO allowed by the NAAQS.

The nearest NO_2 monitoring site with complete data is Queens College 2 in Region 2. For NO_2, the average annual arithmetic mean background value is 16.1 ppb for the most recent three years (2015 - 2017). The existing background concentration level of NO_2 represents approximately 30% of the maximum annual concentration of NO_2 allowed by the NAAQS. The 1-hour NO_2, is 59.7 ppb, or 60% of the NAAQS.

For ozone, the closest monitoring site to the subject property is Babylon (Region 1). The average 8-hour ozone background value over the most recent three years of data (2015-2017) is 0.076 ppm, equivalent to 109% of the maximum 2015 8-hour concentration of ozone allowed by NAAQS which is consistent with the nonattainment status. Nassau County is a "Previous Nonattainment Area" which is no longer subject to the 1-hour ozone standard as of June 15, 2005; and, therefore, the 1-hour value is not reported.

For Pb, monitoring site with available data nearest to the subject property is "IS 52" in Region 2. At this receptor location, the maximum rolling three-month average background concentration over the most recent available three years (2015 - 2017) is 0.0061 micrograms per cubic meter ($\mu g/m^3$). This background concentration level of Pb represents approximately four percent of the maximum lead concentration allowed by the NAAQS, well below the standard.

[44] New York State Ambient Air Quality Reports (2013 through 2017), http://www.dec.ny.gov/chemical/8536.html

For PM_{10}, the closest monitoring site to the subject property is Queens College 2 (Region 2). The 2nd highest 24-hour background value for PM_{10} averaged over the most recent three years (2015-2017) is 33 µg/m^3. This existing 24-hour background concentration of PM_{10} is approximately 21% of the maximum 24-hour levels of PM_{10} allowed by the NAAQS.

For $PM_{2.5}$, the closest monitoring site to the subject property using the Federal Reference Method is Babylon (Region 1). The average 24-hour $PM_{2.5}$ background value over the most recent three years of data (2015-2017) is 16.9 µg/m^3. Similarly, the average annual arithmetic mean background value for $PM_{2.5}$ over the most recent three years is 6.8 µg/m^3. The existing 24-hour background concentration level of $PM_{2.5}$ represents approximately 48% of the maximum 24-hour concentration of $PM_{2.5}$ allowed by the NAAQS. Similarly, the existing annual background concentration level of $PM_{2.5}$ is equivalent to approximately 57% of the maximum $PM_{2.5}$ concentration allowed by the NAAQS for a one-year period.

For SO_2, the closest monitoring site to the subject property is Eisenhower Park (Region 1). The average of the 99th percentile 1-hour background value over the most recent three years (2015-2017) for SO_2 is 6.33 ppb, approximately ten percent of the maximum 1-hour concentration levels of SO_2 allowed by the NAAQS. The background concentrations for all criteria air pollutants are summarized in Table 70.

Table 70 Existing Monitored Pollutant Concentrations

Pollutant	Location	Averaging Time	Existing Pollutant Concentration	NAAQS (NYSDEC)	Existing Concentration vs NAAQS(%)
Carbon Monoxide (CO)	Queens College 2	8-Hour	1.4 ppm	9 ppm	16%
	Queens College 2	1-Hour	1.9 ppm	35 ppm	5%
Nitrogen Dioxide (NO_2)	Queens College 2	Annual	16.1 ppb	53 ppb	30%
	Queens College 2	1-Hour	59.7 ppb	100 ppb	60%
Ozone (O_3)	Babylon	8-Hour	0.076 ppm	0.07 ppm	109%
Lead	IS 52	3 Month	0.0061 μg/m³	0.15 μg/m³	4%
Particulate Matter (PM_{10})	Queens College 2	24-Hour	33.0 μg/m³	150 μg/m³	22%
Particulate Matter ($PM_{2.5}$)	Babylon	Annual	6.8 μg/m³	12 μg/m³	57%
	Babylon	24-Hour	16.9 μg/m³	35 μg/m³	48%
Sulfur Dioxide (SO_2)	Eisenhower Park	1-Hour	6.33 ppb	75 ppb	8%

Source: 2017, 2016 and 2015 New York State Ambient Air Quality Reports for Region 1 and Region 2 (http://www.dec.ny.gov/chemical/8536.html).
Notes:
ppm = parts per million
ppb = parts per billion
μg/m³= micrograms per cubic meter

3.7.1.4 Existing Greenhouse Gas Emissions

NYSDEC has issued a policy[45] for the assessment of greenhouse gas (GHG) emissions impacts, which sets forth guidance procedures for Department staff to utilize in reviewing EISs pursuant to SEQRA and its implementing regulations.

According to the NYSDEC policy, there are six main GHGs, including carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). GHG emissions are produced by a variety of sources (e.g., fuel combustion, electricity distribution, refrigerant substitutes, municipal waste), with fuel combustion accounting for approximately 89% of total GHG emissions in New York State (as of 2007, expressed in CO_2 equivalents).[46]

[45] *Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements*. New York State Department of Environmental Conservation. Office of Air, Energy and Climate. July 15, 2009.

[46] New York State Greenhouse Gas Emissions Inventory and Forecasts for the 2009 State Energy Plan. New York State Energy Research and Development Authority. August 06, 2009.

GHGs are not considered by the USEPA to be "criteria pollutants," as discussed above, nor are NAAQS established for same. Similarly, NYSDEC does not establish impact thresholds of significance for GHG emissions for evaluating proposed actions in accordance with SEQRA. However, the NYSDEC's GHG policy provides guidance for reporting GHG emissions associated with a proposed project, where applicable, thereby enabling decision-making agencies to assess GHG emissions impacts associated with a project and to make meaningful quantitative and/or qualitative comparisons of reasonable alternatives in considering a proposed action. The NYSDEC policy also provides a sample inventory of mitigation measures that may be considered for incorporation into a project's design in order to minimize GHG emissions to the maximum extent practicable. According to the NYSDEC's The SEQR Handbook (DRAFT 4th Edition, 2019):

> *Analysis and comparison of energy demands, including means to reduce energy use, within an EIS will enable involved agencies to identify reasonable energy conservation measures in their SEQR findings; by doing so, individual project contributions to GHG emissions can be minimized.* (Page 133)

3.7.1.5 Existing Emissions Sources

Proximate Air Pollution Sources. A review of aerial photography, geographical information systems and environmental databases shows that multiple emission sources exist in the Project Area and nearby. Between Maple Avenue and Union Avenue is a storage yard operated by Stasi Brothers, an asphalt company. The yard has multiple stockpiles of earthen materials that can be a source of fugitive dust due to wind erosion and transfer operations. The LIRR runs through the Project Area, but operations along this portion are electrified meaning there are no local pollutant emissions.

NYSDEC maintains an Environmental Facilities Navigator, which is an interactive online map utility that identifies various facilities of environmental interest, including air emissions sources.[47] According to a review of the Environmental Facilities Navigator (accessed March 2019), no air emissions sources are identified at, or proximate to (i.e., within one-half-mile of) the project area.

The USEPA also maintains a publicly-accessible electronic database of air emissions sources within its Envirofacts Data Warehouse system, known as the Air Facility System (AFS).[48] The AFS contains compliance and permit data for stationary air pollution sources regulated by the USEPA, State, and local agencies. Based upon a review of the AFS data (accessed March 2019), several catalogued air emissions sources are identified as being proximate to (i.e., within one-half-mile of) the project area, including the sources listed in Table 71, operating with minor emissions.

[47] Available at: http://www.dec.ny.gov/gis/facilities/.

[48] Available at https://www.epa.gov/sites/production/files/widgets/ef-afs.html.

Table 71 Proximate Stationary Air Pollution Sources

Facility Name	Address
Village Auto Body Works	248 Winthrop Avenue
Joe's Dry Cleaning	263 Post Avenue
Ozgoy and Al Nargul Inc.	329 Post Avenue
Post Cleaners	317 Post Avenue
Shell Service Station #35-07	615 Union Avenue
Getty #299	481 Union Avenue
Exxon Div of CFI #70321	2 Old Country Road
Exxon Westbury	79 Old Country Road
Sonny's Cleaners of Westbury	586 Old Country Road
Getty #58842	549 Old Country Road
Westbury Top Cleaners Inc.	123 Post Avenue

3.7.2 Probable Impacts of the Proposed Action

The following presents the air quality impacts related to future development based on the RWCDS, in accordance with implementation of the proposed zoning amendments. The analyses include the following:

- Localized (Hot Spot) Mobile Source CO Analysis
- Stationary Source HVAC Assessment
- Greenhouse Gas Assessment
- Construction Activities

As development based on the RWCDS would potentially affect traffic conditions at local intersections, a hot-spot screening was performed according to NYSDOT guidelines. Additionally, a qualitative analysis of potential construction activities that would result from the future development under the Proposed Action was considered, and control measures are recommended to reduce pollutant emissions.

3.7.2.1 Localized (Hot-Spot) Mobile Source CO Analysis

The determination for a required microscale analysis is based on the consideration of various criteria and a screening analysis was conducted to assess the study area intersections. The criteria are described below and follow the USEPA's modeling

guidelines[49] and the NYSDOT Technical Environmental Manual (TEM) guidelines.[50] The study area intersections were assessed for weekday morning and evening peak hour conditions for the year 2033 (Estimated Time of Completion-ETC),[51] 2043 (ETC+10) and 2053 (ETC+20).

Level of Service (LOS) Screening. The first level of screening involves a review of the operations of the intersections. Intersections impacted by a project, with a build Estimated Time of Completion (ETC), ETC+10, and ETC+20 LOS of only A, B, or C, are generally excluded from microscale air quality analysis. Based on this first screening, no intersections in the study area are projected to operate at LOS D or worse under future conditions. As such, the following screenings are provided for informational purposes only, as no microscale air quality analysis is required based on the LOS criteria.

Capture Criteria. Once the LOS screening has been completed the capture criteria are assessed for these intersections and essentially screen for those intersections that experience a 10 percent or greater increase in project-generated traffic volumes between No Action and Build conditions. All study area intersections are expected to experience between zero and six percent increase in traffic, well below a 10 percent increase threshold.

Volume Threshold Screening. If any of the criteria listed above are realized, then a traffic volume threshold should be considered to further determine the need for a microscale air quality analysis. Although none of the intersections are LOS D, E, or F, or pass the 10 percent volume increase threshold under the Capture Criteria, the volume threshold screening was conducted to confirm the intersection screening. The vehicle threshold table (Table 3c of the NYSDOT TEM) tie the volume threshold with emission factors and was utilized for the volume threshold screening. Based on emission factors determined by running the MOVES2014 model, a maximum approach volume of 4,000 vehicles per hour (vph) is the threshold. None of the study area intersections have approach volumes that are projected to exceed 4,000 vph under ETC, ETC+10 or ETC+20 conditions.

Based on the screening assessment, the RWCDS does not meet the applicable thresholds for detailed microscale air quality analysis provided in the NYSDOT TEM. Therefore, no microscale air quality analysis is necessary and no significant adverse impacts are anticipated.

Since no microscale air quality analysis is required, no violations of NAAQS would result from the Proposed Action. This screening confirms that as future development related to the proposed zoning amendments comes on line, no adverse air quality impacts are expected. Under the RWCDS for the project, no significant adverse local

[49] *Guideline for Modeling Carbon Monoxide From Roadway Intersections*, US Environmental Protection Agency, Office of Air Quality Planning and Standards, Technical Support Division; Research Triangle Park, NC; EPA-454/R-92-006 (Revised); September 1995

[50] NYSDOT Environmental Procedures Manual, Chapter 1.1, Environmental Analysis Bureau, Last updated April 2018.

[51] ETC is equivalent to the build year, or the year the build-out is complete.

air quality impacts are projected. The detailed screening is presented in the Appendix I.

3.7.2.2 Stationary Source HVAC Assessment

The stationary source analysis would evaluate the potential emissions related to the HVAC systems associated with the proposed project. Since the Proposed Action involves proposed zoning amendments, the specific details of the HVAC systems of future developments are not known at the time of this assessment. However, it is assumed that during the design process of specific developments, emissions associated with the HVAC systems would adhere to local, state, and federal permitting requirements and incorporate any necessary air emissions controls.

3.7.2.3 Greenhouse Gas Assessment

With the proposed zoning amendments, over time, the Maple Union Triangle Rezoning Area would transition from a mostly industrial area to an area that accommodates transit-oriented development that would leverage the LIRR Expansion Project investment, better connect the LIRR Station to the downtown, and add residential density to support additional commercial activity. The concept of the mixed-use, compact and walkable community (both the Maple Union Triangle and the area of Post Avenue near the LIRR), close to mass transit, such as what is envisioned by the Proposed Action, in and of itself, is expected to reduce energy consumption and reduce greenhouse gas emissions.

While it is premature to discuss all of the specific green technologies and energy conservation measures that would be incorporated into the design of the proposed development, several measures that would be integrated into the overall design include the use of LED lighting throughout future developments, smart HVAC and the optimization of utility use. Other direct and indirect measures that could be employed to conserve energy include: provision of connected sidewalks throughout the study area to facilitate walking amongst the various uses; bicycle storage facilities to encourage biking as an alternative form of transportation; and the use of parking garages and shared parking, which would conserve both energy and land. The proposed zoning amendments would increase connectivity to Maple, Post, Union and Railroad Avenues, as well as the LIRR Station through new and reconfigures roadways, bike routes and pedestrian connections. It is also anticipated to improve landscape and streetscape amenities, through the development incentive bonus system. As noted in the *DRI Plan*, the Village will implement a coordinated set of streetscape improvements along Post Avenue from Northern State Parkway to Old Country Road that includes new trees, benches, and bike racks; and conversion of lighting to LED. These improvements would also be introduced in the Piazza Ernesto Strada which would also conserve energy through the landscaping and the encouragement of other modes of travel.

To the extent practicable, development under the Proposed Action would meet and or exceed the minimum energy requirements in the Village Code and other relevant

compulsory requirements. The final designs for the proposed development would need to demonstrate compliance with local and state building codes.

The following sustainability measures are the types of measures typically considered by builders to achieve reduced energy use and greenhouse emissions, and are encouraged to be incorporated into future development within the Rezoning Areas of the Village. (The measures that are actually incorporated into future development would depend of availability, economics, and other factors.)

Water-conserving Fixtures

- Installation of water-conserving fixtures in all residential units and any common facilities with the following specifications:
  - Toilets – WaterSense-labeled and 1.28 gallons per flush (gpf)
  - Urinals – WaterSense-labeled and 0.5 gpf
  - Showerheads - WaterSense-labeled and 2.0 gallons per minute (gpm)
  - Kitchen faucets – 2.0 gpm; and
  - Lavatory faucets – WaterSense-labeled and 1.5 gpm.
  - Exterior irrigation smart meters/rain sensors
- Harvest, treat, and reuse rainwater where appropriate.

Energy Efficiency

- Heating and cooling equipment sized in accordance with the Air Conditioning Contractors of America (ACCA) Manuals J and S or American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) handbooks.
- Installation of ENERGY STAR appliances; clothes washers, dishwashers and refrigerators.
- High-efficacy lighting controls for all permanently installed lighting fixtures in dwelling units, common spaces and exterior.
- Electric meters integrated into the smart grid.
- Solar or other renewable energy.

Materials

- Low/No VOC Paints, coatings, primers, adhesives, and sealants.
- Building materials that are composed of at least 25 percent post-consumer recycled content or at least 50 percent post-industrial recycled content.
- Where possible, use products that were extracted, processed and manufactured within 500 miles of the subject property for a minimum of 50 percent of the building materials' value.
- Incorporate sustainable materials, such as reclaimed wood, wood from sustainably harvested forests, and locally sourced materials (with a majority of materials within a 500-mile radius of Hicksville).
- High performing wall and glass systems.

- Utilize for at least 25 percent of all structured wood products, by cost or value, Forest Stewardship Council (FSC)-certified, salvaged products, or engineered framing materials without urea formaldehyde.
- Utilize composite wood products that are certified as compliant, with all exposed edges and sides sealed with low-VOC sealants (see above).
- Carpets would not be used in buildings entryways, laundry rooms, bathrooms, kitchens/kitchenettes, utility rooms or any rooms built on foundation slabs. Where installed, use carpet products meeting the Carpet and Rug Institute's Green Label or Green Label plus certification for carpet, pad, and carpet adhesives. Use hard surface flooring products, either ceramic tile or solid unfinished hardwood floors, meeting the Scientific Certification System's FloorScore program criteria (including pre-finished hardwood flooring).
- Bathrooms, kitchens and laundry rooms having durable, cleanable surfaces throughout to reduce their susceptibility to deterioration due to moisture intrusion or the growth of mold.
- Moisture-resistant backing materials such as cement board, fiber cement board, or equivalent, per ASTM #D3273, behind tub/shower enclosures. Projects using one-piece fiberglass tub/shower enclosures are exempt from this requirement.
- Structural materials consisting of reclaimed and recyclable industrial byproducts, such as slag or fly ash, as a substitute for cement, where appropriate.

<u>Healthy Living Environment</u>

- For each dwelling unit, per ASHRAE 62.2- year in effect:
  - a local mechanical exhaust system in each bathroom with ENERGY STAR labeled fan, wired to turn on with the light switch, and equipped with a humidistat, timer or other control
  - a local mechanical exhaust system in each kitchen; and
  - a whole-house mechanical ventilation system.
- Clothes dryers exhausted directly to the outdoors using rigid-type ductwork (except for condensing dryers, which must be plumbed to a drain).
- Specify power-vented or direct vent equipment when installing any new combustion appliance for space or water heating that would be located within the conditioned space. One hard-wired carbon monoxide alarm with battery backup function for each sleeping zone and placed per National Fire Protection Association (NFPA)720.
- Appropriate vapor barriers.
- Prohibit smoking in all buildings and within 25 feet of entries, intakes and operable windows.
- Drainage away from walls, windows and roofs.
- Adequate drainage for water heaters that includes drains or catch pans with drains piped to the exterior of the dwelling.

- Seal all wall, floor, and joint penetrations with low-VOC caulking, or other appropriate sealing methods, to prevent pest entry.
- For the non-residential uses of the project, electrically, the Applicant would be wiring many of the electrical circuits though the Building Management System (BMS). Lighting with the exception of emergency egress lighting, would be provided with automatic controls. Controls would meet the New York State Building Energy Code. Lighting control functions include the following:
  - Time clock on, time clock, without cleanup, interior (no over-ride)
  - Time clock on, time clock, with cleanup, interior (over-ride available)
  - PE cell on, time clock, without cleanup, interior (no over-ride)
  - PE cell on, time clock, with cleanup, interior (over-ride available)
- Control all seasonal receptacles in the same fashion as described above.
- In the vicinity of natural light availability, control lighting equipment by photo sensing equipment (with adjustability) to allow for reduced operational hours.
- At back of house spaces with the exception of electrical rooms install occupancy sensors in lieu of connection to the BMS. Control all back of house service corridor lighting by the BMS.

3.7.2.4 Construction Activities

Construction activities with development resulting from the Proposed Action have the potential to affect air quality because of engine emissions from on-site construction equipment and dust-generating activities such as earth movement, vehicles traveling on unpaved surfaces, and loading/unloading operations. In general, much of the heavy equipment used in construction has diesel-powered engines, which generally produce relatively high levels of nitrogen oxides and fine particulate matter. Construction activities also generate fugitive dust emissions as a result of demolition, excavation, grading, and loading/unloading materials into trucks. To ensure that the construction of future developments result in the lowest feasible diesel particulate and dust related emissions, the following list of measures is recommended for implementation as development within the Rezoning Areas progresses:

- **Fugitive dust control plans** – In compliance with the New York State laws regulating fugitive and visible emissions,[52] contractors should be required to ensure that all trucks carrying loose material use water as a dust suppression measure, that wheel-washing stations be established for all trucks exiting the construction site, that trucks hauling loose material be equipped with tight-fitting tailgates and their loads securely covered prior to leaving the site, that streets adjacent to the site be cleaned as frequently as needed by the construction contractor, and that water sprays be used for all transfer of loose material to

[52] 6 CRR-NY - Chapter III, Air Resources, Subchapter A. Prevention and Control of Air Contamination and Air Pollution

ensure that materials are dampened as necessary to avoid the suspension of dust into the air.

- **Clean Fuel –** Ultra Low Sulfur Diesel (ULSD) would be used exclusively for all diesel engines related to construction activities under the proposed action. This is a federal requirement since 2010, which mandates the use of tailpipe reduction technologies that reduce diesel particulate matter (DPM) and SO_x emissions.
- **Diesel Equipment Reduction –** Hoists and small equipment such as lifts, compressors, welders, and pumps would be expected to use electric engines to the extent feasible based on power availability within the site. This is a common practice that has been experiencing wider use as technology improves. The use of diesel particulate filters (DPF) in Tier 3 diesel engines for construction equipment (model year 2000-2008 or newer) achieves the same emission reductions as a newer Tier 4 engine. Given the timeframe of the developments to be constructed, equipment meeting the more restrictive Tier 4 engine standards (model year 2008–2015 or newer) would be expected to be in wide use and comprise the majority of contractors' fleets.
- **Minimizing pollution from truck waiting areas.** The Construction Manager for each development should establish truck-staging zones for diesel-powered vehicles that are waiting to load or unload material at the contract area. Such zones should be located where the diesel emissions from the trucks would have minimum impact on abutting properties and the general public.
- **Restrictions on Vehicle Idling –** Contractors for each development should comply with the prevailing state law restricting unnecessary idling. Specifically, idling of delivery and/or dump trucks, or other diesel-powered equipment would not be permitted during periods of non-active use, and will be limited to five minutes in accordance with the New York Codes, Rules and Regulations, Subpart 217-3.[53]

3.7.3 Proposed Mitigation Measures

The purpose of this air quality study was to assess whether the future development in accordance with the proposed zoning amendments would comply with the state and federal air quality requirements, and whether it complies with the 1990 Clean Air Act Amendments (CAAA) following the NYSDEC, the NYSDOT, and USEPA policies and procedures. As detailed above, the analyses performed indicate that the development of the RWCDS would not result in any exceedances of applicable air quality standards. As such, no additional mitigation is required, beyond standard measures described above related to construction activities.

In addition, during the design process, emissions associated with the HVAC systems would adhere to local, state, and federal permitting requirements and incorporate any necessary air emissions controls.

[53] New York Codes, Rules and Regulations, Subpart 217-3, "Idling Prohibition for Heavy Duty Vehicles".

The concept of the mixed-use, compact and walkable community, close to mass transit, such as encouraged by the proposed zoning amendments, in and of itself, is expected to reduce energy consumption and reduced greenhouse gas emissions. Building-related-energy and greenhouse gas related efficiencies would be addressed as the design of future development progresses. The final designs would be compliant with local and state building codes and would strive to incorporate energy conservation measures.

3.8 Noise and Vibration

The Proposed Action to support downtown revitalization through transformative housing, economic development, transportation and community projects has the potential to bring noise-and vibration sensitive receptors, such as residences, closer to sources of noise and vibration such as commercial properties and transportation systems. This section describes the existing noise and vibration characteristics of the study area, evaluates the probable noise and vibration impacts of the Proposed Action, and provides recommendations to mitigate potential noise and vibration effects.

The *Existing Conditions* section presents background information on noise and vibration, a summary of applicable regulations, a summary of noise and vibration-sensitive receptors in the Rezoning Area, results from ambient sound monitoring, and sound level predictions according to the United States Housing and Urban Development (HUD) Noise Calculation methodology.

The *Probable Impacts of the Proposed Action* section assesses existing noise and vibration conditions to determine the likelihood that future retail, commercial and residential uses would comply with the Village Noise Ordinance and Zoning Code, state noise policy, and federal regulations and guidance. The *Proposed Mitigation Measures* section presents recommendations to minimize the potential noise and vibration effects associated with the Proposed Action to facilitate future developments including those that seek may HUD funding.

3.8.1 Existing Conditions

3.8.1.1 Noise Background

Noise is defined as unwanted or excessive sound. Sound becomes unwanted when it interferes with normal activities such as sleep, work, or recreation. Noise relates to human annoyance based on several factors including the intensity or level, frequency content and the way sound varies with time as described below:

- Level – Sound levels are most often measured on a logarithmic scale of decibels (dB). As shown in Table 72 the decibel scale compresses the audible acoustic pressure levels which can vary from the threshold of hearing (0 dB) to the threshold of pain (120 dB). Sound levels generally correspond to perceived loudness. Because the sensitivity of human hearing varies with frequency, the A-weighting system is used when measuring environmental sound to provide a single number descriptor (dBA) that correlates with human subjective response.
- Frequency – Sound is comprised of acoustic energy distributed over a range of frequencies. The frequency content of sound is characterized by its tone or pitch and is measured according to the rate of air pressure fluctuations in cycles per second (or Hertz). Pure tones have all their energy concentrated in a narrow frequency range.

- **Variation in Time** – Human response to sound depends on how loud sounds are and how long they last. Because sound levels fluctuate from moment to moment, it is important to characterize the range of levels that exist over a period of time. This is commonly done by using the following sound level metrics:
- **Leq** is the energy-average sound level. The Leq is a single value that is equivalent in sound energy to the fluctuating levels over a period of time. Therefore, the Leq takes into account how loud events are during the period, how long they last, and how many times they occur. Leq is commonly used to describe environmental noise and relates well to human annoyance.
- **DNL** is the day-night average sound level. The DNL is a value that represents the sound level over a 24-hour period with a 10-dB penalty applied to sound that occurs between 10:00 PM and 7:00 AM when people are more sensitive to noise. Similar to Leq, it takes into account how loud events are, how long they last, how many times they occur and whether they occur at night.
- **Lmax** is the maximum instantaneous A-weighted sound level. The Lmax represents the highest sound level generated by a source. For sources that generate relatively constant sound, the Lmax is similar to the Leq. For sources that generate variable or intermittent sound, the Leq is lower than the Lmax.
- **Statistical sound levels** such as L10, L50, L90 describe the sound level which are exceeded for that percent of time during a given time period. For example, the L10 sound level represents the higher end of the range of sound levels since sound only exceeds that level 10% of the time. Conversely, the L90 sound level represents the lower end of the range of sound levels. The ambient statistical sound levels have been measured and reported to characterize the typical range of sound levels that exist in the Rezoning Areas.

Because sound levels are measured in decibels, adding sound levels is not linear. For example, when there are two equal sources of sound added together, the overall level increases 3 dB (e.g., 60 dB plus 60 dB equals 63 dB). Additionally, research indicates the following general relationships between A-weighted sound level and human perception:

- A 3-dB increase is a doubling of acoustic energy and is the threshold of perceptibility to the average person.
- A 10-dB increase is a tenfold increase in acoustic energy but is perceived as a doubling in loudness to the average person.

Table 72 Common Outdoor and Indoor Sound Levels

Outdoor Sound Levels	Sound Pressure (μPa)*		Sound Level (dBA)**	Indoor Sound Levels
Jet Over-Flight at 300 m	6,324,555	-	110	Rock Band at 5 m
		-	105	
Gas Lawn Mower at 1 m	2,000,000	-	100	Inside New York Subway Train
		-	95	
Diesel Truck at 15 m	632,456	-	90	Food Blender at 1 m
		-	85	
Noisy Urban Area—Daytime	200,000	-	80	Garbage Disposal at 1 m
		-	75	Shouting at 1 m
Gas Lawn Mower at 30 m	63,246	-	70	Vacuum Cleaner at 3 m
		-	65	Normal Speech at 1 m
Suburban Commercial Area	20,000	-	60	
		-	55	Quiet Conversation at 1 m
Quiet Urban Area—Daytime	6,325	-	50	Dishwasher Next Room
		-	45	
Quiet Urban Area—Nighttime	2,000	-	40	Empty Theater or Library
		-	35	
Quiet Suburb—Nighttime	632	-	30	Quiet Bedroom at Night
		-	25	Empty Concert Hall
Quiet Rural Area—Nighttime	200	-	20	
		-	15	Broadcast and Recording Studios
Rustling Leaves	63	-	10	
		-	5	
Reference Pressure Level	20	-	0	Threshold of Hearing

Source: *Highway Noise Fundamentals*. Federal Highway Administration, September 1980.

* μPA – MicroPascals, which describe pressure. The pressure level is what sound level monitors measure.

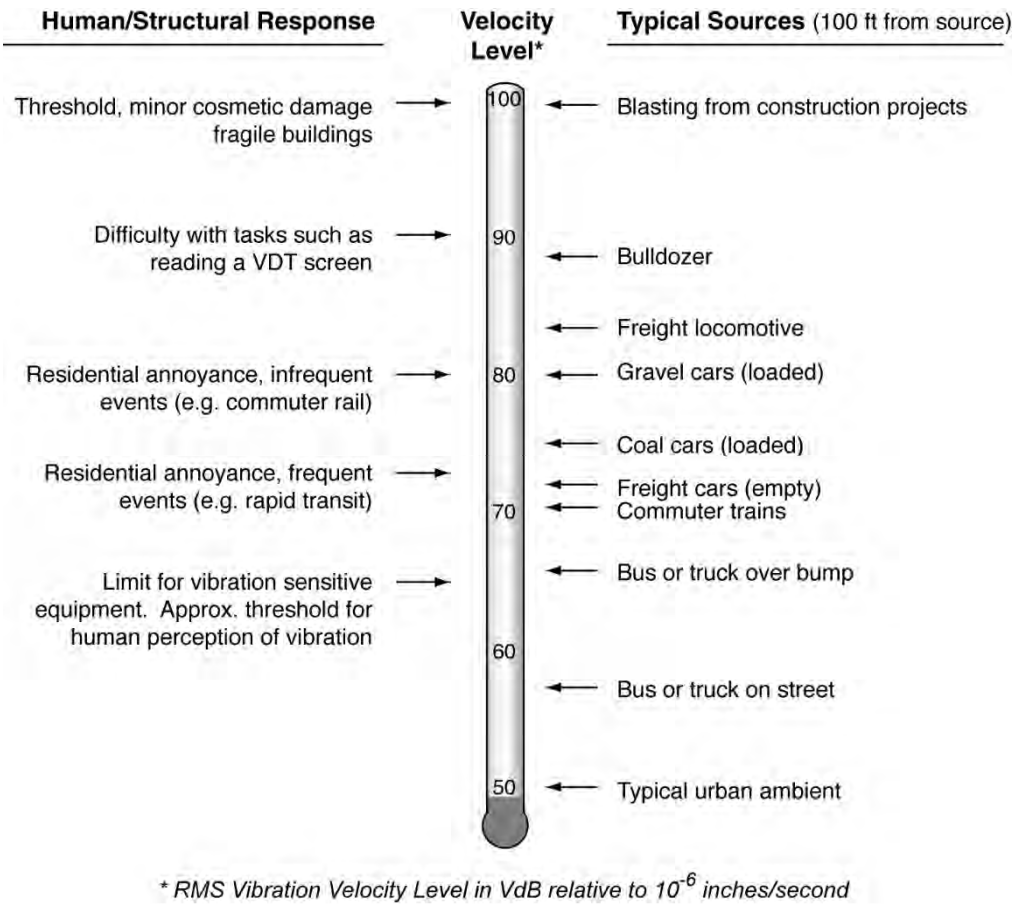
** dBA – A-weighted decibels, which describe pressure logarithmically with respect to 20 μPa (the reference pressure level).

3.8.1.1 Vibration Background

Ground-borne vibration is the oscillatory motion of the ground when forces, such as those from rotating machinery, trucks, or trains, act upon it. Vibration is generated by these sources and then transmitted in to the ground and into adjacent buildings where people may perceive it. When vibration levels reach certain thresholds, it may be perceptible and disturb people. The primary source of existing vibration in the study area is LIRR trains. There is the potential for vibration generated by LIRR trains to affect interior conditions at future developments near the tracks.

Vibration levels are often expressed in decibel notation as "VdB" to differentiate them from sound decibels. Figure 18 presents typical ground-borne vibration velocity levels from transportation and construction sources and the typical human and structural response. As shown in this figure, human annoyance due to vibration from commuter trains generally occurs when interior levels exceed 72 VdB.

Figure 18 Typical Vibration Levels and Human Responses



Source: FTA, 2006.

3.8.1.2 Noise Regulations, Policies and Ordinances

United States Department of Housing and Urban Development

HUD regulates exterior and interior noise conditions for new and redevelopment housing projects which receive certain federal assistance. The HUD Noise Standard is intended to achieve a suitable living environment for new receptors that would result from the proposed action.

Although the Proposed Action does not include any specific developments, developers may seek HUD funding for future developments that would be facilitated by the Proposed Action. Therefore, one goal of this noise impact assessment is to understand the potential for future HUD developments to meet the Noise Standard.

Even for developments that do not seek HUD funding, this is a useful guideline to evaluate interior noise conditions.

The HUD Noise Standard is intended to protect residential receptors from noise levels that cause interference with normal activities, such as sleep and conversation. HUD has an exterior noise standard of 65 dBA Ldn and an interior noise goal of 45 dBA Ldn. Typical building construction is expected to provide 20 decibels of sound attenuation. Therefore, HUD has established the following exterior noise criteria:

- Ambient exterior noise level not exceeding 65 dBA DNL is "Acceptable".
- Ambient exterior noise level between 65 dBA and 75 dBA DNL is "Normally Unacceptable" and an additional 5 to 10 dB of building sound attenuation is typically required.
- Ambient exterior noise level above 75 dBA DNL is considered "Unacceptable" and additional building sound attenuation is typically required according to HUD review on a case-by-case basis
- Noise levels that are *Normally Unacceptable* or *Unacceptable* may cause human annoyance, sleep disturbance, or speech interference. HUD requires developments with *Normally Unacceptable* or *Unacceptable* noise levels to include additional building sound attenuation features to achieve the interior noise goal of 45 dBA DNL.

New York State Department of Transportation

The NYSDOT has a noise policy on how to assess potential highway noise impact in fulfillment of Federal Highway Administration (FHWA) regulations 23 CFR 772. However, this noise policy only applies to highway improvement projects which are approved by the FHWA and where the proposed project would introduce new highways or make substantial improvements to existing highways. Therefore, the NYSDOT noise policy does not apply to the Proposed Action.

New York State Department of Environmental Conservation

The New York State Department of Conservation (NYSDEC) program policy provides guidance on the methods to assess potential noise impact and avoid or reduce adverse impacts (NYSDEC, 2001) from proposed or existing facilities. The NYSDEC policy addresses noise assessments and mitigation for both construction and operation of a proposed Project.

As shown in Table 73, below, the NYSDEC policy includes guidelines for assessing noise impacts and mitigation. If long-term operations due to a proposed project would increase noise by 3 dB or less, there would be a minimal effect in future noise conditions and there is no need for mitigation. Changes in noise less than three dB are typically considered to be imperceptible in most environments. If a project would increase ambient noise levels by 3 to 6 dBA, there is potential for adverse noise impact for the most sensitive receptors, and there may be a need for mitigation. For increases in noise of 6 to 10 dBA, there is a greater potential for impact, and mitigation is generally needed. For increases in ambient noise of 10 dBA or more, mitigation is warranted where reasonable.

When a noise study indicates that a proposed action may result in a significant impact, NYSDEC requires the applicant to implement reasonable and necessary measures to mitigate or eliminate the adverse effects. If a significant adverse impact is identified, in addition to physical mitigation measures, such as reducing sound at the source or installing noise barriers, an applicant should also consider best management practices (BMPs) to reduce noise by means of modifying noise-generating equipment, limiting the time of noisy operations, or relocating noise sources farther away from receptors.

Since construction activities are short-term in relation to operational noise, separate thresholds are generally used to assess construction noise. According to NYSDEC policy, a proposed action should generally not raise ambient sound levels above 65 dBA in non-industrial settings or above 79 dBA in industrial environments. Therefore, given the temporary nature of construction noise, an increase in ambient noise of 10 dBA or more that would increase levels above 65 dBA is considered a reasonable construction noise threshold. Beyond these levels, it is recommended that BMPs be used to minimize the effects of construction noise.

Table 73 NYSDEC Guidelines for Assessing Long-Term Operational Noise Impact and Mitigation

Noise Level Increase	Impact Determination	Need for Mitigation
0 to 3	No impact	None
3 to 6	Potential adverse impact for the most sensitive receptors	Mitigation may be needed for the most sensitive receptors.
6 to 10	Potential adverse impact depending on existing noise level and character of land use	Mitigation is generally needed for most residential receptors.
10 or more	Adverse impact	Mitigation is warranted where reasonable.

Source: Table created based on NYSDEC Program Policy for Assessing and Mitigating Noise, 2001, VHB

The NYSDEC program policy does not supersede any local noise ordinances or regulations.

Village of Westbury Noise Ordinance and Zoning Code

The Village Noise Ordinance (Chapter 168), provides a list of prohibited acts that can generate a noise disturbance. The following are acts that would pertain to the proposed action:

- Construction which creates a noise disturbance is prohibited except between the hours of 7:00 AM and 8:00 PM on weekdays.
- Operation of machinery, equipment, pumps, fans, air conditioning apparatus or other mechanical devices is prohibited in such a manner that creates a noise disturbance.

- Loading and unloading of any materials is prohibited in such a manner that creates a noise disturbance.
- Operation of any device that creates vibration which is above the perception threshold of an individual beyond the property where the source is located.

To enforce these prohibitions, the Village has defined a "noise disturbance" to be the level of sound which either:

- Annoys or disturbs a reasonable person of normal auditory sensitivities;
- Is clearly audible outside the residential, real property boundary from which it originates; or
- Is loud, disturbing, unusual, unreasonable and unnecessary as well as audible outside the structure or real property boundary from which it originates.

The Village Code also limits noise associated with the operation of any nonresidential use. In the Zoning Code, under Section 248-251.3, the Village prohibits the operation of a nonresidential use causing or permitting the intrusion of sound into a residential property in excess of 50 dBA between the hours of 10:00 PM and 7:00 AM on the following day.

3.8.1.3 Noise and Vibration Study Area

As shown in Figure 19 and described in *Zoning, Land Use and Community Character* Section 3.1, the Rezoning Area generally includes businesses, senior housing, parks and recreational, industrial, and Village-owned land uses. Residential land uses including single-family homes, multifamily homes, and apartments are generally just outside the Rezoning Area. Residential land uses are generally more sensitive to noise and vibration since people sleep at these locations and have a greater sensitivity to noise at night. Businesses, industrial, and park and recreational land uses generally have daytime uses and are less sensitive to noise and vibration.

The primary sources of existing noise and vibration include traffic on major roadways such as Post Avenue, Old Country Road, Union Avenue, School Street, Maple Avenue, and Northern State Parkway and trains on the LIRR on the Ronkonkoma and Port Jefferson lines. Trains do not routinely sound their horns at Post Avenue which is grade-separated. Trains do routinely sound their horns at the at-grade crossing at School Street in accordance with Federal Railroad Administration (FRA) regulations that require train engineers to sound their horn up to ¼-mile from crossings for a duration of 15 to 20 seconds. The School Street grade crossing is one of seven street-level crossings along the LIRR mainline that is being eliminated as part of the LIRR Expansion Project from Floral Park to Hicksville.

Aside from the mobile sources described above, there are also stationary sources of noise including typical rooftop mechanical heating, ventilation, and air-conditioning equipment and operations associated with industrial land uses.

3.8.1.4 Noise Measurement Results

Noise measurements were conducted to characterize the existing ambient conditions. The noise monitoring was conducted with an American National Standards Institute (ANSI) Type 1 noise monitor (Larson Davis Model 831). Short-term noise measurements (15-min) were conducted on Thursday, March 14, 2019 and Friday, March 15, 2019. Short-term noise measurements were conducted during the daytime period (11:00 AM to 2:30 PM) and the nighttime period (10:00 PM to 2:00 AM).

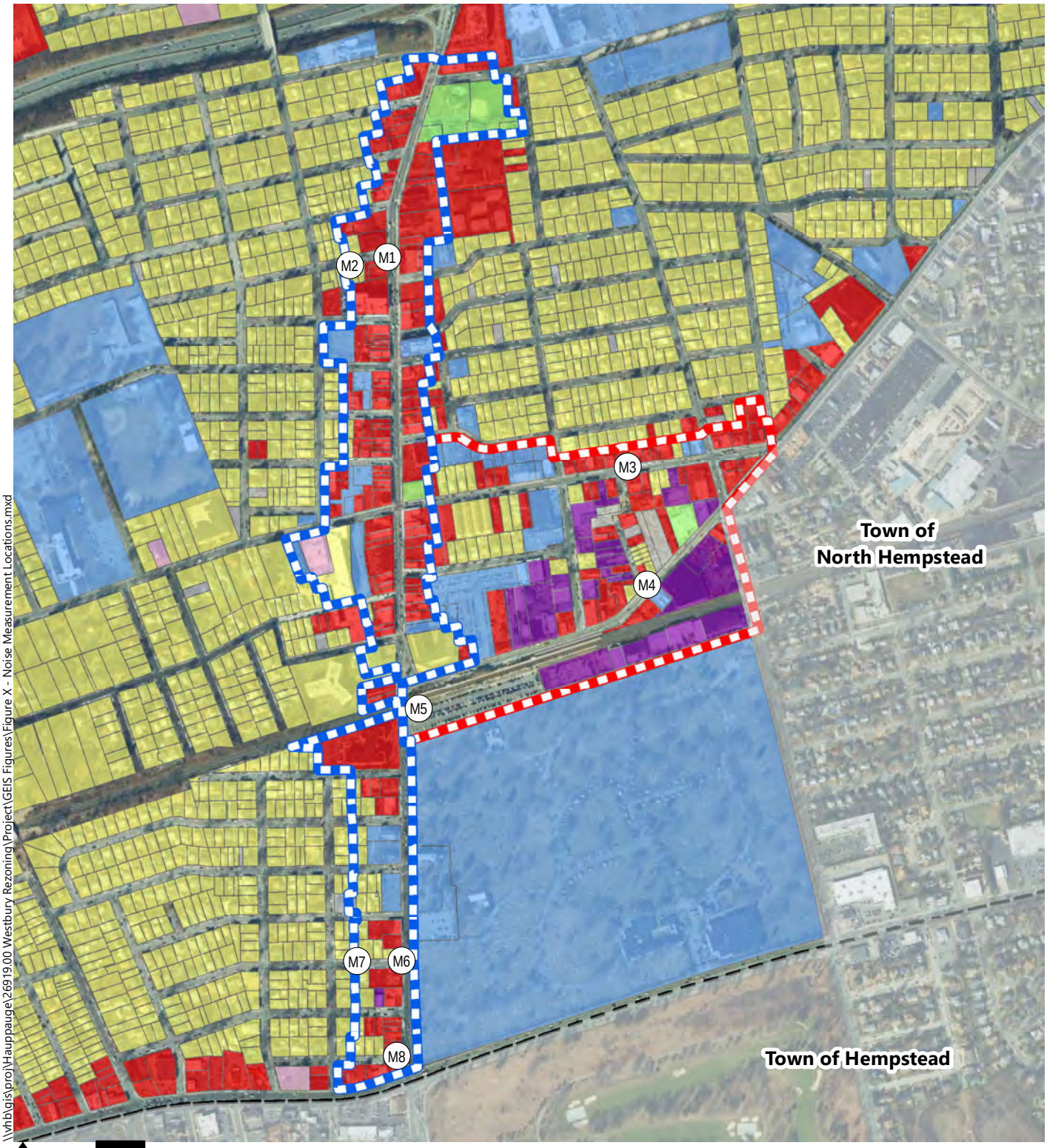
The following describes the eight short-term noise measurement locations (see Figure 19). All sound level meters were located at a height of five feet above ground. The predominant source of ambient sound was traffic on local roadways for all measurement locations and the LIRR for locations near the tracks. Table 74 below summarizes the noise measurement results at each site including the equivalent sound level (Leq), the maximum sound level (Lmax), three statistical measures (L10, L50, and L90), the minimum sound level (Lmin), and the estimated day-night sound level (DNL).

This table shows that Leq sound levels ranged from 54.1 to 74.8 dBA during the daytime and 48.9 to 66.6 dBA during the nighttime. Sound levels were quieter during the nighttime compared to the daytime at all locations. Estimated DNL sound levels ranged from 58.0 dBA to 74.7 dBA. DNL sound levels exceed currently 65 dBA at six of the eight locations. The quietest locations were on Bedford Avenue and Lewis Avenue which were setback from Post Avenue. The loudest locations were at Maple Avenue and Union Avenue/Sullivan Lane which were located on busy roads near heavy commercial/industrial activity.

Table 74 Existing Noise Measurement Results

Site	Location	Measurement Period	DNL (dBA)[1]	Leq (dBA)	Lmax (dBA)	L10 (dBA)	L50 (dBA)	L90 (dBA)	Lmin (dBA)
M1	Post Ave and Lewis Ave	Daytime	72.4	71.2	94.4	71.1	65.8	56.9	48.6
		Nighttime		63.9	76.2	68.3	59.2	50.4	47.2
M2	Post Ave and Lewis Ave (Setback)	Daytime	58.9	59.0	75.0	61.7	51.1	47.3	43.8
		Nighttime		48.9	65.6	51.4	47.4	44.6	43.2
M3	Maple Ave	Daytime	74.7	74.8	95.5	75.5	66.6	57.2	52.1
		Nighttime		64.6	83.9	66.9	51.7	47.8	45.9
M4	Union Ave and Sullivan Ln	Daytime	74.2	71.6	84.7	75.3	66.9	56.5	50.8
		Nighttime		66.6	81.2	71.2	54.1	49.6	48.0
M5	LIRR	Daytime	70.9	65.7	82.0	68.5	62.6	55.8	51.7
		Nighttime		64.2	82.2	64.0	55.0	49.8	47.7
M6	Bedford Ave	Daytime	69.9	70.0	80.6	73.2	68.6	60.1	53.5
		Nighttime		59.8	76.6	62.9	51.7	48.7	46.9
M7	Bedford Ave (Setback)	Daytime	58.0	54.1	68.3	55.5	51.9	49.8	47.9
		Nighttime		51.0	68.5	52.6	47.6	45.3	42.7
M8	Bedford Ave and Myrtle Ave	Daytime	70.5	68.7	81.6	70.8	67.2	63.0	59.3
		Nighttime		62.4	76.4	65.0	59.7	54.3	51.2

Source: VHB, 2019.
1. DNL estimated from Leq values measured at each site during the daytime and nighttime measurement periods.



\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Noise Measurement Locations.mxd

0 250 500 1000 Feet

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Noise Measurement Site Map
Incorporated Village of Westbury
Nassau County, New York

M0 Noise Measurement Sites
Post Avenue Rezoning Area
Maple Union Triangle Rezoning Area

Land Uses
Commercial
Community Services and Facilities
Industrial
Utilities
Recreation and Open Space
Residential
Vacant

Sources: NYS Office of Information Techology Services, GIS Program Office

3.8.1.5 HUD Noise Analysis

The HUD Noise Standard is applied by modeling typical day-night average sound levels including major roadways (10,000 ADT or greater) within 1,000 feet, railroads within 3,000 feet and airports within 15 miles. Noise measurements are typically only used for HUD noise assessments where the site is borderline, questionable, or controversial.

As described in Section 3.6, *Transportation and Parking* Section, existing traffic data for major roadways was obtained from New York State Department of Transportation automated traffic recorder and classification count reports. Traffic data used in the noise assessment includes volumes, speeds, percentage of medium and heavy trucks, and day/night split. Traffic speeds are 30 mph on these roads and the percentage of medium and heavy trucks typically ranges from 3 to 5%.

Train operations on the LIRR were obtained from the most recent posted LIRR schedule for the Ronkonkoma and Port Jefferson lines. There is a total of 212 train operations per day with approximately 25% of them occurring at night (10:00 p.m. to 7:00 a.m.). The station provides service for 12 transit trips during the a.m. peak and 8 transit trips during the p.m. peak

Airports within 15 miles of the study area include JFK International Airport (11.3 miles), LaGuardia International Airport (14.2 miles), and Republic Airport (8.6 miles). Based on the most recent airport noise exposure maps,[54] the study area is well outside the 65 dBA DNL contours.

Table 75 presents the results of the HUD noise assessment for major roadways in the study area and LIRR trains at distances of 30 to 500 feet from the centerline of the source. The DNL sound levels at distances of 100 feet and farther from the sources have been adjusted for the insertion loss provided by intervening buildings. The insertion loss of buildings ranges from 10 dBA at locations 100 feet from the source to 14 dBA at locations 500 feet from the source.

Existing noise levels 30 feet from major roadway centerlines, which is approximately the closest building setback distance, range from 70.7 to 76.4 dBA. At a distance of 30 feet from the LIRR tracks, existing noise levels are 82.8 dBA and 92.0 dBA DNL without and with train horns, respectively.

Existing noise levels 50 feet from major roadways range from 67.3 to 73.1 dBA DNL which does not include any noise reduction from intervening buildings. At 100 feet setback from roadways, existing noise levels range from 52.6 to 58.4 dBA DNL.

Existing noise levels near the LIRR tracks, not including the School Street crossing area, are generally 6 to 12 dBA louder than locations near major roadways at the same distance. Noise levels along the LIRR corridor near the School Street grade

[54] John J. Kennedy International Airport, Final 14 CFR Part 150 Noise Exposure Map Report, April 2017.
LaGuardia Airport, Final 14 CFR Park 150 Noise Exposure Map Report, March 2017.
Republic Airport, Proposed Sheltair Development, Working papers: Existing Conditions: Noise, Forecast of Future Aircraft Activity Levels, Future Noise Impact, Understanding Aircraft Sound and Its Measurement, Aircraft Noise Consequences Runway 1/19 Relocation, Sheltair Projected Activity Levels, February 2009.

crossing are approximately 9 dBA louder due to the sounding of train horns compared to the locations where trains do not sound their horns.

Table 75 Existing HUD Noise Levels

		Day-night Sound Level (DNL) at Distance from Source Centerline							
Source Type	**Location**	**30 feet**	**50 feet**	**100 feet[1]**	**150 feet[1]**	**200 feet[1]**	**300 feet[1]**	**400 feet[1]**	**500 feet[1]**
Traffic	Post Avenue (North of Union)	**72.4**	**69.1**	54.4	51.6	49.3	45.6	42.7	40.0
Traffic	Post Avenue (South of Union)	**73.8**	**70.4**	55.7	52.9	50.6	47.0	44.0	41.3
Traffic	Union Avenue (West of School Street)	**73.0**	**69.7**	55.0	52.1	49.9	46.2	43.3	40.6
Traffic	Union Avenue (East of School Street)	**76.4**	**73.1**	58.4	55.5	53.3	49.6	46.6	44.0
Traffic	School Street	**71.6**	**68.3**	53.5	50.7	48.4	44.8	41.8	39.2
Traffic	Old Country Road	**76.4**	**73.1**	58.3	55.5	53.2	49.6	46.6	44.0
Traffic	Maple Avenue	**70.7**	**67.3**	52.6	49.8	47.5	43.9	40.9	38.2
Trains	LIRR Corridor (No Horns)	**82.8**	**79.5**	64.8	61.9	59.7	56.0	53.0	50.4
Trains	LIRR (With Horns, Near School Street)	**92.0**	**88.7**	**74.0**	**71.1**	**68.8**	**65.2**	62.2	59.6

Source: VHB, 2019.
Bold values indicate sound levels are Marginally Unacceptable (65 to 75 DNL) or Unacceptable (Greater than 75 DNL).
1. DNL levels 100 feet or farther back from source include 10 to 14 dBA of insertion loss from intervening buildings.

3.8.1.1 Existing Vibration Conditions

The primary source of existing vibration in the study area is LIRR trains. There is the potential for vibration generated by LIRR trains to affect interior conditions at future developments near the tracks. Based on the Federal Transit Administration (FTA) generalized ground-borne vibration curves[55] the maximum exterior vibration level from locomotive-powered trains at 50 mph is typically 85 VdB. Masonry buildings will generally attenuate vibration to the interior by approximately 7 to 13 VdB depending on their mass and design. Therefore, without vibration attenuation features to the tracks or buildings, vibration levels inside masonry buildings 50 feet from the tracks will generally range from 72 to 78 VdB which approaches or exceeds the thresholds for human perception and annoyance.

3.8.2 Probable Impacts of the Proposed Action

Future potential development based on the RWCDS would result in new sources of noise that may affect existing receptors in the Rezoning Areas. Additionally, new residential receptors resulting from potential future construction within the Rezoning Areas may be introduced in high noise and vibration environments (e.g., proximate to the LIRR station). This section presents the results of the noise and

[55] Federal Transit Administration, "Transit Noise and Vibration Impact Assessment Manual", FTA Report No. 0123, September 2018.

vibration impact assessment according to relevant guidelines, ordinances and regulations.

Sections 3.8.2.1 and 3.8.2.2 consider the potential for future development in accordance with the Proposed Action to cause stationary or mobile source noise impacts on existing receptors in the Rezoning Areas. Section 3.8.2.1 considers the potential for new sensitive receptors resulting from potential future construction within the Rezoning Areas to experience sound levels above HUD guidelines and perceptible vibration levels. Section 3.8.2.2 provides an assessment of potential construction noise from future development projects resulting from the adoption of the proposed zoning amendments.

3.8.2.1 Project Stationary Source Noise

Stationary sources (such as heating, ventilation, and air conditioning [HVAC] equipment) are already present at existing buildings in the study area. The Proposed Action is anticipated to reduce commercial and industrial land uses and increase residential land uses. Generally, stationary sources associated with residential land uses are less intensive than commercial and industrial uses.

Redeveloped sites within the Rezoning Areas, including residential and mixed-use buildings, are not anticipated to include any substantial stationary source noise generators outside of typical HVAC equipment or life-safety emergency generators used on similar developments. The design and specifications for the mechanical equipment, such as HVAC systems, to be used at future developments are not known at this time. As a developments' design advances, mechanical equipment would be selected that must incorporate sufficient noise reduction to comply with applicable noise regulations and standards, including the standards contained in the Village of Westbury Noise Ordinance and Zoning Code and the NYSDEC noise impact criteria. This would ensure that mechanical equipment does not result in any significant increases in noise levels by itself or cumulatively with other project noise sources.

It is standard practice to reduce potential impacts associated with HVAC equipment through a development's design process. Rooftop mechanical equipment would generally be shielded by the edge of the roof for receptors on the ground-level and first and second floors of nearby buildings. As needed, additional sound attenuation features would be incorporated into the mechanical design such as specifying low-noise equipment, adding sound attenuation packages to the equipment such as using quieter fans and adding acoustic absorption to the equipment enclosures, and rooftop parapet barriers or barriers near the equipment.

3.8.2.2 Project Mobile Source Noise

Noise modeling was conducted to estimate the increase in traffic noise that would occur as a result of implementation of the Proposed Action by comparing the Existing, No Action and With Action traffic volumes. The increase in noise was determined using proportional modeling where the increase in sound levels is proportional to the increase in traffic volumes. Although the percentage of vehicles

which are trucks in the With Action Alternative may be lower than Existing conditions or the No-Action Alternative because there would be substantially more residential developments, the analysis has conservatively assumed that traffic speeds and the mix of vehicle types (i.e. cars and trucks) would be similar among the three scenarios, meaning the change in traffic noise levels may be slightly overpredicted with the With-Action Alternative. When traffic volumes double, that would result in an increase of 3 dBA (Leq). If traffic volumes were to quadruple, that would result in an increase of 6 dBA (Leq). Small changes in traffic would result in small changes in noise.

The Proposed Action is expected to result in the greatest increases in traffic during the morning weekday and evening weekday time periods. Table 76 presents the Existing, No Action and With Action traffic volumes at seven study area intersections and the incremental change in traffic volumes and traffic noise using the RWCDS. This table shows that in the With Action scenario, traffic volumes throughout the study area intersections would increase by up to 103 vehicles from the No Action condition,[56] depending on the peak hour period and the specific intersection. The increases in traffic volumes are relatively minor compared to existing traffic on the roadway network. Sound level increases in the No Action scenario are expected to be up to 0.9 dBA due to background growth under existing zoning (which includes more commercial and industrial development than in the With Action condition) and other projects affecting roadways in the transportation study area. Sound level increases associated with future development within the Rezoning Areas in accordance with the RWCDS are expected to be 0.2 dBA or less. The maximum sound level increase of 0.2 dBA occurs at multiple intersections during both the morning and afternoon peak hour period. These small increases in sound levels, which are much less than 3 dBA, would not be perceptible. Therefore, there would be no perceptible change in traffic noise and no significant adverse noise impact due to mobile sources.

[56] Represents the potential increase in traffic volumes at the intersection of Post Avenue at Railroad Avenue during the Afternoon peak hour period.

Table 76 Proportional Traffic Noise Analysis

Intersection	Existing Traffic (Total		2033 No Action Traffic (Total Volume)		Traffic Volume Increase (No Action -		Noise Increase (dBA) (No Action -		2033 With Action Traffic (Total		Traffic Volume Increase (With Action – No		Noise Increase (dBA) (With Action – No	
	AM[1]	PM[2]	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Post Avenue at Railroad Avenue	1522	1926	1813	2285	291	359	0.8	0.7	1894	2388	81	103	0.2	0.2
Post Avenue at Union Avenue	1520	1928	1799	2276	279	348	0.7	0.7	1867	2359	68	83	0.2	0.2
Post Avenue at Scally Place	955	1251	1176	1528	221	277	0.9	0.9	1218	1585	42	57	0.2	0.2
Post Avenue at Maple Avenue	1533	2098	1857	2524	324	426	0.8	0.8	1884	2539	27	15	0.1	0.0
Maple Avenue at School Street	798	1251	956	1458	158	207	0.8	0.7	949	1438	-7	-20	0.0	-0.1
Union Avenue at School Street	1270	1595	1574	1934	304	339	0.9	0.8	1620	2008	46	74	0.1	0.2

Source: VHB, 2019.
[1] Morning Peak is the morning period that coincides with heavy traffic volumes, generally occurring between 7 AM and 9 AM.
[2] Afternoon Peak is the afternoon period that coincides with heavy traffic volumes, generally occurring between 4 PM and 6 PM.

3.8.2.1 Noise and Vibration Environment of New Developments

The proposed zoning amendments have been designed to introduce new residences and noise-sensitive receptors into the study area. This section provides an estimation of future sound levels in accordance with HUD guidelines to determine where mitigation may be recommended for the new residential development. The section also considers vibration from the LIRR.

The existing HUD noise levels presented in Table 75 were used as a basis to estimate future HUD noise at the time redevelopment occurs within the Rezoning Areas. These future HUD noise levels are presented in Table 77. Sound level increases due to increased traffic on the roadways were determined using the proportional modeling results presented in Table 76. The peak hour increases in sound levels were conservatively applied to DNL values presented in Table 75.

When development occurs within the Rezoning Areas, the existing at-grade rail crossing at School Street will have been converted to a grade-separated crossing. Under this condition, trains will no longer need to sound their horns at the crossing. The "with horns" sound levels in the existing HUD noise levels would no longer be applicable to the study area and only the "no horns" levels would apply. This results in a substantial decrease in noise levels for receptors near the LIRR compared to the existing condition.

Table 77 Future HUD Noise Levels

		Day-night Sound Level (DNL) at Distance from Source Centerline							
Source Type	**Location**	**30 feet**	**50 feet**	**100 feet[1]**	**150 feet[1]**	**200 feet[1]**	**300 feet[1]**	**400 feet[1]**	**500 feet[1]**
Traffic	Post Avenue (North of Union)	**73.5**	**70.2**	55.5	52.7	50.4	46.7	43.8	41.1
Traffic	Post Avenue (South of Union)	**74.7**	**71.3**	56.6	53.8	51.5	47.9	44.9	42.2
Traffic	Union Avenue (West of School Street)	**74.1**	**70.8**	56.1	53.2	51.0	47.3	44.4	41.7
Traffic	Union Avenue (East of School Street)	**77.5**	**74.2**	59.5	56.6	54.4	50.7	47.7	45.1
Traffic	School Street	**72.7**	**69.4**	54.6	51.8	49.5	45.9	42.9	40.3
Traffic	Old Country Road	**77.3**	**74.0**	59.2	56.4	54.1	50.5	47.5	44.9
Traffic	Maple Avenue	**71.6**	**68.2**	53.5	50.7	48.4	44.8	41.8	39.1
Trains	LIRR Corridor (No Horns)	**82.8**	**79.5**	64.8	61.9	59.7	56.0	53.0	50.4

Source: VHB, 2019.
Bold values indicate sound levels are Marginally Unacceptable (65 to 75 DNL) or Unacceptable (Greater than 75 DNL).
1. DNL levels 100 feet or farther back from source include 10 to 14 dBA of insertion loss from intervening buildings.

For development sites which are closest to the roadway centerlines along Post Avenue, Union Avenue (west of School Street), School Street, and Maple Avenue, approximately 30 to 50 feet away, future noise levels are considered to be *Normally Unacceptable* according to the HUD Noise Standard because they are between 65 and 75 DNL. Future noise levels are considered to be *Unacceptable* according to the HUD Noise Standard approximately 30 feet from the roadway or track centerline

along Union Avenue (east of School Street), Old Country Road, and the LIRR corridor (without horns). Future noise levels are considered to be *Normally Unacceptable* approximately 50 feet from the roadway centerline along Union Avenue (east of School Street) and Old Country Road. Sound levels for all sources of noise at 100 feet and beyond are considered *Acceptable* according to the HUD Noise Standard.

For developers that pursue HUD funding for their projects, a HUD noise assessment would be required. For developers that do not pursue HUD funding, it is not necessary to meet the HUD Noise Standard; however, it is still a useful guideline for maintaining appropriate exterior and interior noise conditions.

HUD noise assessments may need to include the contribution of noise from more than one of the sources presented in Table 77 depending on its location. Additionally, the assessment would need to be based on the most recent traffic conditions and train operations available at the time of the study. For HUD-funded noise-sensitive developments (particularly residential developments) that would be located at distances where *Normally Unacceptable* sound levels are anticipated to occur, sound attenuation features are required reduce interior sound levels by 25 dBA (for exterior sound levels between 65 and 70 dBA) or by 30 dBA (for exterior sound levels between 70 and 75 dBA). For developments where there would be *Unacceptable* sound levels, mitigation measures are required to reduce interior sound levels to the interior noise goal according to HUD review on a case-by-case basis. Typical mitigation measures are discussed in Section 3.8.3.1. Developments not receiving HUD funding are not required to provide mitigation, but should consider adopting the HUD requirements in order to provide a suitable interior noise environment.

The Proposed Action would not affect the number or characteristics of trains operating on the LIRR. Future vibration levels would be the same as existing vibration levels as presented in Section 3.8.1.1. Without vibration attenuation features to the tracks or buildings, vibration levels inside masonry buildings 50 feet from the tracks generally range from 72 to 78 VdB which approaches or exceeds the thresholds for human perception and annoyance. The un-related LIRR Third Track project would introduce new tracks which may be closer to new or existing receptors but would not affect the distance to potential vibration effects. Vibration-sensitive developments that would be located within 50 feet of the LIRR should consider adopting mitigation measures to attenuate vibration. Some of these measures are discussed in Section 3.8.3.1.

3.8.2.2 Construction Assessment

The potential for noise impacts due to construction activities would depend upon the phase of construction, the type, amount and location of construction equipment and the amount of time it operates over a workday. Potential future construction within the Rezoning Areas would likely include site excavation, foundation, steel and concrete erection, mechanical and interior fit out. Truck traffic associated with excavation operations would be limited to public access roads that currently

experience bus and truck traffic. Truck routes would be established to avoid secondary roadways and residential areas.

Specific construction equipment and methods for these future developments have not been defined at this time. Table 78 presents the typical (i.e., not necessarily proposed) construction equipment that is used during excavation and foundations/structure erection phases of such developments. This table presents the maximum sound level at 50 feet from each piece of equipment, the utilization factor (which is a measure of how often the equipment is operating throughout the day) and whether the equipment is included in each phase of construction.

The equipment reference noise levels are based on the Federal Highway Administration's Roadway Construction Noise Model database which is a standard model used for the expected projects of this size and nature. The equivalent sound level (Leq) at 50 feet, which includes contributions from all construction equipment, would range from 87 to 90 dBA at 50 feet. At farther distances, construction noise would be reduced by approximately 7.5 dBA per distance doubling, not including noise reduction due to intervening objects like buildings. Therefore, construction noise at 100 feet would range from 80 to 83 dBA and at 200 feet would range from 73 to 76 dBA without any intervening buildings.

Table 78 Construction Noise Predictions

Equipment	Lmax at 50 feet (dBA)	Utilization Factor	Construction Phase	
			Excavation	Foundation and Structure
Air Compressor	80	40%		Yes
Backhoe	80	40%	Yes	
Concrete Mixer	85	40%		
Excavator	85	40%	Yes	Yes
Grader	85	40%		Yes
Hoe Ram	90	20%	Yes	
Paver	85	50%		
Dump Truck	84	40%	Yes	Yes
Sheet Pile Driving	95	20%		Yes
		Leq at 50 feet	**87 dBA**	**90 dBA**
		Leq at 100 feet	**80 dBA**	**83 dBA**
		Leq at 200 feet	**73 dBA**	**76 dBA**

Source: VHB, 2019.

Potential future construction at within the Rezoning Areas would comply with the Village of Westbury Noise Ordinance. Construction activity which creates a noise disturbance under the Noise Ordinance would be prohibited except between the hours of 7:00 AM and 8:00 PM on weekdays. Examples of construction noise best management practices (BMPs) are presented in Section 3.8.3.2.

3.8.3 Proposed Mitigation Measures

Although no significant adverse noise impacts as a result of the Proposed Action were identified, certain measures may help minimize noise and vibration associated with development under the Proposed Action. These potential measures are identified for both potential future construction and operations within the Rezoning Areas.

3.8.3.1 Operational Mitigation

The following mitigation measures are recommended during operations of potential future development within the Rezoning Areas.

- Developments to be constructed within the Rezoning Areas should incorporate noise compatible planning measures where feasible and appropriate. Examples of such measures are:
  - Acoustical Site Planning- Outdoor areas of recreational use such as patios, pools or balconies should be located on the side of building opposite of a noise source (such as a roadway or train tracks). This can also be applied to rooms within a building, where bedrooms are located on the side of building opposite of the noise source.
- The existing Village of Westbury Zoning Code specifies that non-residential uses cannot create noise that exceeds 50 dBA at residential property line between the hours of 10:00 PM and 7:00 AM on the following day. As the Proposed Action would increase the potential for mixed use development, these sound level requirements could be expanded to include a mix of receiver and emitter land uses and both daytime and nighttime periods. This would enhance the noise environment for all parcels during the entire day.
- Noise generated by stationary source equipment should be designed to comply with the Village of Westbury Noise Ordinance and Zoning Code (as described in Section 3.8.1.2) and should be located to maximize potential shielding from rooftops, parapet walls and other intervening structures. As needed, additional sound attenuation features should be incorporated into the mechanical design such as specifying low-noise equipment, adding sound attenuation packages to the equipment such as using quieter fans and adding acoustic absorption to the equipment enclosures.
- Potential future development projects including residential uses located near arterial roadways or the LIRR must provide attenuation to achieve the HUD recognized interior guidelines[57] or provide noise assessment to determine potential impact with respect to a site/use specific project and an appropriate level of attenuation. Potential future development projects may reference Table 77 to determine their potential for impact under the HUD guidelines. Examples of such attenuation measures include:

[57] "The Noise Guidebook" U.S. Department of Housing and Urban Development. March 2009.

- Elevate residential uses in the building above ground-floor retail or commercial space, to increase the distance between the residences and the roadways or train tracks.
- Increase sound attenuating characteristics of the building façade by reducing window to wall ratio, using improved glazing and using denser wall materials. Overall wall sections should provide a high enough Sound Transmission Class (STC) to reduce interior sound to acceptable levels of 45 dBA Ldn.

› Potential future developments located sufficiently close to the LIRR such that vibration levels may approach or exceed the thresholds for human perception and annoyance should consider the adoption of mitigation measures. Such mitigation measures may include:
  - Elevate residential uses in the building to increase the distance between the residences and the train tracks.
  - Using vibration dampening bearings to isolate the building from vibration emanating from the tracks.

3.8.3.2 Construction Mitigation

As assessed in Table 78, typical construction noise may range from 87 to 90 dBA at 50 feet and 80 to 83 dBA at 100 feet depending on the equipment being used. Construction noise BMPs are recommended to minimize the potential for impact. The following are typical BMPs that can be effective in reducing construction noise:

› Replacing back-up alarms with strobes, as allowed within OSHA regulations, to eliminate the annoying impulsive sound.

› Assuring that equipment is functioning properly and is equipped with mufflers and other noise-reducing features.

› Locating especially noisy equipment as far from sensitive receptors as possible.

› Using quieter construction equipment and methods, as feasible, such as smaller backhoes and excavators.

› Maintaining equipment to avoid louder operation associated with mechanical issues.

› Using path noise control measures such as portable enclosures for small equipment (i.e. jackhammers and saws).

› Building portable noise walls around construction areas to reduce noise.

› Limiting the periods of time when construction may occur is a common approach to minimizing impact. Adhering to the time of day restrictions in the Village of Westbury Noise Code would minimize impact to existing residences.

› Maintaining strong communication and public outreach with adjacent neighbors is a critical step in minimizing impact. Providing project abutters information about the time and nature of construction activities can often minimize the effects of construction noise.

3.9 Soils and Topography

This section of the DGEIS discusses the existing soils and topographic conditions of the Rezoning Areas. The suitability of the soils (stability, quality, etc.) and potential engineering limitations for future site alterations and projected uses is examined. An evaluation of the potential impacts to soils and topography and strategies to minimize such impacts is presented and a description of the measures that would be implemented to mitigate potential impacts from erosion and off-site sediment transport during future construction is provided herein. This section also discusses the changes in topography that could result from future construction activities and provides a discussion of potential erosion and sedimentation control measures.

3.9.1 Existing Conditions

3.9.1.1 Soils

According to the *Soil Survey of Nassau County, New York* (USDA, 1987) (hereinafter "*Soil Survey*"), soils are classified according to distinct characteristics and placed (according to these characteristics) into "series" and "mapping units." A "series" is a group of mapping units formed from particular disintegrated and partly weathered rocks that lie approximately parallel to the surface and that are similar in arrangement and differentiating characteristics such as color, structure, reaction, consistency, mineralogical composition and chemical composition. "Mapping units" differ from each other according to slope, and may differ according to characteristics such as texture.

According to the *Soil* Survey, the predominant soils within the Post Avenue Rezoning Area are classified and described as:

- Urban land (Ug) – nearly level or gently sloping areas that are covered by buildings, roads and sidewalks on plains and low hills
- Urban land-Hempstead complex (Uh) – urbanized areas that are very deep, well drained soils
- Urban land-Mineola complex (Um) – urbanized areas that are very deep, well drained soils
- Urban land-Riverhead complex (UrA), zero to three percent slopes – urbanized areas that are very deep, well drained soils

Generally, the northern portion of the Post Avenue Rezoning Area consists of Uh and UrA soils, the central portion of the Post Avenue Rezoning Area consists of Ug soils, and the southern portion of the Post Avenue Rezoning Area consists of Uh and Um soils. Based on these classifications, all of the soils in the Post Avenue Rezoning Area have been previously disturbed and are now considered urban land and, as such, the likelihood of original soils existing within the Post Avenue Rezoning Area is unlikely.

Since the soils, for the most part, have been previously disturbed and developed, engineering and planning limitations for the majority of soils within the Post Avenue Rezoning Area are not defined by the *Soil Survey*. The one exception are the UrA soils, which have slight to moderate impacts for streets and parking lots, lawns and landscapes, dwellings without basements and small commercial buildings, mainly due to frost action.

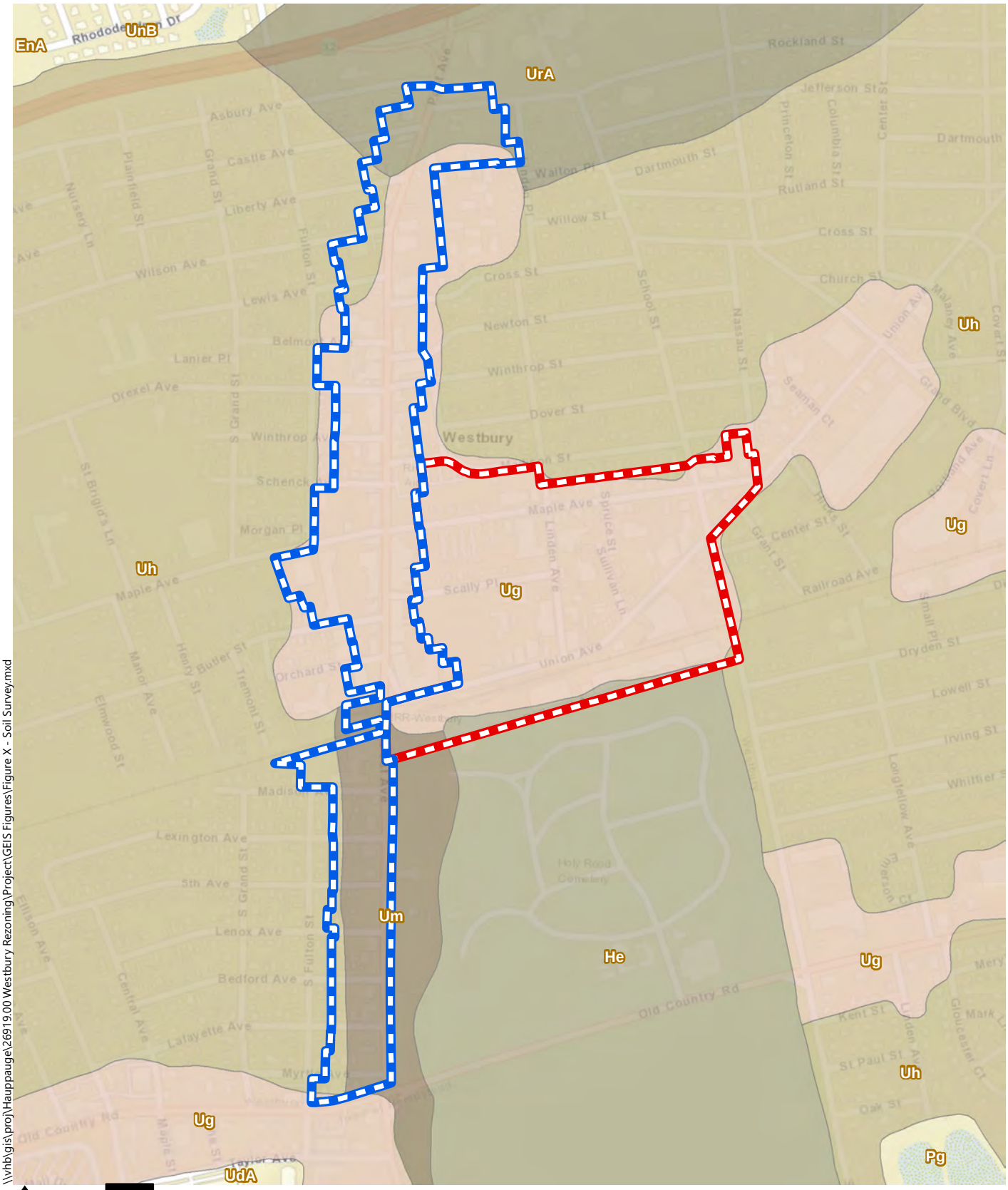
According to the *Soil* Survey, the predominant soils within the Maple-Union Triangle Rezoning Area are classified and described as:

- Hempstead silt loam (He) – nearly level or gently sloping, very deep, well drained soils
- Urban land (Ug) – nearly level or gently sloping areas that are covered by buildings, roads and sidewalks on plains and low hills
- Urban land-Hempstead complex (Uh) – urbanized areas that are very deep, well drained soils
- Urban land-Mineola complex (Um) – urbanized areas that are very deep, well drained soils

The Maple Union Rezoning Triangle Area consists predominantly of Ug soils; the northern portion of the Maple Union Rezoning Area contains a nominal amount of Uh soils, while the southern portion of the Maple Union Rezoning Area, south of the LIRR tracks, consists of a mix of He, Uh, and UM soils.

Similar to the Post Avenue Rezoning Area, a majority of the Maple Union Triangle Rezoning Area has been previously disturbed and developed for buildings and roads, including those areas consisting of He soils, which have also been disturbed and developed. Therefore, the likelihood of the original soils existing within the Maple Union Triangle Rezoning Area is unlikely, as demonstrated by the "Urban land" category found throughout the rezoning area. As previously indicated, limitations for "Urban land" are not defined since the soils underlying the sites have been previously disturbed; however, the He soil type has only moderate limitations due to frost action.

As can be seen by the foregoing information, soils in both the Rezoning Areas previously have been disturbed and developed and generally do not hinder development. However, as indicated in the *Soil Survey*, "the objective of soil mapping is not to delineate pure taxonomic classes of soils, but rather to separate the landscape into segments that have similar use and management requirements." Therefore, due to the generalities of the above-described mapping units, and the potential for actual on-site soils to differ from the *Soil Survey*, preliminary on-site investigations would be required to characterize and describe specific engineering and planning limitations of soils on individual properties within both Rezoning Areas.



\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Soil Survey.mxd

0 250 500 1000 Feet

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Post Avenue Rezoning Area

Maple Union Triangle Rezoning Area

Soil Classifications

Hempstead silt loam (He), 0 to 3 percent slopes

Urban land (Ug)

Urban land Hempstead complex (Uh)

Urban land Mineola complex (Um)

Urban land Riverhead complex (UrA)

Soil Survey

Incorporated Village of Westbury
Nassau County, New York

Source Info: NYS Office of Information Technology Services GIS Program Office, NY Statewide Digital Orthoimagery Program & Village of Westbury, USDA Soil Survey SSURGO

3.9.1.2 Topography

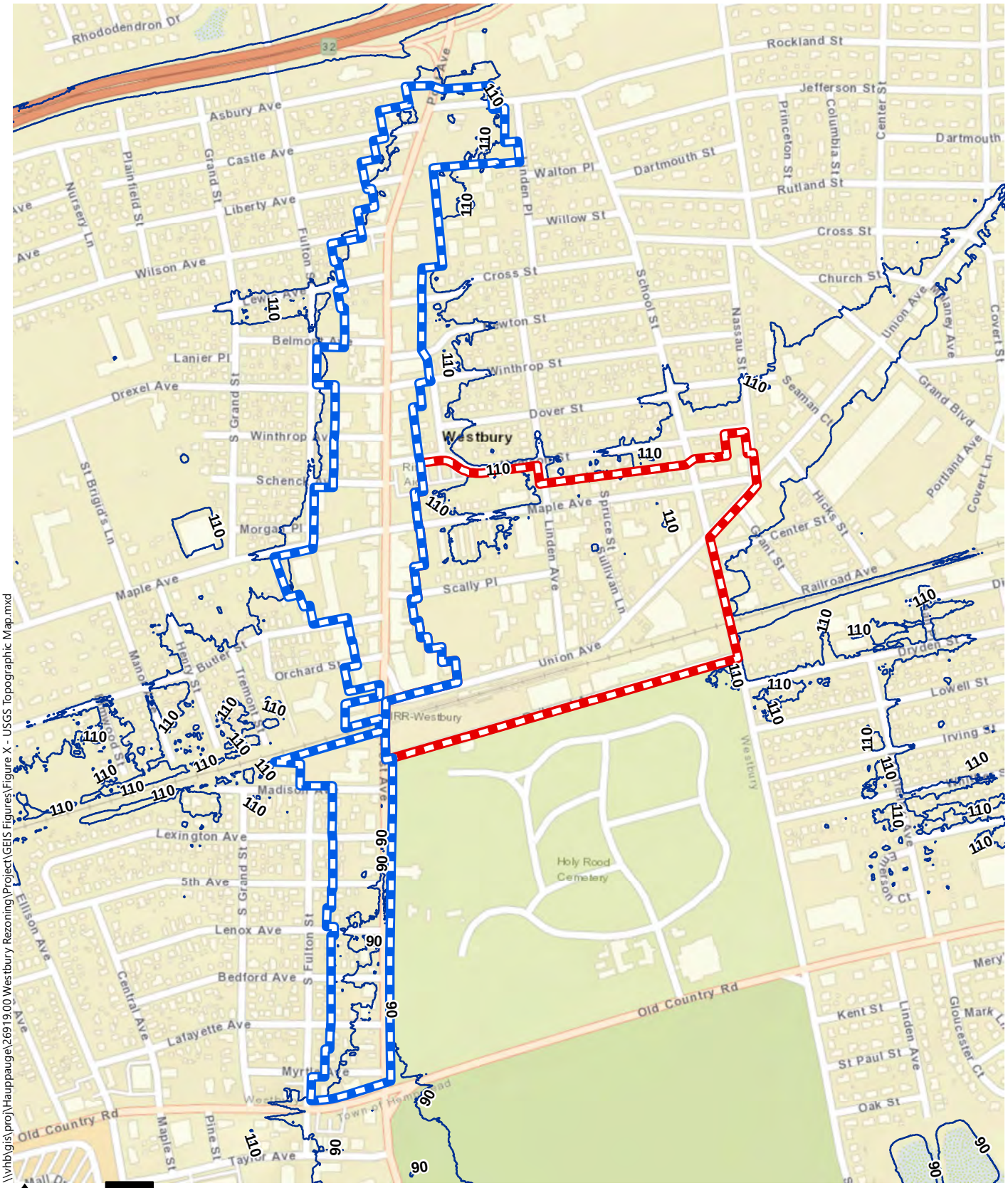
Based on a review of publicly available USGS elevation data,[58] topography within the Post Avenue Rezoning Area ranges from approximately 85 feet above mean sea level (amsl) (NAVD88)[59] to approximately 115 feet amsl, increasing from the Rezoning Area's southern boundary near Old Country Road to its northern boundary, just south of the Northern State Parkway. Although a majority of the topography along Post Avenue can be defined as gently sloping (i.e., areas where topography remains relatively flat), instances of more moderate slopes within the Post Avenue Rezoning Area are evident in areas west of Post Avenue, proximate to residential uses south of the LIRR tracks (e.g., Madison Avenue, Lexington Avenue, and 5th Street).

Topography within the Maple Union Triangle Rezoning Area ranges from approximately 90 feet amsl to 115 feet amsl, generally increasing in elevation to the north and south of Union Avenue, which is among the areas of lowest elevation within the Rezoning Area. There is also a significant increase in elevation proximate to the LIRR tracks, from 98± feet along the roadway (i.e., Union Avenue to the north, and a municipal parking area to the south) to 106± feet amsl at the LIRR tracks, which has raised platforms both north and south of the tracks (Figure 21).

Overall, the topographic conditions of the Rezoning Areas are not significant contributing factors to the character of the Village.

[58] Nassau County 2-foot contours based on USGS Long Island 2014 LiDAR Collection.

[59] North American Vertical Datum of 1988. A vertical datum is a surface of zero elevation to which heights of various points are referred in order that those heights be in a consistent system. More broadly, a vertical datum is the entire system of the zero-elevation surface and methods of determining heights relative to that surface. In 1993, NAVD 88 was affirmed as the official vertical datum in the National Spatial Reference System (NSRS) for the Conterminous United States and Alaska (https://www.ngs.noaa.gov/datums/vertical/).



\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - USGS Topographic Map.mxd

0 250 500 1000 Feet

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Post Avenue Rezoning Area

Maple Union Triangle Rezoning Area

10-Foot Contours

USGS Topographic Map

Incorporated Village of Westbury

Nassau County, New York

Source Info: NYS Office of Information Technology Services GIS Program Office, NY Statewide Digital Orthoimagery Program, New York State Clearinghouse

3.9.2 Probable Impacts of the Proposed Action

As discussed in Section 3.9.1 above, virtually all soils within the Rezoning Areas have been previously disturbed and developed for buildings and roads. Nonetheless, future redevelopment of sites within the Rezoning Areas in accordance with the proposed zoning amendments may result in additional disturbance of soils for foundation excavation, utility installation, grading, paving and landscaping. Except for the He soil type, which has been identified on properties within the Maple Union Triangle Rezoning Area, these urban land complex soils are mapped in areas that are currently developed with buildings, roads, driveways, parking lots and other manmade structures, as is characteristic of a majority of the Rezoning Areas. As indicated above, there are only slight engineering limitations associated with the redevelopment of properties within the Rezoning Areas containing these soils, with the exception of UrA soils in the Post Avenue Rezoning Area and He soils in the Maple Union Triangle Rezoning Area, which have moderate development limitations for streets and parking lots due to associated frost action and wetness. Frost action and seasonal wetness limit excavation as substratum layers could be very firm and contain boulders.

Based on the soil characteristics and the planning and engineering limitations defined in the *Soil Survey*, it is not anticipated that redevelopment within the Rezoning Areas would have significant adverse soil impacts. Notwithstanding same, due to the generalities and the potential for actual on-site soils to differ from the *Soil Survey*, actual on-site investigations and mitigation measures, as necessary, would be required for future site-specific development applications.

Moreover, all redevelopment within the Rezoning Areas would be subject to Chapter 213, *Stormwater Management* [and Erosion and Sediment Control], of the Village Code, and the requirements of a Stormwater Pollution Prevention Plan (SWPPP), which is required under Chapter 213 of the Village Code. Dust control measures would also be required to address dry and/or windy periods. The appropriate methods of dust control would be determined by the surfaces affected (i.e., roadways or disturbed areas) and would include, as necessary, the application of water with spray adhesives, the use of stone in construction roads, and vegetative cover, among others. Refer to Section 3.11 of this DGEIS, for a more detailed summary of the Villages' erosion and sedimentation control standards.

Implementation of the Proposed Action would increase the density of residential tenants and commercial businesses in the Rezoning Areas, thus increasing the number of future residents and tenants with the potential to be exposed to possible soil vapor impacts related to soil vapor intrusion within future buildings, as described in Section 3.10.

Topography

As indicated above, topography within the Post Avenue Rezoning Area ranges from approximately 85 feet amsl to 115 feet amsl, increasing from the Rezoning Area's southern boundary near Old Country Road to its northern boundary, just south of the Northern State Parkway. Topography within the Maple Union Triangle Rezoning

Area ranges from approximately 90 feet amsl to 115 feet amsl, generally increasing in elevation to the north and south of Union Avenue, which is among the areas of lowest elevation within the Rezoning Area.

However, as indicated throughout this analysis, the Rezoning Areas have almost entirely been disturbed and developed for buildings and roads, and existing topography would not hinder future development projects. As with any typical development project, the disturbance of soils (as described above) and the grading of land would be expected. Since the topography along the Rezoning Areas is relatively flat with gentle to moderate slopes, as discussed above, existing topographic conditions would not be expected to limit the potential development of individual sites within either Rezoning Area.

Based on the foregoing analysis, no significant adverse impacts to soils or topography are anticipated as a result of the implementation of the Proposed Action.

3.9.3 Proposed Mitigation Measures

In order to ensure that there would be no significant adverse impacts to soils or topography upon future development of individual properties within the Rezoning Areas, the following measures will be employed:

- An on-site investigation shall be undertaken to augment the information available in the *Soil Survey*, to better define the site-specific soil properties for each such project, and to assist in identifying appropriate measures to minimize potential impacts with respect to soils and topography.
- Properties identified as having the potential for soil vapor intrusion are required to prepare a Phase I ESA and conduct a Tier 1 vapor encroachment screen, as described in Section 3.10.3 of this DGEIS.
- Properties proposed for redevelopment would be required to implement proper erosion and sedimentation controls, in accordance with Chapter 213 of the Village Code.
- Properties proposed for redevelopment would be required to have a dust control plan for implementing dust control measures during dry or windy periods. The appropriate methods of dust control would be determined by the surfaces affected (e.g., roadways or disturbed areas) and would include, the use of stone (or other appropriate materials) on construction entrances and, as necessary, the application of water or adhesive materials, limitation of time of exposure of disturbed areas, use of tarpaulins or similar materials for covering of stockpiles, and the installation vegetative cover as soon as possible after soil disturbance and exposure.

3.10 Hazardous Materials

The Proposed Action to support downtown revitalization has the potential to expose those involved in redevelopment activities, as well as future site occupants, to soil, groundwater and soil vapor which may be impacted with hazardous and non-hazardous materials. In addition, the Proposed Action has the potential to create additional impacts to human health and the environment. This section describes the existing hazardous materials present within the Rezoning Area, assesses the impact of the Proposed Action with respect to hazardous materials and presents recommendations to mitigate hazardous materials impacts to human health and the environment.

The Existing Conditions section presents background information on existing hazardous materials which may be present in the Rezoning Areas, based upon a review of available environmental databases, historic aerial photographs and historical Sanborn maps. The Probable Impacts of the Proposed Action section assesses the pathways by which those involved in redevelopment activities and future site occupants may be exposed to existing site impacts. This section also assesses hazardous materials which may be introduced to the Rezoning Areas as a result of the Proposed Action. The Proposed Mitigation Measures section presents recommendations to minimize impacts to human health and the environment with respect to hazardous materials to facilitate future development of the Rezoning Areas.

3.10.1 Existing Conditions

Based upon a review of historical aerial photographs and Sanborn maps provided by EDR, the Rezoning Areas have consisted of densely developed residential, commercial and industrial uses since prior to 1910. Current and historical uses have included, but are not limited to, residential dwellings, hotels, a fire department, automotive repair and gasoline service stations, paint shops, various commercial businesses, coal storage yards, a railroad, dry cleaning facilities, contractor yards, greenhouses, religious institutions, restaurants, funeral homes, and various industrial businesses. Underground storage tanks (USTs) and chemical storage areas are depicted on numerous properties within the Rezoning Areas.

EDR was also retained to provide a computerized database search of the Rezoning Areas. The database output was reviewed to determine if properties within these areas appear on any of the regulatory agency lists. Based upon a review of the EDR database report, numerous properties within the Rezoning Areas appear on federal and state database listings. Approximately 50 properties were identified on the NYSPILLS and LTANKS databases due to reported chemical and petroleum spill incidents and/or leaking underground storage tanks (USTs) or leaking aboveground storage tanks (ASTs). Approximately 18 sites within the Rezoning Areas were identified as registered with USTs and/or ASTs. Four active and five historic dry cleaning facilities and 14 active and/or historic automotive service stations were identified in the EDR database report. In addition, approximately 25 properties which

currently or historically generated hazardous wastes were identified throughout the Rezoning areas. These sites are located north of Madison Avenue, with the exception of a gasoline service station located at the southernmost portion of the Rezoning areas.

In addition to the above, several sites within the Rezoning areas were identified on databases specifically related to the presence or potential presence of hazardous materials. These sites are described below and are organized according to the database on which they appear.

3.10.1.1 Superfund Enterprise Management System (SEMS)

The SEMS database contains information on potentially hazardous waste sites that have been reported to the United States Environmental Protection Agency (USEPA) by States, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The SEMS database contains sites which are either proposed to, or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL. This database was formerly known as the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) until renamed to SEMS by the USEPA in 2015. One site within the project area was identified on the SEMS database. Bartlett Tree Company, located at 345 Union Avenue, is identified as a No Further Remedial Action Planned (NFRAP) site which does not qualify for listing on the NPL. Further information is provided under this site's associated New York State Hazardous Waste Sites (SHWS) database listing, below.

3.10.1.2 Resource Conservation and Recovery Act (RCRA) CORRACTS Facilities (CORRACTS)

The CORRACTS database identifies hazardous waste handler sites with previous RCRA corrective action. One property located within the project area was identified on the CORRACTS database, as summarized below:

- Vishay General Semiconductor, Inc, located at 172 Spruce Street. This former semiconductor and device manufacturing facility was subject to corrective action in 1994 and was assigned a low corrective action priority.

3.10.1.3 New York State Hazardous Waste Sites (SHWS)

The SHWS database is the State's equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup would be paid for by potentially responsible parties. Three properties in the study area were identified on the SHWS and are summarized as follows:

- Quality Cleaners, located at 179 School Street. This site is a dry cleaning facility located in a strip mall along the eastern boundary of the Maple Union Triangle Rezoning Area and is identified as a Class P (potential) SHWS. According to the

EDR database report, dry cleaning has been conducted at this site since the mid1980s. Depth to water beneath this site is approximately 35 feet below grade surface (bgs) and flows to the south-southwest. This site was added to the SHWS database in 2017 and further information is pending.

- Bartlett Tree Company, located at 345 Union Avenue. Soil and groundwater beneath this site were determined to contain concentrations of various pesticides above acceptable NYSDEC thresholds. Approximately 438 tons of contaminated soil were removed from the site. Remedial activities are considered complete with current soils meeting NYSDEC commercial and/or Protection of Groundwater Soil Cleanup Objectives. Low level concentrations of pesticides were reported in groundwater samples collected in 2016. Contact with soil and groundwater contamination may occur if the site is redeveloped. In addition, although soil vapor intrusion is not currently impacting the on-site building, the EDR database indicates that the potential exists for soil vapor intrusion in on-site building development and that off-site vapor intrusion has not been investigated. This site is considered properly closed but requires continued management.
- 123 Post Avenue. Dry cleaning operations have been conducted at this site since at least the 1950s. This property is identified as a significant threat to human health and the environment and is currently being managed as two operable units; one for on-site impacts and one for off-site groundwater. Depth to groundwater beneath this site is approximately 35 feet bgs and flows to the south-southwest. Site investigation activities have determined that on-site soils are contaminated with concentrations of tetrachloroethene, trichloroethene and dichloroethane at concentrations of up to 190,000 micrograms per kilogram (ug/kg) and these constituents are present in on-site groundwater. Tetrachloroethene was detected in soil vapor and indoor air samples. Off-site groundwater was determined to be impacted with the aforementioned volatile organic compounds (VOCs) at concentrations of up to 5,000 ug/l. Between October 2011 and March 2013, oxidants were injected into the groundwater which reduced the groundwater contaminants to approximately 800 ug/l, which exceeds the NYSDEC groundwater standard of 5 ug/l and the groundwater plume was determined to extend at least 1,800 feet downgradient of the site. A soil vapor extraction system in in operation to reduce the impact of soil vapor intrusion in several adjacent homes and businesses.

3.10.1.4 Solid Waste Facilities/Landfill Sites (SWF/LF)

The SWF/LF records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. One site within the project area was identified on this database. Stasi Brothers Asphalt Corp, located at 422 Maple Avenue, is identified as an active construction and demolition (C&D) processing facility and is permitted to accept rock, concrete, sand and clean soil.

Based upon the information provided above, hazardous and non-hazardous wastes have historically been and are currently present on properties within the Rezoning Areas. Subsurface soil, groundwater and soil vapor impacts have been confirmed to

be present on several of these sites, as discussed above. In addition, based upon current and historical usage, there is a potential for soil, groundwater and soil vapor impacts to be present on many of the properties within the Rezoning Areas.

3.10.2 Probable Impacts of the Proposed Action

This section assesses the pathways by which those involved in redevelopment activities and future site occupants may be exposed to existing site impacts. It also assesses potential hazardous materials that may be introduced to the Rezoning Areas as a result of the future development associated with the Proposed Action.

During future redevelopment activities, it is assumed that the installation of USTs/ASTs, chemical storage, etc. would be conducted in accordance with all applicable local, state and federal regulations. In addition, as the Proposed Action discontinues two of the Village's industrial zone districts (Industry and Light Industry) adjacent to the LIRR Station and replaces the zoning in this area with a new mixed-use TOD zone (that does not permit industrial uses), the potential for future industrial facilities to be present that may utilize hazardous chemicals is eliminated. Thus, the Proposed Action would decrease the existing and future potential presence of hazardous materials, particularly within the Maple Union Triangle Rezoning Area, related to industrial facilities. This would decrease the potential for future adverse impacts to the environment. As such, impacts with respect to hazardous materials as the result of the Proposed Action would be limited to the exposure of those involved in redevelopment activities and future site occupants to hazardous materials which exist due to current and historic property usage.

As previously indicated, soil, groundwater and soil vapor within the Rezoning Areas have the potential to be impacted as the result of current and historic property uses. The areas to the north of Madison Avenue and the gasoline service station and surrounding properties located at the southernmost portion of the Rezoning Areas have the highest potential for existing contamination to be present. Those involved in the redevelopment activities, such as on-site construction crews, have the potential to come in contact with impacted soils, groundwater and soil vapor. Further, during demolition and/or renovation activities, on-site workers have the potential to be exposed to lead-based paint (LBP), asbestos-containing materials (ACM) and mold/mildew. In addition, as the Proposed Action would increase the density of residential tenants and commercial businesses, future residents and tenants have the potential to be exposed to soil vapor impacts related to soil vapor intrusion within future buildings.

3.10.3 Proposed Mitigation Measures

At a minimum, a Phase I Environmental Site Assessment (ESA) should be completed for each site in the project area prior to redevelopment activities. The Phase I ESA should be completed in accordance with American Society for Testing and Materials (ASTM) Practice E1527-13, inclusive of the United States Environmental Protection Agency (USEPA) "All Appropriate Inquiry" requirement amended in the Federal

Register on December 30, 2013. The USEPA "All Appropriate Inquiry" requirement establishes specific regulatory requirements for conducting appropriate inquiries into the previous ownership, uses, and environmental conditions of a property for the purposes of qualifying for certain landowner liability protections under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The Phase I ESA should determine evidence of recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), historic recognized environmental conditions (HRECs) and/or business environmental risks (BERs) in association with the site.

Based on the existing site conditions of the Rezoning Areas discussed in Section 3.10.1, the Phase I ESA should include a Tier 1 vapor encroachment screen (VES) in accordance with ASTM E2600-10 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions. The ASTM E2600-10 guidance provides, "…practical guidance and a useful process for conducting a vapor encroachment screen (VES) on a property parcel involved in a real estate transaction in the United States of America with respect to chemicals of concern (COC) that may migrate as vapors onto a property as a result of contaminated soil and groundwater on or near the property." The goal of the VES, as established by the ASTM E2600-10 is to, "...identify a vapor encroachment condition (VEC) which is the presence of likely presence of COC vapors in the sub-surface of the target property caused by the release of vapors from contaminated soil or groundwater either on or near the target property…" In addition, it is recommended that the Phase I ESA also include an evaluation of non-scope considerations including the potential presence of LBP, ACM, and mold/mildew in order to determine the potential exposure of future on-site workers and site occupants.

The Phase I ESA should be submitted to the Village for review. In the event that the Phase I ESA identifies the potential presence of contaminants in soil, groundwater and/or soil vapor at the site, a Phase II ESA is required to determine the presence or absence of contamination in subsurface soils, groundwater and soil vapor as it relates to potential exposure to on-site workers and site occupants as the result of redevelopment activities. The report summarizing the Phase II ESA activities and laboratory analytical results must also be submitted to the Village for review. During the Phase II ESA, if evidence of contamination is identified which warrants notification to the New York State Department of Environmental Conservation (NYSDEC) Spills division, the condition should be reported in accordance with prevailing regulations.

The Village may wish to engage an environmental consultant to peer review the received Phase I ESA and Phase II ESA to verify the findings and conclusions presented.

Tank removal activities required to facilitate redevelopment activities must be conducted in accordance with all applicable regulations, and the Nassau County Department of Health should be notified prior to removal activities, if required.

Remediation of identified contamination may be necessary to mitigate existing conditions and prevent exposure of future site occupants to impacted soil, groundwater and/or soil vapor. Remedial activities must be conducted in accordance with all applicable standards and with oversight of required agencies. The standards and agency involvement would be specific to the site conditions identified. Where soil vapor impacts are identified, mitigation measures must be conducted in accordance with New York State Department of Health (NYSDOH) guidance and may include routine soil vapor and/or indoor air monitoring, installation of a soil vapor barrier, and/or the installation of a sub-slab depressurization system.

It should be noted that redevelopment of portions of the Rezoning Area, specifically related to those sites identified in Section 3.10.1 above and sites with active NYSDEC Spill and LTANKS incidents, would likely require coordination with the NYSDEC. Where NYSDEC involvement is required, proof of coordination with this agency must be provided to the Village in order to verify that the impacted media and exposure pathways are being mitigated appropriately.

Identified LBP and asbestos must be handled in accordance with prevailing regulations to mitigate exposure of on-site workers and future site occupants, as well as impacts to the environment. Abatement of ACM would likely be required prior to any demolition activities. LBP abatement is unlikely to be required during demolition activities, but may be required during renovation activities.

A site-specific Health and Safety Plan (HASP) and/or Construction HASP (CHASP) which includes a description of the known and potential contaminants and exposure pathways must be prepared for all redevelopment activities. The HASP/CHASP should include mitigation measures to minimize the potential exposure of on-site workers.

3.11 Water Resources

This section of the DGEIS addresses regional and local hydrogeological conditions and water quality. Information regarding the groundwater quality, elevation and flow direction is included in this section of the DGEIS. Additionally, existing and post-development drainage conditions and stormwater management measures are evaluated. Impacts to overall water resources are analyzed herein and proposed mitigation measures are presented at the end of this section.

3.11.1 Existing Conditions

3.11.1.1 Groundwater

Long Island is considered a sole source aquifer region, which means that groundwater is the single source of potable water supply. Thus, land uses have the potential to impact the quality of the water supply.

There are three major aquifers under Long Island: Upper Glacial, Magothy and Lloyd. The Upper Glacial and Magothy aquifers are the primary water supply sources for most of Long Island. Historically, suburbanization has caused contamination in areas of the Upper Glacial aquifer, since it is closest to the land surface.

Depth to Groundwater and Flow Direction

Groundwater flow on Long Island is characterized by a groundwater divide, extending east-west along its length. To the north of the groundwater divide, horizontal groundwater flow is generally to the north; in areas south of the divide, flow is toward the south. Review of the April-May 2016 United States Geological Survey (USGS) *Geospatial Dataset of Water-Table and Potentiometric-Surface Altitudes in the Upper Glacial, Magothy, and Lloyd Aquifers beneath Long Island, New York* (the "USGS publication") indicates that the regional groundwater flow direction beneath the Rezoning Areas is generally to the south-southwest, as the Village is located south of the groundwater divide.

Furthermore, review of the USGS Long Island Depth to Water Viewer (2013) indicates that depth to groundwater along Post Avenue, between Maple Avenue and Old County Road, and along Union Avenue, between Post Avenue and Seaman Court, ranges from 11 feet bgs to 20 feet bgs. In certain areas along the southern portion of the Post Avenue Rezoning Area, proximate to Old County Road, depth to groundwater is as shallow as 11± feet bgs (Figure 22). Review of the *Urbanization and Recharge in the Vicinity of East Meadow Brook, Nassau County, New York – Part 3 – Ground-Water Levels and Flow Conditions, 1988-93* (the "USGS Water-Resources Investigations Report 96-4265") indicates that shallow groundwater in the vicinity of the Rezoning Areas is attributed the Village's location north to the headwaters of the East Meadow Brook, a southward-flowing stream located in central Nassau County. As indicated in the USGS Water-Resources Investigations Report 96-4265, the headwaters of the East Meadow Brook are located approximately one-mile south of

the southern terminus of the Post Avenue Rezoning Area along Merrick Avenue and continues south beneath the Meadowbrook State Parkway until outfall in the Village of Freeport.

As discussed in Section 3.9.1 of this DGEIS, elevations along the Post Avenue and Maple Union Triangle Rezoning Areas ranges from approximately 85 feet to 115 feet amsl. Based on these data, depth to groundwater within the Rezoning Areas is estimated to range from approximately 15 feet below grade surface (bgs) to 45 feet bgs (Figure 23).

The Long Island Comprehensive Waste Treatment Management Plan (208 Study)

Long Island is divided into eight hydrogeologic zones in the Long Island Comprehensive Waste Treatment Management Plan (hereinafter referred to as the "208 Study", 1978). The Rezoning Areas are within Hydrogeologic Zone I (Figure 24), according to the 208 Study (Page 45, Volume I).

Hydrogeologic Zone I is the Deep Flow System, which "encompasses much of the residential, transport and commercial, and industrial activity areas of Nassau and Suffolk Counties. About 10 percent of the area is presently sewered. The major environmental characteristic of Zone I is that materials released at the surface move downward into the Magothy aquifer. Thus, levels of discharge need to be controlled. Zone I is presently well-developed and current land use plans call for continued residential and nonresidential use of the Island's center. Thus, the volume of wastes to be treated and disposed of will grow" (page 122).

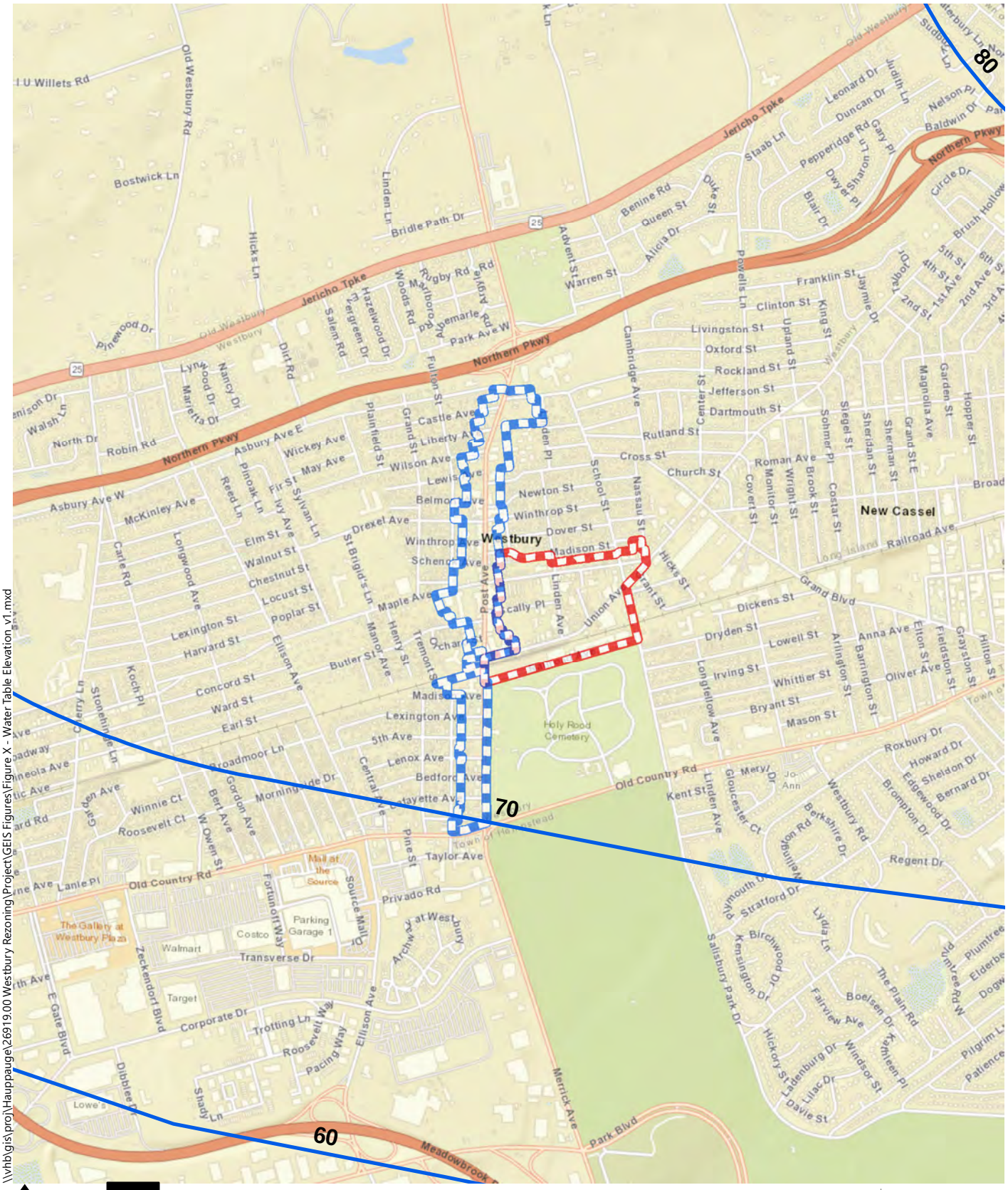
The 208 Study lists structural and non-structural recommendations for the collection of wastewater, and from these recommendations, defines the Highest Priority Area-wide alternatives to manage potential impacts to groundwater in each Hydrogeologic Zone. The Highest Priority Area-wide alternatives for Zone I – relevant to the Rezoning Areas are as follows:

Minimize population density by encouraging large lot development, where possible, to protect the groundwater from future pollutant loading.

Restrict the use of inorganic, fast-acting fertilizers. Promote the use of low-maintenance lawns.

Control stormwater runoff to minimize the transport of sediments, nutrients, metals, organic chemicals and bacteria to surface waters and groundwater.

The other recommendations for Zone I refer to landfills and industrial waste disposal, chemical cleaners and on-site disposal systems, which are not germane to the Rezoning Areas or their uses, as there are no landfills and no industrial waste, and the Rezoning Areas are sewered.



\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Water Table Elevation_v1.mxd

0 625 1250 2500 Feet

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

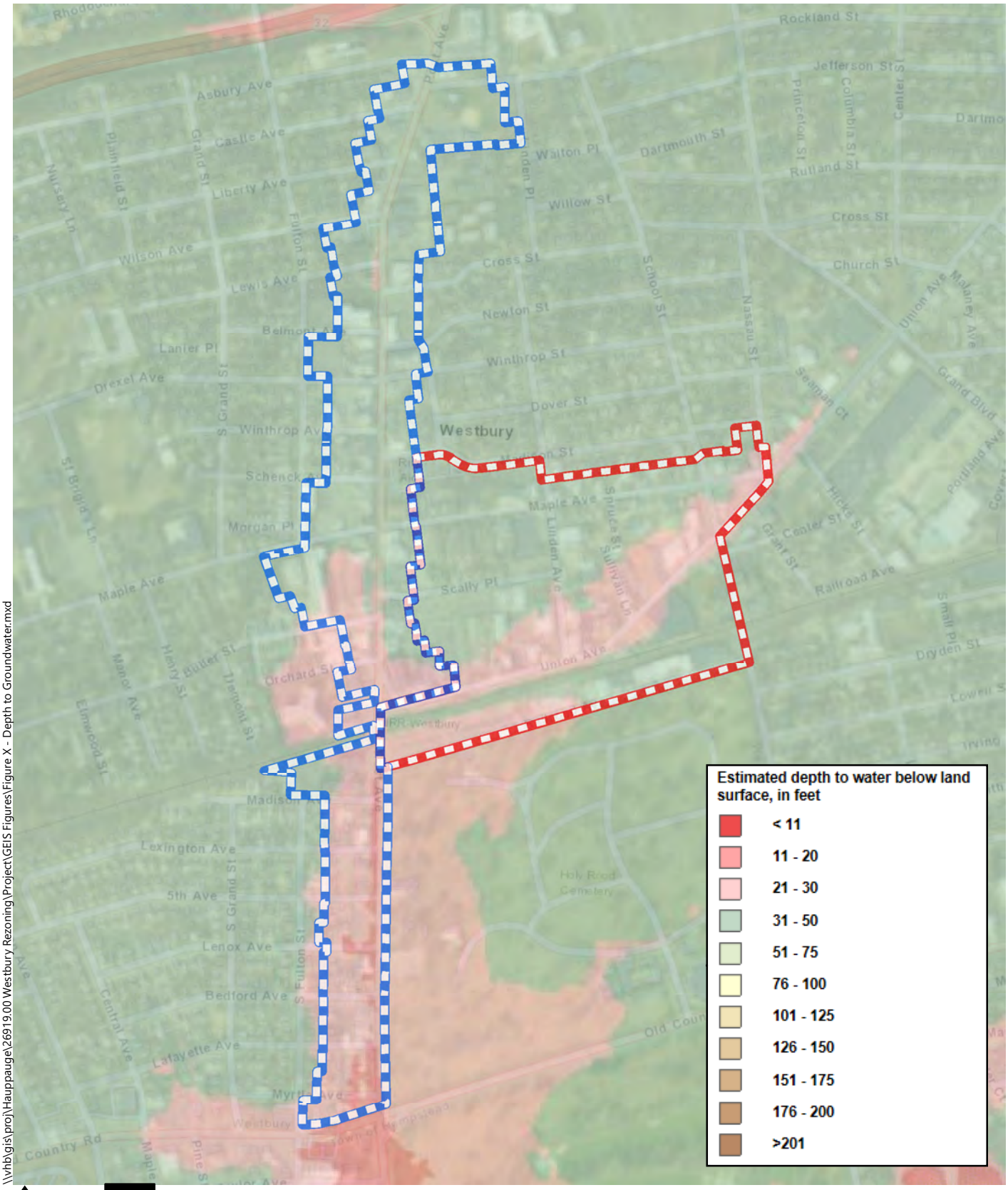
Post Avenue Rezoning Area

Maple Union Triangle Rezoning Area

Water Table Elevation Contours (feet above mean sea level)

Water Table Elevation
Incorporated Village of Westbury
Nassau County, New York

Source Info: NYS Office of Information Technology Services GIS Program Office;USGS, 2016.



\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Depth to Groundwater.mxd

0 250 500 1000 Feet

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Post Avenue Rezoning Area

Maple Union Triangle Rezoning Area

Depth to Groundwater
Incorporated Village of Westbury
Nassau County, New York

Source Info: USGS Long Island Depth to Water Viewer (2013)

\\vhb\gis\proj\Hauppauge\26919.00 Westbury Rezoning\Project\GEIS Figures\Figure X - Hydrogeologic Zone.mxd

↑ NOT TO SCALE

● Rezoning Areas (approximate)

Proposed Amendments to the Village of Westbury Zoning Code | Westbury, NY

Excerpt of Hydrogeologic Zone Map
Incorporated Village of Westbury
Nassau County, New York

Source(s): The Long Island Comprehensive Special Groundwater Protection Area Plan; Long Island Regional Planning Board, 1992.

The Long Island Comprehensive Special Groundwater Protection Area Plan ("SGPA")

Special Groundwater Protection Areas (SGPAs) are significant, largely undeveloped, or sparsely developed geographic areas of Long Island that provide recharge to portions of the deep flow aquifer system. They represent a unique, final opportunity for comprehensive, preventative management to preclude or minimize land use activities that can have deleterious impact on groundwater. Nine SGPAs are located on Long Island: North Hills, Oyster Bay, West Hills/Melville, Oak Brush Plains, Central Suffolk, South Setauket Woods, Southold, South Fork, and Hither Hills. Neither Rezoning Area is situated within the boundaries of any of these SGPAs.

Nassau County Public Health Ordinance

Article X of the *Nassau County Public Health Ordinance (NCPHO)*, "Groundwater Protection and Regulation of Sewage and Industrial Wastewater," has a stated intent and purpose to "preserve the quality of the aquifers receiving recharge from areas which have been designated a Special Groundwater Protection Areas (SGPAs)." As discussed above, neither Rezoning Area is within a SGPA; therefore, the provisions of Article X of the NCPHO are not applicable.

Article XI of the NCPHO, "Toxic and Hazardous Materials Storage, Handling and Control," was prepared to "…safeguard the water resources of the County of Nassau from contamination by toxic and hazardous materials including petroleum products by preventing pollution from the more than 100 million gallons of toxic and hazardous materials currently being stored, transferred or used by various residential, commercial and industrial facilities. The discharge of these toxic and hazardous materials is caused by leaking tanks, improper storage and handling, as well as accidental spills. The potential for these discharges would be effectively reduced by requiring that property storage and handling are provided; that new tanks meet rigid standards; and that all tanks are routinely tested and inspected to ensure compliance."

Pursuant to Article XI, Section 7 (Exemptions), Item (a)(3), "All storage of toxic and hazardous materials in containers of five-gallon capacity or smaller, where the total capacity stored at any time does not exceed 250 gallons or where the dry storage in bags, bulk, or small containers does not exceed 2,000 pounds, is exempt from all provisions of this Article unless specifically ruled otherwise by the Commissioner on a case-by-case basis as inconsistent with the intent of this Article."

As indicated in Section 3.10, above, EDR was retained to provide a computerized database search of the Rezoning Areas to determine if properties within these areas appear on any of the regulatory agency lists. Based upon a review of the EDR database report, numerous properties within the Rezoning Areas appear on federal and state database listings. Specifically, 50± properties were identified on the NYSPILLS and LTANKS databases due to reported chemical and petroleum spill incidents and/or leaking USTs or leaking ASTs. Approximately 18 sites within the Rezoning Areas were identified as registered with USTs and/or ASTs. Four active and five historic dry cleaning facilities and 14 active and/or historic automotive service

stations were identified in the EDR database report. In addition, approximately 25 properties which currently or historically generated hazardous wastes were identified throughout the Rezoning areas. These sites are located north of Madison Avenue, with the exception of a gasoline service station located at the southernmost portion of the Rezoning areas.

In addition, several sites within the Rezoning Areas were identified on databases specifically related to the presence or potential presence of hazardous materials, including those sites identified as having contaminated groundwater. Groundwater impacts have been confirmed to be present on several sites indicated in Section 3.10, above. There is also the potential for groundwater impacts to be present at many of the properties within the Rezoning Areas.

3.11.1.2 Stormwater Runoff and Drainage

Stormwater runoff consists of rainwater or melted snow that flows over land, including pavement, roofs, lawns and other landscaping, and does not directly soak into the ground. As noted by the USDA, there are four potential paths of stormwater runoff: some of the flow will be intercepted by vegetation and evaporate into the atmosphere, some will fall onto the ground surface and evaporate, some will infiltrate into the soil, and some will run directly off from the ground surface. According to the EPA, "when stormwater is absorbed into soil, it is filtered and ultimately replenishes aquifers or flows into streams and rivers."

Stormwater Management in the Village

Chapter 213 of the Village of Westbury Code, Stormwater Management

The Village of Westbury has adopted a stormwater management ordinance to establish minimum stormwater management requirements and controls, based on its findings regarding stormwater runoff (Chapter 213-1). These findings are as follows:

A. *Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.*

B. *This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species.*

C. *Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.*

D. *Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.*

E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.

F. Substantial economic losses can result from these adverse impacts on the waters of the municipality.

G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.

H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Pursuant to Chapter 213-2 of the Village Code, the objectives of Chapter 213, Stormwater Management, are as follows:

1. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, or as amended or revised;

2. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01, or as amended or revised;

3. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

4. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

5. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

6. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Pursuant to Chapter 213-4(C), all land development activities subject to review and approval by the Planning Board or the Board of Trustees must conform to the standards of Chapter 213; all other land development activities (not subject to review as stated in Chapter 213-4(C)) must file a Storm Water Pollution Prevention Plan (SWPPP) to the Village's Stormwater Management Officer (SMO).

3.11.1.3 Surface Waters, Wetlands and Floodplains

Flood Damage Prevention in the Village

Chapter 127 of the Village of Westbury Code, Flood Damage Prevention

The Village has adopted a flood damage prevention ordinance to minimize the potential for damages from flooding and erosion in the Village, based on its findings regarding flood damage prevention (Chapter 127-1).

> *"The Board of Trustees of the Village of Westbury finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Westbury and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted." (Chapter 127-1).*

Pursuant to Chapter 127-2 of the Village Code, the purpose of Chapter 127 is *"to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:*

A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.

D. Control filling, grading, dredging and other development which may increase erosion or flood damages.

E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

F. Qualify for and maintain participation in the National Flood Insurance Program."

Pursuant to Chapter 127-3 of the Village Code, the objectives of Chapter 127, Flood Damage Prevention, are as follows:

A. Protect human life and health.

B. *Minimize expenditure of public money for costly flood-control projects.*

C. *Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.*

D. *Minimize prolonged business interruptions.*

E. *Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard.*

F. *Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.*

G. *Provide that developers are notified that property is in an area of special flood hazard.*

H. *Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.*

As indicated in Section 3.2, *Community Facilities and Infrastructure/Utilities*, stormwater management infrastructure in the Rezoning Areas currently consists of a series of surface inlet drains and catch basins, which collect stormwater runoff along roadways within the Rezoning Areas. Based on discussions with Village representatives, there are no specific areas of concern with respect to flooding.

Based upon review of the NYSDEC Freshwater and Tidal Wetlands Maps and the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), there are no identified wetlands within the Rezoning Areas.

Additionally, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map No. 36059C0140G was consulted to determine whether any portion of the Rezoning Areas were situated within a Special Flood Hazard Area (SFHA). According to this map, the Rezoning Areas are within Zone X, which is defined by FEMA as "areas determined to be outside the 0.2% annual chance flood." In other words, the Rezoning Areas are in an area of minimal flood hazard.

3.11.2 Probable Impacts of the Proposed Action

3.11.2.1 Groundwater

The Long Island Comprehensive Waste Treatment Management Plan (208 Study)

As indicated in Section 3.11.1 of this DGEIS, the Rezoning Areas are located within Hydrogeologic Zone I. Among the Highest Priority Area-wide alternatives recommended in the 208 Study for Zone I, there are recommendations relevant to the Proposed Action:

- Minimize population density by encouraging large lot development, where possible, to protect the groundwater from future pollutant loading.[60]
- Restrict the use of inorganic, fast-acting fertilizers. Promote the use of low-maintenance lawns.
- Control stormwater runoff to minimize the transport of sediments, nutrients, metals, organic chemicals and bacteria to surface waters and groundwater.

As previously indicated, the Proposed Action is comprised of zoning amendments that may prompt multiple residential and non-residential development projects, with higher densities than permitted by existing zoning. In order to protect groundwater resources, especially in light of the recommendation to minimize population density (which is in opposition to the Proposed Action), as indicated in Section 3.2.2 of this DGEIS, all development sites within the Rezoning Areas would continue to be served by the municipal sewer system, each site would have individual on-site stormwater management systems, and each development would be required to use of low-maintenance lawns, thus minimizing and preventing to the maximum extent possible, future pollutant loading to groundwater. The potential impacts of the Proposed Action with respect to stormwater runoff are discussed below.

By being protective of groundwater resources through sewering of future developments (and potential improvements to the sewer infrastructure, which is one of example of a public benefit to be considered by the Village), as well as management of stormwater runoff on a site-specific basis in accordance with the Village Code, future development in conformance with the Proposed Action is consistent with the 208 Study.

Nassau County Public Health Ordinance

As discussed above, the Rezoning Areas are not located within a SGPA. Thus, the Proposed Action and future development are not subject to the provisions of Article X. However, all potential development within the Rezoning Areas would be in accordance with the relevant requirements of Article XI of the NCPHO, as well as other prevailing regulations for the installation, removal, or abandonment of all toxic and hazardous material storage tanks. As indicated in Section 3.10.2 of this DGEIS, it

[60] It is noted that at the time this recommendation was made, approximately 90 percent of the area located within Hydrogeologic Zone I was unsewered, and thus sewage effluent was be discharged into the ground through cesspools and septic systems.

is assumed that future redevelopment activities would require the installation of USTs/ASTs, chemical storage, etc. that would be in accordance with all applicable local, state and federal regulations, including Article XI of the NCPHO. In addition, as the Proposed Action involves the discontinuation of two of the Village's industrial zoning districts (Light Industrial and Industrial), the potential for future industrial facilities to be present which may utilize hazardous chemicals is reduced or eliminated. Thus, the Proposed Action would decrease the existing and future potential presence of hazardous materials within the Rezoning Areas related to industrial facilities. As such, groundwater impacts associated with hazardous materials as the result of the Proposed Action would be limited to the exposure of those involved in redevelopment activities and future site occupants to hazardous materials that may exist due to current and historic property usage. Refer to Section 3.10.2 of this DGEIS for a discussion of the potential impacts to groundwater within the Rezoning Areas as a result of the Proposed Action.

Subsurface Conditions

As indicated in Section 3.10.3 of this DGEIS, a Phase I ESA should be completed for each site prior to redevelopment activities. In the event that the Phase I ESA identifies the potential presence of contaminants in groundwater, as well as soils at the site, a Phase II ESA should be required to determine the presence or absence of contamination in subsurface soils, groundwater and soil vapor as it relates to potential exposure to on-site workers and site occupants as the result of redevelopment activities. During the Phase II ESA, if evidence of contamination is identified which warrants notification to the NYSDEC Spills division, the condition should be reported in accordance with prevailing regulations.

In addition, tank removal activities required to facilitate redevelopment activities should be conducted in accordance with all applicable regulations, and the NCDH should be notified prior to removal activities, if required. It should be noted that redevelopment of portions of the Rezoning Areas, specifically related to those sites identified in Section 3.10.1 above and sites with active NYSDEC Spill and LTANKS incidents, would likely require coordination with the NYSDEC. Where NYSDEC involvement is required, proof of coordination with this agency should be provided to the Village in order to verify that the impacted media and exposure pathways are being mitigated appropriately.

Lastly, as indicated in Section 3.10.3 above, a site-specific HASP and/or CHASP which includes a description of the known and potential contaminants and exposure pathways should be prepared for all redevelopment activities. The HASP/CHASP should include mitigation measures to minimize the potential exposure of on-site workers.

3.11.2.2 Stormwater Runoff and Drainage

Stormwater Runoff and Management During Construction Activities

As indicated in Section 3.11.1.2 of this DGEIS, all land development activities subject to review and approval by the Planning Board or the Board of Trustees under

subdivision, site plan, and/or special use permit regulations of the Village Code would be required to conform to the standards of Chapter 213 of the Village Code. All other land development activities (not subject to review as stated in Chapter 213-4(C)) would be required to file a SWPPP to the Village's SMO among other mitigation requirements specified in Chapter 213 of the Village Code. No significant adverse impacts associated with stormwater runoff or erosion and sedimentation during construction are expected based on compliance with Chapter 213.

Post-Development Stormwater Runoff Management

With respect to post-development management of stormwater, Chapter 213-2 of the Village Code establishes minimum stormwater management requirements and controls, and, requires that land development activities:

1. *Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;*
2. *Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;*
3. *Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and*
4. *Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.*

As all applicants for land development are subject to compliance with these requirements of Chapter 213 of the Village Code, no significant adverse impacts associated with stormwater runoff or erosion, would be expected to occur due to development under the proposed zoning.

3.11.2.3 Surface Waters, Wetlands and Floodplains

There are no natural surface water bodies or wetlands within or proximate to the Rezoning Areas, nor are the Rezoning Areas located within a SFHA. As such, no impacts to such features would result from potential development within the Rezoning Areas.

As indicated in Section 3.2 of this DGEIS, there are also no specific areas of concern within the Rezoning Areas, with respect to flooding. Therefore, future development under the Proposed Action would not exacerbate any existing flooding issues.

3.11.3 Proposed Mitigation Measures

No significant adverse impacts to water resources were identified in the DGEIS. The following are measures to minimize potential impacts to groundwater and surface water resources:

- Redeveloped parcels within the Rezoning Areas must be connected to the existing NCDPW Sewer Collection District #3, discharging to the Cedar Creek WPCP.
- Properties to be redeveloped must connect to the municipal water purveyor. No on-site wells would be permitted.
- Parcels redeveloped within the Rezoning Areas are required to comply with Chapter 213, *Stormwater Management*, of the Village Code.
- Low-maintenance, native plant species be used to the maximum extent practicable in all new development to minimize the use of fertilizers, pesticides and other landscaping chemicals that may adversely impact groundwater or surface water quality.
- In accordance with Section 3.10 of this DGEIS, a Phase I Environmental Site Assessment (ESA) must be completed for each site prior to redevelopment activities. In the event that the Phase I ESA identifies the potential presence of contaminants in soil, groundwater and/or soil vapor at the site, a Phase II ESA should be required to determine the presence or absence of contamination in subsurface soils, groundwater and soil. If evidence of contamination is identified which warrants notification to the NYSDEC Spills division, the condition should be reported in accordance with prevailing regulations.

3.12 Use and Conservation of Energy

This section of the DGEIS discusses existing energy suppliers to the Rezoning Areas and existing regulations pertaining to the use and conservation of energy. Potential impacts on the use and conservation of energy due to implementation of the Proposed Action and the resulting RWCDS are evaluated. As the Proposed Action is expected to have beneficial impacts on the use and conservation of energy, the Proposed Action is framed as mitigation.

3.12.1 Existing Conditions

Currently, PSEG LI and National Grid provide electricity and natural gas service, respectively, to the Post Avenue and Maple Union Triangle Rezoning Areas. As discussed in Section 3.2.1, consultations have been initiated with PSEG LI and National Grid, requesting information related to existing electric and natural gas supply infrastructure serving the Rezoning Areas. No responses have been received to date.

The Village Code includes Energy Star requirements as part of its building permit application process for residential developments at § 79-12(I). These requirements, as well as New York State's requirements for energy efficiency in new construction, are discussed further in Section 3.12.2, below.

3.12.2 Probable Impacts of the Proposed Action

The concept of the proposed Maple Union TOD District zoning, which permits and encourages mixed-use, compact and walkable community, in and of itself, is expected to reduce energy consumption. According to Rabianski, et al., mixed use development addresses the issue of sustainability as follows, "by integrating uses and higher density, developments may be able to achieve the same amount of usable space in a smaller footprint" (Page 16). Further, "in terms of the environment, while research on the direct relationship between walkability and greenhouse gas emissions from transportation is still nascent, there is evidence that walkability is related to decreased driving and increased walking and that CO2 emissions are linked to vehicle miles traveled," according to a 2012 Brookings Institution publication entitled *Walk this Way: The Economic Promise of Walkable Places in Metropolitan Washington, DC*. According to Leinberger, "encouraging walkable cities would reduce greenhouse gas emissions by mitigating overall energy demand."

An article prepared by the Urban Land Institute, entitled *Land Use and Driving: The Role Compact Development Can Play in Reducing Greenhouse Gas Emissions* examined three recent studies – *Moving Cooler: Analysis of Transportation Strategies for Reducing Greenhouse Gas Emissions*; *Growing Cooler: The Evidence on Urban Development and Climate Change*; and *Driving and the Built Environment: The Effects of Compact Development on Motorized Travel, Energy Use, and CO2 Emissions*. The article notes that,

[t]here are many diverse reasons to pursue compact development outcomes. Convenient and conducive to healthy lifestyles, clustered development patterns help lower overall community infrastructure costs by pulling land uses closer together… Compact development can be built anywhere. It encompasses residential and commercial development and can be adapted to urban, suburban, and rural settings. Single-family houses, townhomes, and apartments all have a place in compact development. Employment centers are also important candidates for compact development.

The three studies examined the specific questions of "do better land use choices pay off as a core strategy in the broader effort to reduce greenhouse gas emissions? How could the reduction in driving be measured? What was the extent of the reduction in driving—vehicle miles traveled (VMT)—and was it significant? And what does this reduction of VMT mean for the overall reduction in greenhouse gas emissions?" and provided quantifiable results. The conclusions from these studies show that as part of a larger mitigation strategy, which includes transitioning to cleaner energy, better vehicle efficiency and increased energy efficiency of buildings "compared to historically sprawling land use patterns, compact development reduces driving and greenhouse gas emissions over time. On a national basis, the studies show that compact development can be an effective component of broader strategies to reduce greenhouse gas emissions."

With respect to specific energy providers, as described above, PSEG LI and National Grid provide electricity and natural gas service, respectively, to the Post Avenue and Maple Union Triangle Rezoning Areas. As the Proposed Action has the potential to increase the demand for both electricity and natural gas, consultations would be undertaken with PSEG LI and National Grid for review of any future development plans. For all site-specific applications within the Rezoning Areas, both PSEG LI and National Grid would be consulted to confirm service availability and to identify potentially necessary site improvements to provide electric and/or natural gas service. It is noted that at this time, National Grid has stopped processing new applications for service for all residences, small businesses and large development projects due to NYSDEC's rejection of the water quality permit for the Williams Pipeline, also known as the Northeast Supply Enhancement (NESE) project. New Jersey has also yet to approve the pipeline. The applicant for the pipeline has begun to address NYSDEC's concerns and is hopeful that a mutually agreeable solution can be achieved. However, developments that require new gas connections for new projects must seek alternative fuel sources as National Grid cannot be relied upon to supply natural gas.

In addition to meeting the requirements of PSEG LI and National Grid for utility connections, as with all residential development projects throughout the Village, new residential developments within the Rezoning Areas under the proposed action would be required to adhere to the Village's Energy Star requirements for issuance of building permits. As set forth in § 79-12(I)(1) of the Village Code,

…any new, or structural alteration which exceeds 50% of its structural value, one-family, two-family, or multifamily dwelling shall comply with the guidelines of the

New York Energy Star Labeled Homes Program (hereinafter "the program"), as set forth by the Long Island Power Authority (hereinafter "LIPA"), thus ensuring that said dwelling will consume considerably less energy than if constructed under prevailing building standards. Compliance with the guidelines of the program as outlined in this subsection shall be required in addition to compliance with current standards outlined in the Energy Conservation Construction Code of the State of New York (the "Energy Code").

The New York Energy Star Labeled Homes Program, as detailed in §§ 79-12(I)(3) and (4), includes standards for residential energy performance designed to increase energy efficiency, which vary depending on the size of the residence, with additional requirements for multifamily dwellings in buildings containing more than four units or that share a common egress.

In addition to the Village Code requirements identified above, all development projects in the Village (and New York State in general) are subject to the requirements of the New York State Energy Conservation Construction Code, which incorporates the 2015 International Energy Conservation Code (IECC), the 2016 Supplement to the New York State Energy Conservation Construction Code, and the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2013 (Energy Standard for Buildings Except Low-Rise Residential Buildings) by reference.

The proposed zoning amendments, in § 248-359, *Development bonus provisions*, would incentivize (among other things) Leadership in Energy and Environmental Design (LEED) certification of development projects, as a form of public benefit, subject to the approval of the Board of Trustees, which could be sought in exchange for the development bonuses outlined in the proposed *Schedule of Regulations*.

Based upon the foregoing, it is expected that although the Proposed Action would allow for an increase in residential units that require energy, the amount of commercial space would be significantly reduced and the amount of new industrial use would be minimized, and energy use associated with non-residential development is likely to decrease. Furthermore, the TOD nature of the proposed within the Maple Union Triangle would assist in minimizing VMT and the emission of greenhouse gases. Therefore, the Proposed Action would not result in a significant adverse impact to energy resources.

3.12.3 Proposed Mitigation Measures

The Proposed Action would not cause significant adverse impacts related to the use and conservation of energy; as such, no mitigation is required. As noted above, the Proposed Action, by enabling the development of compact, walkable, TODs, provides for a more energy-efficient development pattern that is less reliant on automobile usage and less energy-intensive per housing unit than traditional single-family suburban development. Furthermore, the proposed zoning amendments would incorporate incentives for future projects to go beyond the minimum Village and New York State energy efficiency requirements to achieve LEED certification.

4

Cumulative Impacts

4.1 Introduction

In addition to impacts associated with the Proposed Action, cumulative impacts to area resources (both natural and manmade) may occur due to other ongoing, proposed, or future projects (and other actions). This section of the DGEIS analyzes other pending or proposed projects in the area that, in conjunction with the Proposed Action, may result in impacts that would cumulatively be greater than the impacts from each project if considered individually.

As per *The SEQR Handbook*,[61] cumulative impacts are defined as follows:

> *Cumulative impacts occur when multiple actions affect the same resource(s). These impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from a number of individually minor but collectively significant actions taking place over a period of time. Cumulative impacts do not have to all be associated with one sponsor or applicant. They may include indirect or secondary impacts, long-term impacts and synergistic effects.*

Based on the foregoing definition, an analysis was performed to determine whether other pending or proposed projects, when considered in conjunction with the

[61] New York State Department of Environmental Conservation, *The SEQR Handbook*, DRAFT 4th Edition (2019) (Page 88).

Proposed Action, could result in significant adverse cumulative impacts on environmental resources.

4.2 Pending and Proposed Development Projects

The following planned projects have been identified as potentially introducing additional demands on shared resources in conjunction with the anticipated RWCDS under the Proposed Action:

- LIRR Third Track
- Other DRI Projects.

4.2.1 LIRR Third Track

The LIRR Third Track involves the addition of a third track for a 9.8-mile stretch between the Floral Park and Hicksville stations. This project is being implemented to "reduce train congestion and delays and enable true bi-directional service during peak hours with a more reliable rail network."[62] Along the route, there will be upgrades to tracks, station improvements and parking enhancements, including facilities in Westbury. Specifically, the Westbury improvements include:

- ***North parking garage.*** The north parking garage will be located in the existing Village parking lot between Scally Place and Union Avenue. It will include 676 spaces (plus 106 surface spaces to remain), leading to a net increase of 474 parking spaces. Construction of the north parking garage began in April 2019 and is expected to be complete by Spring 2021.
- ***South parking garage.*** There are tentative plans for a south parking garage to be located in the existing LIRR parking lot on the north side of Railroad Avenue..
- ***Elimination of LIRR School Street grade crossing.*** This project will replace the LIRR School Street grade crossing with a two-way grade separated underpass with a pedestrian sidewalk on the east side. It is intended to "enhance safety and provide for a quieter and more livable community…"[63] The project is in the preliminary design stage. Originally, construction was expected to start in January 2021 and to be complete early in 2022; however, it is possible, based on conversations with project officials, that this project could commence as early as September 2019.
- ***Westbury Station enhancement.*** This project includes:

[62] http://www.amodernli.com/project/thirdtrack/

[63] http://www.amodernli.com/project/school-street-grade-crossing-elimination/

- platform replacement to accommodate a new third track; platform canopies; new platform furnishings and accoutrements including benches, shelters and signage; CCTV security cameras to improve safety; an extension of the Westbury Station pedestrian tunnel; ADA-compliant mobility improvements including elevators, ramps and overpasses; Wi-Fi; USB charging stations; digital information displays; and a low-maintenance pocket park near Post Avenue. The interior and exterior of the station building will be renovated. New bike racks and artwork will also be installed."[64]

Construction of the Westbury Station enhancements is expected to start in June 2021 and finish in Fall 2022.

› ***Sound walls.*** This project involves construction of four-to-eight-foot-tall decorative, sound attenuating walls stretching from Carle Road to School Street along the LIRR ROW. Construction started in February 2019 and is expected to finish during the Summer of 2020.

4.2.2 Other DRI Projects

As discussed in Section 2.3.2 of this DGEIS, the *DRI Plan* includes seven projects that were selected for funding to achieve the goals of the *DRI Plan* (including the Proposed Action). Together, these projects have the potential to cumulatively result in impacts to the environment. A brief description of each of the six projects aside from the Proposed Action is presented below.

› ***Project 1.3: Develop Open Space in the Maple Union Area.*** This project entails the use of DRI funds for property acquisition by the Village at fair market value for the construction of 20,000± SF of park area in the Maple Union Triangle Rezoning Area. This open space area would complement new residential and commercial developments anticipated within the Maple Union Triangle Rezoning Area. Site selection and purchase is on hold pending completion of the proposed rezoning.

› ***Project 1.4: Make Improvements to the Post and Union Avenue Intersection.*** This project will improve traffic circulation and create a new pedestrian plaza at the intersection of Post and Union Avenues. The improvements will support connections between the LIRR station and the downtown. Preliminary design work is underway and construction is expected to begin in Spring 2020.

› ***Project 2.1: Make Upgrades to the Westbury Recreation and Community Center.*** Upgrades will be made to the three facilities that comprise the Westbury Recreation and Community Center: the Recreation Center, the Community Center, and the Sports Center. These upgrades will include interior improvements to the buildings and parking reconfiguration to increase capacity, which will allow the complex to better serve the 300 residents that utilize the complex for education, after school, athletic, and senior programs daily; support new

[64] http://www.amodernli.com/project/westbury-station-enhancement/

residents; and provide the buildings with longer useful lives. Design is currently being finalized with the goal to complete the upgrades by Winter 2019.

- ***Project 2.2: Launch a Retail Capital Improvement Grant Program.*** This project establishes a fit-out grant for interior improvements that is designed to attract new businesses and diversify the retail mix, and a façade improvement program that is designed to improve the aesthetics of the downtown. Multiple projects in this program are in the design stage. Physical improvements are beginning in Spring 2019 and will be ongoing until the grant funds are exhausted, through 2021.
- ***Project 3.1: Implement Streetscape Improvements on Post Avenue and in the Piazza Ernesto Strada.*** This project is intended to create a desirable, walkable, pedestrian-friendly downtown and serve as a catalyst for future business growth on Post Avenue. It will involve a coordinated set of streetscape improvements along Post Avenue from Norther State Parkway to Old Country Road, including in Piazza Ernesto Strada. Improvements will include trees, benches, bike racks, conversion of lighting to LED, and a consistent pavement profile. Additional upgrades in the Piazza Ernesto Strada will include pedestrian amenities, landscaping, and power outlets to improve event logistics. Design work is currently being finalized and construction is expected to begin in Spring 2020.
- ***Project 4.3: Secure a Permanent Space for the Westbury Arts Council.*** The Village has used DRI funds to acquire a building on Schenck Avenue that will establish permanent space for the Westbury Arts Council to provide an additional art venue in the downtown for small performances, gallery openings, and revolving exhibits and manage administrative functions. Design work is in progress for the building renovation and improvements are expected to begin in Fall 2019.

4.3 Evaluation of Cumulative Impacts

4.3.1 Zoning, Land Use and Community Character

The projects identified above do not involve zoning changes beyond those included in the Proposed Action.

Anticipated land uses changes would include construction of the two parking garages on existing surface parking lots as part of the LIRR Third Track and open space in the Maple Union Triangle Rezoning Area (DRI project 1.3). These uses would be within the projected build-out under the RWCDS such that there would be no cumulative land use impacts beyond what has already been identified in Section 3.1.2 of this DGEIS.

In terms of community character, the projects identified above, in conjunction with the Proposed Action, are all intended to improve the Village through the revitalization of the downtown and transformation of the Maple Union Triangle Rezoning Area. The LIRR Third Track would provide additional public transit capacity to support the anticipated growth from the Proposed Action, while making

aesthetic, safety, noise and air quality improvements. Through the DRI projects, increased investment in the arts, cultural and recreational resources throughout the Village would have a cumulative beneficial impact on community character.

4.3.2 Community Facilities and Infrastructure/Utilities

As discussed in Section 3.2.2 of this DGEIS, no significant adverse impacts to community facilities and infrastructure/utilities have been identified in connection with the Proposed Action. This includes police protection, fire protection, ambulance and emergency medical services, health care, educational facilities, recreational facilities, solid waste collection and disposal, water supply, sanitary disposal and sewage treatment, natural gas and electrical utilities. The RWCDS has factored in most of the other DRI projects and new commuter garages identified above in its projections of future residential, commercial, industrial and community facility development totals, such that there would be no adverse cumulative impacts due to other projects. Furthermore, the LIRR Third Track, which includes the elimination of a dangerous grade crossing at School Street, would enhance safety in the area, marginally reducing the need for emergency services while improving the ability of emergency responders to navigate the crossing in case of emergency. Similarly, improvements to the Post and Union Avenue intersection would improve pedestrian and vehicular safety. The Westbury Train Station enhancement under the LIRR Third Track also includes installation of security cameras, which would reduce the need for emergency services. Other DRI projects involving upgrades to the Westbury Recreation and Community Center, the development of open space in the Maple Union Area, and improvements at the Piazza Ernesto Strada would all have beneficial impacts on public recreation and parks resources. Water and sewer availability would need to be secured on a site-by-site basis from the Westbury Water District and NCDPW, respectively, such that any needed infrastructure upgrades would be identified during the approvals process for individual developments under the RWCDS and the other identified projects. Overall, no significant adverse cumulative impacts to community facilities and infrastructure/utilities are anticipated.

4.3.3 Socioeconomics

The anticipated socioeconomic impacts of the Proposed Action are described in Section 3.3.2 of this DGEIS. As the RWCDS for the Proposed Action includes most of the other DRI projects identified above, there would be no cumulative socioeconomic impacts beyond those identified in Section 3.3.2. Furthermore, the projects included in the LIRR Third Track would support the anticipated development without changing the projected residential or business mix in the Village. Cumulatively, these projects would support a revitalized downtown area, such that no significant adverse cumulative impacts to socioeconomics are anticipated.

4.3.4 Aesthetic Resources/Urban Design

As discussed in Section 3.4.2 of this DGEIS, the Proposed Action is expected to lead to beneficial aesthetic and urban design impacts through the transformation of the Maple Union Triangle Rezoning Area to a mixed-use TOD district, incentivizing aesthetic improvements, and requiring sidewalk setbacks along Post Avenue. The LIRR Third Track project would add to these aesthetic benefits by physically enhancing the Westbury Train Station with amenities such as platform canopies, benches, shelters, signage, a pocket park, artwork and building renovations. The other Projects would also add to the aesthetic benefits of the Proposed Action by developing open space in the Maple Union Triangle Rezoning Area (Project 1.3), creating a pedestrian plaza at the Post and Union Avenue intersection (Project 1.4), implementing a façade improvement program (Project 2.2), implementing streetscape improvements on Post Avenue and in the Piazza Ernesto Strada (Project 3.1). Cumulatively with the Proposed Action, these projects would have a beneficial aesthetic and urban design impact on the Village.

4.3.5 Cultural Resources

The analysis presented in Section 3.5.2 of this DGEIS indicates that, since the Proposed Action does not involve a specific development proposal, impacts to cultural resources would need to be determined on a site-specific basis as developments are proposed under the new zoning. As under the Proposed Action, any additional projects associated with the LIRR Third Track or the other DRI projects would need to be reviewed for potential impacts to cultural resources and follow the procedures for submission to OPRHP, as necessary.

The Draft Environmental Impact Statement (DEIS) for the LIRR Third Track project was also reviewed to identify any potential adverse impacts that may have been previously identified. Chapter 6 of that DEIS[65] concluded that the LIRR Third Track would have no adverse impact on archaeological resources, nor would the construction of the proposed parking structures have an adverse impact on architectural resources. That DEIS does state, with respect to the proposed parking structures, that additional Phase 1B subsurface testing may be necessary "to determine the presence or absence of archaeological resources at each proposed parking structure" (p. 6-2). The potential presence, or lack thereof, of archaeological resources at the proposed parking structure does not trigger a cumulative impact. Mitigative measures would be implemented, as necessary, if archaeological resources are identified at any development site under the Proposed Action or the other identified projects.

In addition, several of the other DRI Projects would have a beneficial impact to existing cultural resources in the Village. These include upgrades to the Westbury Recreation and Community Center (Project 2.1) and securing a permanent space for Westbury Arts (Project 4.3).

[65] http://www.amodernli.com/wp-content/uploads/2016/11/06_Historic.pdf

4.3.6 Transportation and Parking

The transportation and parking analysis presented in Section 3.6.2 incorporates a cumulative impact analysis that accounts for the RWCDS, the LIRR Third Track, and the proposed improvements at the Post and Union Avenue intersection. Refer to Section 3.6.2 for the discussion of potential impacts of the Proposed Action and other planned developments and Section 3.6.3 for recommended mitigation measures.

4.3.7 Air Quality

The impacts analysis discussion in Section 3.7.2 of this DGEIS concludes that the development of the RWCDS would not result in any exceedances of applicably air quality standards. Neither the LIRR Third Track nor the other DRI projects would be of such a magnitude as to result in cumulative adverse air quality impacts. All developments would be subject to local, state, and federal permitting requirements and incorporate necessary air emissions controls. Furthermore, the elimination of the School Street grade crossing as part of the LIRR Third Track is expected to reduce vehicle idling at the crossing, resulting in a minor beneficial air quality impact.

4.3.8 Noise

The development projected under the RWCDS is largely of mixed-use residential/commercial nature, such that noise levels are not expected to increase significantly over the existing industrial uses in the Maple Union Triangle Rezoning Area. While additional noise may be expected from more frequent train trips due to the LIRR Third Track project, there would be no additional significant adverse cumulative noise impacts due to the Proposed Action. Construction activities for all projects would be regulated by Village of Westbury noise ordinance and New York State procedures to prevent excessive noise levels.

4.3.9 Soils and Topography

Construction activities throughout the Rezoning Areas would be subject to site-specific controls to prevent significant adverse impacts to soils and topography (e.g., erosion and sedimentation control measures, grading and drainage plans, etc.), as discussed in Section 3.9.2 of this DGEIS. The same would apply to any additional construction activities associated with the LIRR Third Track project and the other DRI projects. As such, there would be no significant adverse cumulative impacts to soils and topography.

4.3.10 Hazardous Materials

As noted in Section 3.10.2 of this DGEIS, the Proposed Action would discontinue the Industrial and Light Industrial districts in the Village, decreasing the existing and future potential presence of hazardous materials, particularly within the Maple Union Triangle Rezoning Area, related to industrial facilities. To mitigate the potential for

exposure to harmful substances, Section 3.10.3 recommends, at a minimum, a Phase I ESA be completed for each site prior to redevelopment activities. The procedures outlined in Section 3.10.3 should be followed for other development activities associated with the LIRR Third Track and other DRI projects, as applicable, to prevent exposure to hazardous materials. Furthermore, any proposed storage of hazardous materials in other developments would be subject to regulations under the Nassau County Public Health Ordinance, NYSDEC, and USEPA. As long as all site-specific applicable regulations are adhered to, there would be no significant adverse cumulative impacts associated with hazardous materials.

4.3.11 Water Resources

As noted above, the Proposed Action is intended, in part, to accommodate the anticipated future growth in the Village from the LIRR Third Track. As such, none of the LIRR Third Track projects described above are expected to result in significant increases in water demand or sanitary waste generation beyond the quantities identified in Section 3.11.2 of this DGEIS.

With respect to stormwater management, flooding and wetlands, all development projects are assessed on a site-specific basis to ensure that no significant adverse impacts to these resources are incurred. All projects would be required to comply with applicable federal, state and local regulations. Therefore, there would be no significant adverse cumulative impacts to water resources.

4.3.12 Use and Conservation of Energy

As noted in Section 3.12.2 of this DGEIS, implementation of proposed zoning is expected to reduce energy consumption by permitting and encouraging a mixed-use, compact and walkable community. However, while new developments under this proposed zoning may be more energy efficient, there is the potential for an overall increase in energy demand as currently underutilized sites become redeveloped. As such, all site-specific development plans would need to include consultations with PSEG LI and National Grid to confirm service availability and to identify potentially necessary site improvements to provide electric and/or natural gas service. As noted in Section 3.2.2 of this DGEIS, National Grid has stopped processing applications for service for all residences, small businesses and large development projects as the NESE project has not yet been approved. Until a solution is found, new projects, including those under the Proposed Action and the other identified projects, would need to seek alternative sources to natural gas, such as fuel oil or renewables. If the NESE project is approved in the future, it is expected that National Grid would have the capacity to serve new development projects.

While the RWCDS accounts for the projected future growth from the LIRR Third Track and the other DRI projects, there is a potential for marginally greater cumulative energy demand due to projects such as the Westbury Train Station enhancement and the Westbury Arts permanent building space (DRI Project 4.3). However, the marginal increase in energy demand would be minimal in scale

compared to the overall future demand growth in the Village. Therefore, considering that all site-specific development projects are required to consult with energy providers to ensure service availability prior to site development, there would be no significant adverse cumulative impacts with respect to the use and conservation of energy.

5

Unavoidable Adverse Impacts

The potential adverse environmental impacts associated with Proposed Action have been identified and the proposed mitigation measures have been described in Section 3.0. Those potential adverse environmental impacts – both short-term and long-term – that cannot be either entirely avoided or fully mitigated are described below.

5.1 Short Term Impacts

The proposed modifications of existing zoning, including creation of the MU District and modification of parking, bulk and dimensional regulations, within the Post Avenue and Maple Union Triangle Rezoning Areas, would not have any physical short-term impacts, since they are only land use controls.

However, in accordance with the RWCDS within the Rezoning Areas, upon development/redevelopment of the Projected Development Sites, there would be several temporary construction-related impacts that cannot be completely mitigated. These impacts are associated with site preparation and development (including demolition, grading, excavation, installation of utilities and construction of building and parking facilities). It is anticipated that these impacts would cease upon completion of construction. Specific short-term impacts are identified below:

- Soils would be disturbed by grading, excavation, and mounding activities during construction and ultimate site development or redevelopment;
- Despite the use of extensive and strategically-placed erosion control devices at the specific properties, minor occurrences of erosion may occur;

- The visual quality of the area of development may be temporarily diminished by the presence and operation of construction equipment associated with the redevelopment properties;
- There may be temporary impacts to roadways due to the movement of construction vehicles associated with site development activities along both corridors and the surrounding roadway system;
- Slight increases in noise levels at the boundaries of the redevelopment properties may result from construction activities; and
- Temporary increases in noise levels and vibrations may result during demolition activities, as applicable, at the redevelopment properties.

It is anticipated that these impacts would be of short duration, which would cease upon completion of construction.

5.2 Long Term Impacts

Several long-term impacts associated with future development/redevelopment of properties within the Rezoning Areas under the proposed zoning amendments have been identified. Mitigation measures have been proposed to reduce or eliminate most of these long-term adverse impacts. Those adverse long-term impacts, which cannot be fully mitigated, are set forth below:

- Redevelopment activities would potentially increase the area of impervious surface (buildings and pavement), which would increase runoff on the redeveloped properties. However, stormwater would be contained and recharged within property boundaries, pursuant to Chapter 213 of the Zoning Code;
- There would be an increase in the amount of potable water used within the two Rezoning Areas due to the changes in use and the potential for increased density;
- There would be an increase in sanitary sewage discharge within the two Rezoning Areas due to the changes in use and the potential for increased density;
- There would be additional solid waste generated within the two Rezoning Areas due to the changes in use and the potential for increased density;
- Redevelopment would result in an increase in the amount of energy used throughout the two Rezoning Areas; and
- Development/redevelopment within the Rezoning Areas would result in an increase in demand for community facilities within the Village due to the changes in use and the potential for increased density.

6

Alternatives

6.1 No-Action Alternative

As indicated in Section 2.5.5 of this DGEIS, the No Action Alternative represents the expected maximum development density if the Proposed Action were not to occur. The scenario was constructed with the following parameters:

- Projected Development Sites will be developed to the maximum density under current zoning parameters and current land use, except for industrial sites. Industrial projected development sites will be developed to 40% of the maximum density under current zoning parameters and current land use to reflect market demand conditions.
- Potential Development Sites are not going to be re-developed.
- The number of dwelling units in residential buildings is determined by dividing the total amount of residential floor area by the dwelling unit size of 800 SF and rounding to the nearest whole number.
- The estimate of new parking spaces for Projected Development Sites containing residential or commercial uses was determined by assuming 50% of the lot area is reserved for surface parking and dividing by a factor of 300 SF per space.

An analysis of the potential impacts associated with each environmental issue and the differences as compared to the Proposed Action is discussed in greater detail below.

6.1.1 Zoning, Land Use and Community Character

The No Action Alternative would maintain the status quo with respect to zoning within the Rezoning Areas. Consequently, no change to zoning would occur in this scenario. Specifically, implementation of the No Action Alternative would proscribe the addition of new MU Districts in the Maple Union Triangle Rezoning Area, nor would it prompt the discontinuation of the Light Industrial and Industrial Districts of the Village. Additionally, as described in Section 3.1.2 of this DGEIS, the No Action Alternative would proscribe the Village from making minor revisions to the Business districts in the Post Avenue Rezoning Area, which would permit increased sidewalk width to allow for enhanced pedestrian amenities, such as streetscape/street furniture and public landscaping.

As shown in Table 2 in Section 2.5, under the No Action Alternative, it is anticipated that there would be almost 1.9 million SF of built floor area (an increase of 351,635 SF from the existing condition). Under the No Action scenario, the study area would be comprised of 733 residential units (an increase of 189 from the existing conditions), 685,201 SF of commercial uses (an increase of 89,653 SF from existing conditions), 449,647 SF of industrial uses (an increase of 125,083 SF from existing conditions), and 100,705 SF of community facility and other uses (no change from existing conditions).

Table 79 Comparison of With Action with Existing Conditions and No Action

Land Use	With Action	Increment Change from Existing Conditions	Increment Change from No Action
Residential SF (Units)	1,893,875 (2,134)	1,396,700 (1,590)	1,259,802 (1,401)
Maple Union	*1,453,131 (1,618)*	*1,325,494 (1,496)*	*-1,259,802 (1,401)*
Post Avenue	*440,744 (516)*	*71,206 (94)*	*0 (0)*
Commercial SF	632,920	37,372	-52,281
Maple Union	*176,195*	*-7,636*	*-52,281*
Post Avenue	*456,725*	*45,008*	*0*
Industrial SF	162,096	-162,468	-287,551
Maple Union	*145,138*	*-162,468*	*-287,551*
Post Avenue	*16,958*	*0*	*0*
Comm. Facility SF and Other	100,705	0	0
Maple Union	*46,753*	*0*	*0*
Post Avenue	*53,592*	*0*	*0*
Total Floor Area	**2,789,596**	**1,271,604**	**919,969**

The substantial increase in industrial square footage under No Action is due mainly to the underbuilt capacity of the existing industrially zoned lots. Based on market demand conditions pertaining to industrial uses, it is expected these parcels may be redeveloped as storage facilities similar to neighboring parcels. The modest increase in residential units suggests there are very few residential lots where the existing residential allowable density is less than 50% of the amount allowed under current zoning.

Lastly, while adoption of the proposed amendments would not, in itself, have any impact on community character, the gradual build-out of new development reflected in the RWCDS would lead to beneficial impacts on community character. The No Action Alternative, however, would maintain the status quo with respect to zoning within the Rezoning Areas and, as such, would not benefit the greater Westbury community through a combination of improvements to the various aspects that comprise its character, including land use, visual characteristics and urban design, cultural resources, socioeconomic conditions, traffic, and noise, among other conditions described throughout this DGEIS.

As such, while gradual build-out of new development under the No Action Alternative (i.e., development to the maximum density under current zoning parameters and current land use), would lead to some beneficial impacts on community character, the No Action Alternative, in itself, is not consistent with the Village's land use planning goals or the relevant portions of the *2003 Comprehensive Plan*. Under the No Action Alternative, the character of the Maple Union Triangle would not evolve based on the introduction of mixed-use TODs, nor would it have any impact on the existing character of the Post Avenue downtown area, contrary to the goals of the Village.

The anticipated zoning changes for the Rezoning Areas, as described previously, represent beneficial land use impacts. These land use changes would be the future realization of the Village's long-term planning goals documented in the *2003 Comprehensive Plan* and the *DRI Plan*, which was the impetus of the Proposed Action.

Based on the foregoing, implementation of the No Action Alternative would not meet the Village's objectives to revitalize the Rezoning Areas, as supported by the *DRI Plan* and the proposed zoning legislation.

6.1.2 Community Facilities and Infrastructure/Utilities

Under the No Action Alternative, any potential future development within the Rezoning Areas would adhere to the current zoning regulations of the Village. As indicated in Table 79 above, the No Action Alternative would result in 1,259,802 SF of residential space, 52,281 SF of commercial space, and 287,551 SF of industrial space. Under the No Action Alternative, there would be no change in square footages of community facility and other space within the Rezoning Areas.

The collective effect of decreasing the total number of dwelling units, in combination with increasing total commercial and industrial space, would reduce the

daily demand on water supply and sanitary resources. Specifically, the projection for both potable water demand and sewage effluent under the No Action Alternative, based on NCDPW Minimum Design Sewage Flow Rates, is 343,689± gpd, which is approximately 400,946± gpd less than for the Proposed Action, and only 267,926 gpd more than the existing conditions.

As compared to the Proposed Action, it is anticipated that the No Action Alternative would generate a future population of 1,319± persons over the course of 15 years, which is approximately 1,539 persons less than the Proposed Action, and which would moderate the increase in demand on other service providers that would result from RWCDS for the Proposed Action. However, it is not expected that the impact would be significant even under the Proposed Action. Moreover, based on the same demographic multipliers from the Rutgers University, Center for Urban Policy Research (CUPR) used in the Population and School-Aged Children Projections memorandum (the high range), it is anticipated that the No Action Alternative would generate 86± school-aged children over the course of 15 years, which is 103 school-aged children less than estimated under the high range (a conservative estimate based on older data from throughout all of New York State) of the Proposed Action. As the actual number of school-aged children would likely be closer to the low or middle ranges under the Proposed Action, it is anticipated that the number of school-aged children to be generated by the No Action Alternative would also be significantly less than the high range of the approximate 86 school-aged children. Moreover, it is acknowledged that the high range estimate (for the Proposed Action and No Action Alternative) assumes that all school-aged children associated with the RWCDS would attend public schools and remain enrolled in the school district throughout the 15-year absorption schedule, while it is likely that many would attend private schools and/or age out of the school system during the 15-year build-out.

As with the Proposed Action, fire protection and (secondary) emergency medical services for potential future redevelopment sites within the Rezoning Areas under the No Action Alternative would continue to be provided by the Westbury FD, and primary ambulance services would continue to be provided by the NCPD EAB. All potential future redevelopment within the Rezoning Areas under the No Action Alternative would be compliant with prevailing fire safety and building regulations, and adequate internal access would be provided for emergency vehicles, similar to what would occur under the Proposed Action.

Potential future redevelopment within the Rezoning Areas under the No Action Alternative would generate 432.58± tons of solid waste per month, which is 179.31± tons per month less than under the Proposed Action, where more residential, and less commercial and industrial development is anticipated. As indicated in Section 3.2.1 of this DGEIS, the collection and disposal of solid waste currently generated by residential properties within the Village of performed by the Village Department of Public Works; the collection and disposal of solid waste currently generated by commercial and industrial properties in the Village is performed by licensed private contractors. As such, the net decrease of 179.31± tons per month of solid waste

under the No Action Alternative would not significantly affect existing solid waste collection and disposal practices of the Village and licensed private contractors, particularly given that full build-out is expected to occur over 15 years. However, since under the proposed action recycling and sanitation pickup/disposal from the new developments would be private, there would be much less of an impact on the Village budget.

Overall, the No Action Alternative would affect community service providers in a manner similar to the Proposed Action, as the overall scale of development would be comparable (i.e., less residential, more commercial and industrial space).

6.1.3 Socioeconomics

As compared to the Proposed Action, the No Action Alternative would generate a residential population of 1,539 less people. Additionally, while the Proposed Action would result in the redevelopment of approximately 36 residential buildings containing 62 units and 195 residents, the No Action Alternative would result in the redevelopment of only 30 residential buildings containing 48 units and 151 residents. Moreover, as compared to the directly displaced population representing 2.0 percent and 1.1 percent of the Rezoning Area's and Village's population, respectively, under the Proposed Action, the directly displaced population under the No Action Alternative would represent 1.5 percent and 0.9 percent of the Rezoning Area's and Village's populations, respectively.

Although both the Proposed Action and No Action Alternative would likely result in some residential displacement, any displacement would be the result of redevelopment, which would increase the number of residential units and housing options for current and future Village residents. The Proposed Action would increase the number of residential units in the Maple Union Triangle by 1,590 while the No Action Scenario would increase the number of residential units by 189. Furthermore, the new zoning requires affordable units and provides bonus density incentives for increased affordable units, and density credits may also result in resettlement agreements with developers within the Rezoning Area.

6.1.4 Aesthetic Resources/Urban Design

As indicated in Section 3.4.1 of this DGEIS, there is no cohesive visual identity through the Rezoning Areas. The Post Avenue Rezoning Area portrays a typical central business district featuring buildings of various architectural styles and heights ranging from one-to-six stories, while the Maple Union Triangle Rezoning Area presents a visually disparate industrial aesthetic that is mismatched with the residential uses that are interspersed within the area. While the Proposed Action would introduce new zoning regulations to the Rezoning Areas that are intended, in part, to improve upon existing aesthetic conditions within the Rezoning Areas, implementation of the No Action Alternative would exacerbate the existing incohesive aesthetic character of the Rezoning Areas.

Specifically, maximum heights of new buildings in the MU District under the Proposed Action would reach between three-to-five stories, or 40-to-65 feet (after development bonuses), depending on which subdistrict the building is located. The heights permitted in the MU District would be in character and compatible with existing heights allowed in other existing multifamily zoning districts within other portions of the Village, near the downtown. The sub-districts are proposed in an arrangement that would allow the tallest buildings (five stories / 65 feet, with development bonuses) to be located in the existing Industrial and Light Industrial Districts (proposed MU-R4, MU-R5 and MU-R6 sub-districts), as these areas are least likely to impact established single-family residential neighborhoods. The mid-range of proposed height limits (four stories or 50 feet, with incentives, in the MU-R3 and MU-R7 sub-districts) would be situated along the south side of Maple Avenue and along Scally Place. The most restrictive proposed height limits would in the proposed MU-R1 and MU-R2, where no development bonuses for height would be granted beyond three stories or 40 feet. The MU-R1 and MU-R2 sub-districts are adjacent to the established single-family residential neighborhood to the north. As such, the proposed height limitations would be protective of existing aesthetic character surrounding the MU District while allowing for the density necessary within the interior of the district to create a thriving downtown.

Aside from the height limitations in the MU District, the proposed zoning regulations include a non-exhaustive list provisions for public benefits that can be provided in exchange for development bonuses, several of which are intended to beautify the Village in one way or another. Included in this list are the provisions for:

- Off-site improvements to parks, open space, transit facilities, and streetscape within the Maple Union TOD District
- Additional open space, enhancement of existing open space, and ecological restoration
- Off-street passenger loading (for hotels, apartment, condominium, or housing cooperative buildings, etc.)
- Sidewalk canopy
- Interior freight loading
- Additional setback at grade, allowing for sidewalk widening or plaza with landscaping and/or unique paving design
- Unique landscaping

Note again that this is a non-exhaustive list, and it would be at the Board of Trustees' discretion to grant development bonuses for other public benefits associated with superior urban design and aesthetics, in order to meet the intent of the incentive zoning program, which includes (among other purposes):

- Providing, encouraging the retention and development of attractive and useful open space

- Arranging and designing buildings to provide light and air to streets and other properties and to enhancing aesthetic views
- Encouraging the development of attractive, pedestrian-oriented retail areas
- Encouraging the provision of both passive and active recreation areas
- Preserving and/or increasing the quantity and quality of landscaping
- Encouraging creative and superior architectural design.

The proposed zoning amendments in the Post Avenue Rezoning Area are far less extensive, pertaining only to improvements to the pedestrian environment, aesthetic conditions and parking resources. These amendments would introduce a requirement in the B-1, B-2 and B-4 districts to provide a sidewalk width of between 12 and 20 feet as measured from the face of the curb. This would allow for the placement of street furniture, street trees and other pedestrian amenities that would enhance the visual character of Post Avenue. Additionally, the proposed incentive zoning program for the MU District does not set a geographical limit on the provision of public benefits within the Village. As such, potential developers of properties in the MU District could meet the public benefit requirements for development bonuses by investing in aesthetic/urban design improvements to the Post Avenue corridor, subject to the discretion of the Board of Trustees.

Overall, it is expected that continued development under the No Action Alternative would result in less of an aesthetic improvement to the Rezoning Areas than would occur under the Proposed Action.

6.1.5 Cultural Resources

As with the Proposed Action, future potential redevelopment activities under the No Action Alternative would be required to perform an analysis of potential effects on historic and archaeological resources on a site-specific basis. As indicated in Section 3.5.2 of this DGEIS, site-specific analyses would include, consultation with NYS OPRHP, the completion of the identification of historic properties, identification of appropriate APEs, assessment of the development's effects on any identified historic properties, and development of appropriate mitigation measures if adverse effects would occur on historic and/or archaeological resources. Potential effects that would be evaluated include direct impacts (including demolition, alteration, or damage from construction) and indirect visual impacts.

Overall, as indicated above, an analysis of potential effects on historic and archaeological resources would be required on a site-specific basis throughout the Rezoning Areas and, if necessary, mitigation of potential impacts to these resources would be initiated between the applicant (project sponsor) and the involved agencies, describing the measures for avoiding, minimizing, or mitigating the adverse effects on archaeological resources, similar to the Proposed Action.

6.1.6 Transportation and Parking

As indicated in Section 3.6.2 of this DGEIS, the No Action Alternative assumes normal background growth, plus traffic due to other planned projects over the 15-year build-out of the No Action Alternative. Thus, the No Action Alternative no-build condition traffic analysis was conducted for the year 2033 under the existing zoning. Moreover, to estimate traffic conditions under the future "no-build 2033" (see Section 3.6.2), the 2040 Build Condition traffic volumes of the Long Island Rail Road Expansion Project Floral Park to Hicksville, as well as anticipated soft sites to be redeveloped regardless of the Proposed Action, were considered.

To determine future traffic conditions under the No Action Alternative, capacity analyses were conducted at the same seven study area roadways which existing conditions analyses were conducted (see Section 3.6.1). These intersections were reanalyzed under the no-build 2033 condition traffic volumes for the AM and PM peak hours, and also included modifications to the existing roadway network that is reflected in the no-build 2033 condition traffic models. As indicated in Table 5 of Section 3.6.2 of this DGEIS, the overall LOS at each intersection ranges from LOS A to LOS C, which is considered very stable, unconstrained traffic operating conditions. However, it is indicated that under the No Action Alternative's no-build 2033 there are a few intersection approaches/lane groups that are anticipated to operate poorly during the PM peak hours; the AM peak hour would operate constraint free with intersection approaches/lane groups LOS D or better. As indicated in Section 3.6.2 of this DGEIS, signalized and unsignalized intersections of specific concern include:

- Westbound Union Avenue left turn at Post Avenue operates at LOS E in the PM peak hour (Signalized);
- Westbound Maple Avenue left turn at Post Avenue operates at LOS F in the PM peak hour (Signalized);
- Westbound Scally Place approach at Post Avenue operates at LOS E in the PM peak hour (Unsignalized).

In addition to the above-noted approaches/land groups, all other approaches/lane groups that are anticipated to operate at LOS D under the No Action Alternative's no-build 2033 would be carefully evaluated in order to determine the potential future mitigation needs.

As indicated in Section 3.6.2 of this DGEIS, transit operations as a result of the no-build 2033 are not anticipated to change from existing conditions. However, it is noted that regular coordination with NICE may be necessary to ensure that adequate bus service is maintained.

6.1.7 Air Quality

As with the Proposed Action, it is expected that there would be no significant air quality impacts if the Rezoning Areas were fully developed to the maximum density under existing zoning. Moreover, it is not anticipated that the differences in land use

or cover-types, as compared to the Proposed Action, and trip generation under the No Action Alternative would result in significant adverse impacts with respect to air emissions within the Rezoning Areas.

6.1.8 Noise and Vibration

As with the Proposed Action, it is expected that there would be no significant increase in ambient noise levels if the Rezoning Areas were fully developed to the maximum density under existing zoning. Moreover, it is not anticipated that the differences in land use or cover-types, as compared to the Proposed Action, and trip generation under the No Action Alternative would result in significant adverse impacts with respect to ambient noise within the Rezoning Areas.

6.1.9 Soils and Topography

Potential impacts to soils and topography under the No Action Alternative would be similar to those of the Proposed Action, as virtually all soils within the Rezoning Areas have been previously disturbed and developed for buildings and roads. Thus, there would be no significant impact to any naturally-occurring soils or topographic features under either development scenario.

As with the Proposed Action, any redevelopment within the Rezoning Areas under the No Action Alternative would be subject to Chapter 213, Stormwater Management [and Erosion and Sediment Control], of the Village Code, requiring implementation of proper erosion and sedimentation controls.

Based on the foregoing, it is not anticipated that redevelopment under the No Action Alternative would have significant adverse impacts on soils and topography within the Rezoning Areas, similar to the Proposed Action.

6.1.10 Hazardous Materials

As with the Proposed Action, the installation of USTs/ASTs, chemical storage, etc. during future redevelopment activities under the No Action Alternative would be conducted in accordance with all applicable local, state and federal regulations. Notwithstanding the same, the Rezoning Areas would be comprised of 449,647 SF of industrial uses (an increase of 287,551 SF as compared to the Proposed Action) under the No Action Alternative, such that the potential for future industrial facilities to be present may continue to utilize hazardous chemicals. Thus, implementation of the No Action Alternative would not eliminate the existing and future potential presence of hazardous materials, particularly within the Maple Union Triangle Rezoning Area, related to industrial facilities, as would begin occurring under the Proposed Action. Moreover, as two of the Village's industrial zone districts (Industrial and Light Industrial) would continue to operate under the No Action Alternative, the potential for future adverse impacts to the environment, which exist due to current and historic property usage, would continue.

6.1.11 Water Resources

As with the Proposed Action, redevelopment under the No Action Alternative would convey sanitary waste into the facilities of the Nassau County municipal sewer system's Sewer Collection District #3, which would mitigate potential impacts of this sewage to groundwater resources due to sewage disposal. Additionally, compliance with Chapter 213, Stormwater Management [and Erosion and Sediment Control], of the Village Code would ensure that any redevelopment under the No Action Alternative would be protective of water resources and mitigate potential stormwater impacts.

Moreover, all potential development within the Rezoning Areas under the No Active Alternative would be in accordance with the relevant requirements of Article XI of the NCPHO, as well as other prevailing regulations for the installation, removal, or abandonment of all toxic and hazardous material storage tanks, similar to what would occur under the Proposed Action. As with the Proposed Action, a Phase I ESA, and potentially a Phase II ESA, should be completed for each site prior to redevelopment activities under the No Action Alternative.

Lastly, it is not anticipated that surface waters would be affected under the No Action Alternative, similar to what would occur under the Proposed Action, as there are no natural surface water bodies or wetlands within or proximate to the Rezoning Areas. Therefore, it is not anticipated that redevelopment under the No Action Alternative would have a significant adverse impact on water resources in the Rezoning Areas, similar to what would occur under the Proposed Action.

6.1.12 Use and Conservations of Energy

PSEG LI and National Grid would continue to provide electricity and natural gas service, respectively, to existing developments within the Rezoning Areas as a result of the implementation of the No Action Alternative. For all site-specific applications for redevelopment under the No Action Alternative, both PSEG LI and National Grid would be required to be consulted to confirm service availability and to identify potentially necessary site improvements to provide electric and/or natural gas service. As indicated in Section 3.12.2 of this DGEIS, however, National Grid has, at this time, stopped processing new applications for service for all residences, small businesses and large development projects due to NYSDEC's rejection of the water quality permit for the Williams Pipeline, also known as the Northeast Supply Enhancement (NESE) project. While the applicant for the pipeline has begun to address NYSDEC's concerns, developments that require new gas connections for new projects may be required to seek alternative fuel sources as National Grid cannot be relied upon to supply natural gas.

In addition to meeting the requirements of PSEG LI and National Grid for utility connections, new residential developments within the Rezoning Areas under the No Action Alternative would be required to adhere to the Village's Energy Star requirements for issuance of building permits, as well as the requirements of the New York State Energy Conservation Construction Code, which incorporates the

2015 International Energy Conservation Code (IECC), the 2016 Supplement to the New York State Energy Conservation Construction Code, and the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2013 (Energy Standard for Buildings Except Low-Rise Residential Buildings) by reference, similar to what would occur under the Proposed Action.

7

Irretrievable and Irreversible Commitment of Resources

An irretrievable or irreversible commitment of resources refers to impacts on or losses to resources that cannot be recovered of reversed. Both the Post Avenue Rezoning Area and the Maple Union Triangle Rezoning Area have been previously developed and have been previously committed to specific uses. Implementation of the Proposed Action would allow redevelopment of properties within these areas for different uses and/or at higher densities.

Certain portions of the Maple Union Triangle Rezoning Area are currently underutilized, haphazardly developed and/or unattractive. Implementation of the Proposed Action would commit these underutilized areas to new uses, including residential uses, which would preclude other development from occurring on the site, although such sites could be redeveloped in the future.

Any potential redevelopment of these sites would require a commitment of both natural and manmade resources as well as time. Certain additional resources related to the construction aspects of the development would be committed. These resources include, but are not limited to, concrete, asphalt, lumber, paint, water and topsoil. Mechanical equipment resources would be committed to assist personnel in any of the potential construction activities. The operation of construction equipment would require electricity, water resources and fossil fuels.

Furthermore, the construction phase of the future projects under the proposed zoning amendments would require the commitment of labor, fiscal resources and time that would not be available for other projects. In addition, during the

operational phase of any new development, electricity, natural gas, water resources and fossil fuels would be used for heating, cooling and other purposes.

Based on the foregoing, no significant irretrievable or irreversible commitment of resources is anticipated as a result of any revitalization efforts that may occur.

8

Growth-Inducing Impacts

Growth-inducing aspects are generally described as the long-term secondary effects of a proposed action. *The SEQR Handbook*[66] indicates that a,

> *generic EIS should describe any potential that proposed actions may have for 'triggering' further development, such as:*
>
> - *attracting significant increases in the local population by creating or relocating employment, with attendant increase in the demands for support services and facilities, which may be necessary to serve the working population (housing, stores, public services, etc.); or*
> - *increasing the development potential for a local area by installing or upgrading sewers, water mains, or other utilities.*

The zoning amendments proposed by the Village of Westbury have been developed to, among other things, encourage specific types of growth within the Village. As noted, the proposed zoning amendments, in part, create a new transit-oriented zoning district that promotes increased residential density, particularly around the LIRR station, which would enable additional residential growth to occur within the Village. This enhancement of growth potential and the guidance of growth to specific areas of the Village are the cornerstones of the proposed zoning amendments, as they would assist in achieving the Village's vision to be "Long Island's model transit-oriented, diverse, walkable, arts-centric downtown." This future development would, in turn, enhance the tax base and complement the

[66] *The SEQR Handbook*, DRAFT 4th Edition, New York State Department of Environmental Conservation (2019)

surrounding uses as well as better utilize properties within each of the Rezoning Areas. In essence, the proposed action is expected to facilitate additional growth within the Village.

With the addition of the residential units and limited retail space, the future development would revitalize the two Rezoning Areas and create growth and positive change by attracting new businesses, residents, and visitors to the area. The RWCDS is estimated to generate 1,618 residential units in the Maple Union Triangle and 516 residential units in the Post Avenue Rezoning Area, with a total population of approximately 2,858 residents. The addition of population to these areas may trigger the need for additional community services including police and fire protection. Additional population associated with the new housing units may also increase the need for additional personal service businesses and retail facilities. However, the Village of Westbury is a long-standing, well-established community with myriad facilities and infrastructure to serve additional residents.

Also, as discussed in Section 3.3.2 of this DGEIS, the RWCDS under proposed zoning amendments is expected to support approximately 280 permanent FTE jobs within the commercial sector, many of which could be filled by existing local residents or by new residents living within the future housing units. Furthermore, the permanent jobs that would be supported are likely to create additional secondary jobs within and surrounding the two Rezoning Areas. It is unlikely that the addition of either direct or secondary (indirect) permanent jobs, would trigger the need for additional housing, beyond what is being proposed.

The bulk and dimensional regulations proposed in the Maple Union TOD District would control the maximum amount of development that could occur within the Village. Furthermore, the elimination of the Light Industrial and Industrial Districts would reduce the amount of industrial development that is permitted within the Village.

As such, the potential growth-inducing aspects of the proposed action are consistent with the Village's objectives for revitalization of the downtown and, particularly, along Post Avenue and the area around the LIRR station.

9

Conditions and Criteria under which Future Actions will be Undertaken or Approved including Requirement for Subsequent SEQRA Compliance

As a DGEIS, this document properly provides a **generic** assessment of potential environmental impacts associated with the Proposed Action, which comprises the proposed amendments to the Village Zoning Code, rather than any actual development. In accordance with the SEQRA regulations, at NYCRR §617.10(a), this allows for the DGEIS to "…present and analyze in general terms a few hypothetical scenarios that could and are likely to occur."

In contrast to the generic nature of this DGEIS, the parameters for a project-specific DEIS for a development application are more definitive, which allows potential impacts to be evaluated with greater precision and certainty. This would apply, for example, to the rates of water consumption, sewage generation and vehicular trip generation associated with a particular proposal for land development. In such a case, the reviewing agency can more readily and directly assess whether the infrastructure – e.g., the water supply, sewage collection and disposal, and roadway systems – has sufficient capacity to accommodate the increased demands that would result from the proposed project, or if significant impacts would result which require the implementation of appropriate mitigation measures.

The Proposed Action does not entail specific development, but instead may facilitate or encourage development. Development is not directly being proposed by the proposed zoning amendments, and may never materialize. However, in order for the decision-making process to appropriately account for uncertainties related to the potential impacts of future actions, the SEQRA regulations, at 6 NYCRR §617.10(c), establish that:

> *Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.*

These conditions and criteria identify circumstances under which no further review under SEQRA would be required, because the GEIS demonstrates that the action contemplated, such as site-specific future development, would not result in a significant environmental impact. This may occur, for example, when the potential impacts of a specific development project proposed under the new legislation remain below the established capacity threshold for the relevant infrastructure. Conversely, other circumstances may be identified whereby supplemental SEQRA review is necessitated because a specified threshold would be exceeded if a specific development were to be constructed, or if a specific environmental issue associated with the future action was not evaluated or not sufficiently evaluated in the GEIS.

Section 9.1, below, presents a draft version of the relevant conditions and criteria, which may undergo refinement in the Final GEIS (FGEIS) based on comments received during public review of the DGEIS. Ultimately the conditions and criteria will be promulgated in the Village Board of Trustees' Findings Statement adopted at the end of the current SEQRA process.

Once the Findings Statement has been adopted, along with the proposed zoning amendments, all future actions within the Village would be required to be further evaluated under SEQRA. This evaluation will focus on determining whether a given future action would contravene any of the conditions or criteria established in the Findings Statement (i.e., the final version of the draft conditions and criteria set forth below). Should any future action pose the potential for impacts that were not addressed or not adequately assessed in the GEIS, the need for supplemental SEQRA review would be indicated. Such supplemental SEQRA review may entail the preparation of an Environmental Assessment Form (EAF), or even a project-specific EIS if it is determined that future potential impacts may be significant and adverse.

Any future action that would contravene any of the conditions or criteria set forth below would be subject to the full requirements of SEQRA. Such supplemental SEQRA review would be required to appropriately address all relevant environmental parameters, and would not necessarily be limited to the parameters associated with the specific conditions/criteria that the future action would contravene.

It is important to note that any future action under the proposed zoning amendments would involve a discretionary approval from the Village Board of

Trustees, after a public hearing. These procedural requirements provide the opportunity for public review and due deliberation prior to decision-making, thereby creating a suitable framework for properly considering the SEQRA implications of any such future action.

9.1 Conditions and Criteria

The following are draft conditions and criteria that would apply if the Proposed Action, as described in this DGEIS, is approved by the Village. These conditions and criteria are organized and grouped by the same set of environmental parameters as are presented in the preceding sections of this DGEIS. Except as otherwise noted, further review under SEQRA would not be needed for any future action that complies with the conditions and criteria set forth below.

9.1.1 Zoning, Land Use and Community Character

The proposed action is specifically directed at creating an amended zoning framework for Post Avenue and, particularly the Maple Union Rezoning Area, through revisions to the Village Code, to encourage development in a manner that enhances the land use setting – and, consequently, the community character – in these areas. This includes the provision of community benefits as an incentive for additional development in accordance with the Village's vision for the downtown. Development under the Proposed Action would augment the mix of uses within the Rezoning Areas, bring transit-oriented development, including a variety of residential unit types and sizes, into the community (e.g., workforce housing, housing for veterans, and microunits), and eventually transition the Maple Union Triangle away from industrial uses. The Proposed Action also contemplates the possible provision of incentives, such as public benefits, to improve the land use setting and community character within the Village. Accordingly, as long as any future action is in conformance with the standards for the approval of incentives and the relevant zoning criteria, further review under SEQRA with respect to land use, zoning and community character would not be necessary.

9.1.2 Community Facilities and Utilities

Community facilities and services addressed in this DGEIS include fire protection, ambulance service, police protection, health care facilities, educational facilities, library services, solid waste management, stormwater infrastructure, water supply, sewage treatment and disposal, energy provision, parks and public recreation. Although significant impacts are not expected to result from the incremental increase in potential development that could occur under the Proposed Action, as compared to what could occur under the existing zoning, this should be verified by reviewing each future project on a case-by-case basis. Specifically, as a condition of development, an applicant must:

- Provide a letter of sewer availability from the NCDPW;

- Demonstrate that water conservation measures, which may include low-flow fixtures, low-flow toilets, and/or drip irrigation, will be implemented and provide a letter of water availability from the Westbury Water District;
- Demonstrate that the proposed development meets or exceeds the New York State Energy Conservation Construction Code (New York State Energy Code), which requires the use of energy-efficient products in all new and renovated construction;
- Demonstrate consultation with the Westbury Fire Department and the Nassau County Fire Marshal and their indication of no objection; and
- Provide on-site drainage in conformance with relevant regulations regarding stormwater volumes, including Chapter 213 of the Village Code.

9.1.3 Socioeconomics

The Proposed Action is specifically intended to further refine the Village's zoning regulations to encourage more mixed-use development and diversified housing options, and to attract land uses that contribute to the long-term vitality of the Post Avenue and Maple Union Triangle Rezoning Areas, and the Village overall. Advancement of these goals under the Proposed Action is expected to result in an overall socioeconomic benefit to the Village.

The Proposed Action would allow for future development to take advantage of additional density bonuses, to encourage the types of desirable development outlined in this DGEIS by allowing for additional height and density in exchange for the provision of community benefits. Achieving these benefits would also have a positive socioeconomic impact on the Village.

With respect to fiscal impacts, as a general matter, any increase in service costs due to additional development prompted by the proposed zoning revisions would be expected to be offset by increased tax revenues for each respective taxing district.

Based on the foregoing, as long as any future development undertaken pursuant to the proposed zoning advances the intended goals of contributing to the long-term vitality of the Village and provides a meaningful benefit to the community as specified in the proposed zoning legislation, further review under SEQRA with respect to socioeconomics would not be necessary.

9.1.4 Aesthetic Resources/Urban Design

The Proposed Action would lead to beneficial aesthetic impacts in the Village through a system of incentive zoning to encourage aesthetic/urban design improvements, a transition from aged industrial to new mixed-use development, and dimensional regulations governing height and setbacks. The incentive to allow for taller buildings within the Maple Union Triangle would potentially increase heights of buildings around the train station, but these heights are equal to or less than those currently existing or permitted in other portions of the downtown. Further, it is important to note that any development within the Village under the

proposed zoning amendments would be subject to further review by the Board of Trustees, including an application package with "a preliminary rendering of the architectural treatments expected to be implemented on completion of the project."

Any application for development that seeks relief from Village standards (existing and proposed) pertaining to architecture, building facades, landscaping, signage, siting of building, lighting, site furnishing, etc., or that substantially contravenes project-specific public input regarding aesthetic character/ design during the requisite public hearing process, should undergo further review pursuant to SEQRA in order to assess whether the project design entails a potentially significant aesthetic impact.

9.1.5 Cultural Resources

The DGEIS analysis indicates that several areas have documented historic resources and/or archaeological sensitivity. Therefore, it shall be a condition of any future development pursuant to the proposed zoning that the potential to impact cultural resources be reviewed on a case-by-case basis, in accordance with the Cultural Sensitivity Map, included this DGEIS as Figure 9, that has been prepared as part of this DGEIS. In order to facilitate cultural resources review in advance of development within the Rezoning Areas, an applicant for development must consult this map, which highlights specific properties and sensitivity areas that may require consultation with OPRHP for review of potential impacts to historic and archaeological resources.

The properties and areas contained on the Cultural Sensitivity Map have been identified based on the research that has occurred for this DGEIS. Specifically, there are two S/NR-eligible sites within the Rezoning Areas: the Westbury Theatre (located at 250 Post Avenue) and the Republican Headquarters building (164 Post Avenue). Because of their determination of eligibility for inclusion in the S/NR, future development projects that may require site plan and/or approval by the Village of Westbury Board of Trustees or Planning Board; a demolition permit by the Village Buildings Department; State funding/permits/approvals; and/or Federal funding/permits/approvals should be reviewed for potential impacts to cultural (historic and archaeological) resources.

In addition to the two S/NR-eligible properties, there are 19 properties that, due to the presence of historic buildings within their boundaries, should be reviewed for potential impacts to historic and archaeological resources, if Village site plan and/or subdivision approval is needed, if a Village Building Department demolition permit is sought, or if State and/or Federal actions are involved.

In addition to the historic resources listed above, the eastern portion of the Maple Union Triangle Rezoning Area should be reviewed by an applicant for development for historic and archaeological sensitivity on a site-specific basis for site plan and/or subdivision approval, Building Department permit for demolition, for State action, and/or for Federal actions. This recommendation is due to the presence of the Bethel A.M.E. Church (located at 467 Maple Avenue) within the Maple Union Triangle

Rezoning Area, the proximity of the Westbury A.M.E. Zion Church (located at 274 Grand Avenue) adjacent to the Rezoning Area, and the proximity of the Grantville neighborhood to the Rezoning Area. Both of these churches are listed on the Village Heritage Trail, and sensitivity models established by archaeologists and historians note that that in 19th and early 20th century African American communities, the Church was the center of community life as not only a place of worship, but a place for social gathering, for economic and social support, and for collective social identity resulting in a distinct settlement pattern. These factors make the areas around the African American churches sensitive for the potential presence of resources associated with this aspect of history.

Cultural resources review is initiated by submission of a project notification to OPRHP through CRIS, which includes (at minimum) information about the proposed development program, lead review agency, State and/or Federal funding and approvals, and photographs of existing conditions. OPRHP will respond to a project notification with its review of historic resources and determination of potential effect within 30 days.

Ultimately, the currently-developed conditions of the parcels most likely to be redeveloped within this area will probably have already impacted the integrity of any historic and archaeological resources (if they are indeed present). Therefore, for archaeological resources, it is anticipated that, at most, a disturbance assessment or Phase IA cultural resources investigation would be recommended to determine the likelihood that any historic or archaeological resources are present within the parcels to be redeveloped. If historic or archaeological resources are identified, it would then likely lead to some type of documentation before those resources are impacted by new development.

Furthermore, if any cultural resources are encountered during site development, the developer must notify the Village of Westbury and Village Historian, which must notify OPRHP, and review and/or mitigation must be undertaken by the developer as identified by OPRHP and the Village, based upon the specific circumstance.

The required protocol for mitigating potential impacts to historic and/or archaeological resources involves close coordination among the relevant involved agencies and the applicant, culminating in a Letter of Resolution (LOR) or Memorandum of Agreement (MOA), which describes the required measures for avoiding, minimizing, or mitigating the identified adverse effects on historic and/or archaeological resources. As a condition of this DGEIS, this protocol shall be followed whenever applicable.

9.1.6 Transportation and Parking

Section 3.6.2 of this DGEIS presents the findings of the traffic impact analysis for the proposed zoning amendments, based on the RWCDS and a 15-year build-out of future development through 2033. The scenarios for the future no-build conditions have been compared to the future build (With Action) conditions for trip generation. With respect to traffic, the traffic analysis establishes a total trip generation

threshold for the full 15-year build-out, and recommends the implementation of traffic mitigation measures to address redevelopment-related impacts. For each site plan application submission to the Village following adoption of the zoning amendments, an EAF is required pursuant to proposed §248-360.A (8), including identification of the number of projected trips resulting from the proposed project during the weekday morning, weekday afternoon and Saturday mid-day peak-hour periods. Therefore, using the information provided in the EAF during the site plan application review and approval process, the Village will be able to efficiently track the projected trips to be generated by each project, and compare the cumulative results to the trip generation threshold established in the DGEIS to determine if and when each of the recommended mitigation measures included in Section 3.6.3 of this DGEIS should be implemented. The Village may require a traffic mitigation fee to fund the recommended traffic mitigation measures included in the traffic analysis, as well as any additional transportation analyses needed to evaluate the thresholds and timing for the implementation of such mitigation.

With regard to parking, the analysis shows that adjustments of the existing parking codes, particularly for the land uses that are going to be considered for rezoning under this project, are warranted. The proposed RWCDS zoning amendments will reduce some of the existing land uses and create new density controls and regulations to create new TOD development opportunities. The proposed zoning amendments provide for modified parking ratios for multiple dwellings, as well as retail facilities and restaurants. The proposed parking ratios were compared to industry standards and the results show that modification to the parking code will not result in a parking shortfall at build-out. Therefore, should an applicant meet the parking ratios set forth in the proposed zoning amendments, no further parking analysis is required. However, if an applicant requests a variance from the new zoning's parking ratio for a specific development, a parking study and demand analysis must be performed to justify such variance.

With respect to the recommended additional parking mitigation, should the Village wish to install MuniMeters, as discussed in Section 3.6.2, at the discretion of the Board of Trustees, this could be a public benefit associated with an applicant's density bonus request.

9.1.7 Air Quality

Based on the analysis performed for the RWCDS no microscale air quality analysis is required; therefore, no violations of the National Ambient Air Quality Standards (NAAQS) would occur, the Proposed Action would not increase the frequency or severity of any existing NAAQS violations, and there would not be a delay in attainment of any NAAQS. In fact, the removal of industrial zoning and ultimately industrial uses, particularly in the Maple Union Triangle Area, is likely to lessen the potential for air quality impacts in the future, as such future uses would generally be less impactful than either existing uses or those that are permitted in the existing

Industrial and Light Industrial Districts that are being eliminated. However, if any future action is determined to pose the potential for contravening these standards, the need for supplemental SEQRA review would be indicated.

Applications for development shall comply with the following conditions:

- During the design process for specific developments, emissions associated with the HVAC systems must adhere to local, state, and federal permitting requirements and incorporate any necessary air emissions controls; and
- Development under the Proposed Action must meet and or exceed the minimum energy requirements in the Village Code and other relevant compulsory requirements (e.g., New York State Energy Code).

Construction activities have the potential to cause air quality impacts, primarily associated with wind-borne dust generation from cleared land. In order to ensure that any such impacts are avoided or minimized so as not to be significant, it shall be a condition of all future development within the Rezoning Areas that appropriate mitigation be implemented for all such development, including:

- Proper emissions controls shall be implemented for construction vehicles.
- Establish truck-staging zones for diesel-powered vehicles that are waiting to load or unload material at the contract area. Such zones should be located where the diesel emissions from the trucks will have minimum impact on abutting properties and the general public.
- Idling of delivery and/or dump trucks, or other diesel-powered equipment will not be permitted during periods of non-active use, and will be limited to five minutes in accordance with the New York Codes, Rules and Regulations, Subpart 217-3.
- Proper dust control measures shall be implemented during dry or windy periods, as identified in a site-specific erosion control plan. Moreover, in compliance with the New York State laws regulating fugitive and visible emissions, all trucks carrying loose material shall use water as a dust suppression measure, wheel-washing stations shall be established for all trucks exiting the construction site; trucks hauling loose material shall be equipped with tight-fitting tailgates and their loads securely covered prior to leaving the site. Streets adjacent to the site shall be cleaned as frequently as needed by the construction contractor, and water sprays shall be used for all transfer of loose material to ensure that materials are dampened as necessary to avoid the suspension of dust into the air.
- Regular sweeping of the pavement surface of adjacent roadways shall occur during construction.

9.1.8 Noise and Vibration

The primary sources of existing noise and vibration in the Rezoning Areas include traffic on major roadways such as Post Avenue, Old Country Road, Union Avenue, School Street, Maple Avenue, and Northern State Parkway and trains on the LIRR Ronkonkoma and Port Jefferson lines. Trains do not routinely sound their horns at

Post Avenue, which is grade-separated. Trains do routinely sound their horns at the at-grade crossing at School Street. However, School Street is one of seven street-level crossings along the LIRR Main Line that is being eliminated as part of the LIRR Expansion Project from Floral Park to Hicksville.

Aside from the mobile sources described above, there are also stationary sources of noise including typical rooftop mechanical heating, ventilation, and air-conditioning equipment and operations associated with industrial land uses.

The primary source of existing vibration in the study area is LIRR trains. There is the potential for vibration generated by LIRR trains to affect interior conditions at future residential developments near the tracks.

The proposed zoning amendments have been designed to introduce new residences and noise-sensitive receptors into the study area, although new industrial land uses would no longer be permitted and existing industrial uses eventually will be phased out of the Maple Union Triangle Rezoning Area.

For the purposes of this DGEIS, the conclusion of no significant impact with respect to noise assumes that future development that occurs under the proposed zoning would conform with applicable, existing regulatory provisions, particularly with respect to the requirements of Chapter 168 of the Village Code. Furthermore, construction activities have the potential to cause short-term noise impacts. In order to ensure that any such impacts are avoided or minimized so as not to be significant, construction activities within the Rezoning Areas must be undertaken in accordance with the standards specified in Chapter 168 of the Village Code.

Any future development in the Rezoning Areas that conforms to the standards of Chapter 168 can be deemed as not entailing potentially significant impacts, under which circumstances no further review would be required pursuant to SEQRA with respect to this parameter. However, if any future action is determined to pose the potential for contravening the Village's noise ordinance either due to construction or operation, the need for supplemental SEQRA review would be indicated.

Due to potential future development projects including residential uses located near arterial roadways or the LIRR must provide attenuation to achieve the HUD-recognized interior guidelines or provide noise assessment to determine potential impact with respect to a site/use-specific project and an appropriate level of attenuation. Future development projects should reference Table 77 to determine their potential for impact under the HUD guidelines, and the following condition shall apply:

- Increase sound attenuating characteristics of the building façade by reducing window to wall ratio, using improved glazing and using denser wall materials. Overall wall sections should provide a high enough Sound Transmission Class (STC) to reduce interior sound to acceptable levels of 45 dBA Ldn.[67]

[67] Day-night average sound level.

Future developments located sufficiently close to the LIRR such that vibration levels may approach or exceed the thresholds for human perception and annoyance shall be required to :

- Use vibration dampening bearings to isolate the building from vibration emanating from the tracks, as applicable.

Construction activities have the potential to cause noise and vibration impacts. In order to ensure that any such impacts are avoided or minimized so as not to be significant, it shall be a condition of all future development within the Rezoning Areas that appropriate mitigation be implemented for all such development, including:

- Replacing back-up alarms with strobes, as allowed within OSHA regulations, to eliminate the annoying impulsive sound;
- Assuring that equipment is functioning properly and is equipped with mufflers and other noise-reducing features;
- Locating especially noisy equipment as far from sensitive receptors as possible;
- Using quieter construction equipment and methods, as feasible, such as smaller backhoes and excavators;
- Maintaining equipment to avoid louder operation associated with mechanical issues;
- Using path noise control measures such as portable enclosures for small equipment (i.e. jackhammers and saws); and
- Building portable noise walls around construction areas to reduce noise.

9.1.9 Soils and Topography

The two Rezoning Areas generally contain previously disturbed soils with little significant topographic relief. The predominant soil type in this area is urban land and its variants, which are characterized by mostly impervious surface coverage, as described in the *Soil Survey*. The presence of these conditions would minimize future development-related impacts to soils and topography in the Rezoning Areas. However, in order to ensure that there would be no significant adverse impacts to soils or topography upon future development of individual properties within the Rezoning Areas, the following measures will be employed:

- An on-site investigation shall be undertaken to augment the information available in the *Soil Survey*, to better define the site-specific soil properties for each such project, and to assist in identifying appropriate measures to minimize potential impacts with respect to soils and topography.
- Properties identified as having the potential for soil vapor intrusion are required to prepare a Phase I ESA and conduct a Tier 1 vapor encroachment screen, as described in Section 9.1.10 of this DGEIS.

- Properties proposed for redevelopment are required to implement proper erosion and sedimentation controls, in accordance with Chapter 213 of the Village Code.
- Properties proposed for redevelopment are required to have a dust control plan for implementing dust control measures during dry or windy periods. The appropriate methods of dust control would be determined by the surfaces affected (e.g., roadways or disturbed areas) and would include the use of stone (or other appropriate materials) on construction entrances and, as necessary, the application of water or adhesive materials, limitation of time of exposure of disturbed areas, use of tarpaulins or similar materials for covering of stockpiles, and the installation vegetative cover as soon as possible after soil disturbance and exposure.

The foregoing measures shall be established in-place prior to the commencement of ground-disturbing activities during project construction and shall be maintained for the duration of construction until the ground surface is properly stabilized, so as to prevent the transport of sediment across the property lines onto adjacent properties and roadways.

9.1.10 Hazardous Materials

Approximately 50 properties were identified on the NYSPILLS and LTANKS databases due to reported chemical and petroleum spill incidents and/or leaking underground storage tanks (USTs) or leaking aboveground storage tanks (ASTs). Approximately 18 sites within the Rezoning Areas were identified as registered with USTs and/or ASTs. Four active and five historic dry cleaning facilities and 14 active and/or historic automotive service stations were identified in the EDR database report. In addition, approximately 25 properties which currently or historically generated hazardous wastes were identified throughout the Rezoning Areas. These sites are located north of Madison Avenue, with the exception of a gasoline service station located at the southernmost portion of the Rezoning Areas. In addition to the above, several sites within the Rezoning Areas were identified on databases specifically related to the presence or potential presence of hazardous materials. Based on the foregoing, as a conditions of future development, the following must occur prior to site development:

- A Phase I Environmental Site Assessment (ESA) should be completed for each site prior to redevelopment activities. The Phase I ESA should be completed in accordance with American Society for Testing and Materials (ASTM) Practice E1527-13, inclusive of the United States Environmental Protection Agency (USEPA) "All Appropriate Inquiry" requirement amended in the Federal Register on December 30, 2013. The Phase I ESA must be submitted to the Village for review.
    - The Phase I ESA should include a Tier 1 vapor encroachment screen (VES) in accordance with ASTM E2600-10 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions.

- The Phase I ESA also include an evaluation of non-scope considerations including the potential presence of LBP, ACM, and mold/mildew in order to determine the potential exposure of future on-site workers and site occupants.

› In the event that the Phase I ESA identifies the potential presence of contaminants in soil, groundwater and/or soil vapor at the site, a Phase II ESA should be required to determine the presence or absence of contamination in subsurface soils, groundwater and soil vapor as it relates to potential exposure to on-site workers and site occupants as the result of redevelopment activities. The report summarizing the Phase II ESA activities and laboratory analytical results should also be submitted to the Village for review. During the Phase II ESA, if evidence of contamination is identified which warrants notification to the NYSDEC Spills Division, the condition should be reported in accordance with prevailing regulations.

› Tank removal activities required to facilitate redevelopment activities must be conducted in accordance with all applicable regulations, and the Nassau County Department of Health should be notified prior to removal activities, if required.

› Remedial activities, if required, must be conducted in accordance with all applicable standards and with oversight of required agencies. The standards and agency involvement will be specific to the site conditions identified.

› Redevelopment of portions of the Rezoning Areas, specifically related to those sites identified in Section 3.10.1 of this DGEIS and sites with active NYSDEC Spill and LTANKS incidents, will likely require coordination with NYSDEC. Where NYSDEC involvement is required, proof of coordination with this agency must be provided to the Village in order to verify that the impacted media and exposure pathways are being mitigated appropriately.

› Identified lead-based paint and asbestos must be handled and disposed in accordance with prevailing regulations to mitigate exposure of on-site workers and future site occupants, as well as impacts to the environment. Abatement of ACM will likely be required prior to any demolition activities. LBP abatement is unlikely to be required during demolition activities, but may be required during renovation activities.

› A site-specific Health and Safety Plan (HASP) and/or Construction HASP (CHASP) which includes a description of the known and potential contaminants and exposure pathways must be prepared for all redevelopment activities. The HASP/CHASP should include mitigation measures to minimize the potential exposure of on-site workers.

9.1.11 Water Resources

The entire study area is connected to a municipal sewage collection and treatment system. Therefore, wastewater generated on the properties to be redeveloped do not pose a potential to impact groundwater resources as would be associated with development that discharges to on-site subsurface wastewater disposal systems (e.g., septic systems). Furthermore, the types of development that are contemplated

under the proposed action (e.g., multifamily residential and general commercial/retail) are not typically associated with a significant risk for groundwater quality impacts that may occur with the storage and use of hazardous materials, as would pertain to industrial and certain intensive commercial uses.

Stormwater management infrastructure in the Rezoning Areas currently consists of a series of surface inlet drains and catch basins, which collect stormwater runoff along roadways within the Rezoning Areas. Based on discussions with Village representatives, there are no specific areas of concern with respect to flooding.

Notwithstanding these circumstances, in order to minimize potential future impacts to groundwater resources and impacts from stormwater runoff and potential flooding due to development within the Rezoning Areas, it shall be a condition of all future development that:

- Properties to be developed within the Rezoning Areas must be connected to the existing NCDPW Sewer Collection District #3, discharging to the Cedar Creek WPCP.
- Properties to be developed in the Rezoning Areas must connect to the municipal water purveyor. No on-site wells will be permitted.
- Development within the Rezoning Areas must comply with Chapter 213, *Stormwater Management*, of the Village Code.
- Development within the Rezoning Areas must comply with Chapter 127, *Flood Damage Prevention*, of the Village Code.
- There shall be strict compliance with applicable local and County regulations for hazardous materials storage, as well as compliance with the conditions set forth in Section 9.1.10, *Hazardous Materials,* herein; and
- Low-maintenance, native plant species be used to the maximum extent practicable in all new development to minimize the use of fertilizers, pesticides and other landscaping chemicals that may adversely impact groundwater quality.

9.1.12 Use and Conservation of Energy

All development in the Village is required to comply with the energy conservation standards in the most current version of the New York State Energy Code and, as applicable, the Village's Energy Star requirements (§79-12.I, as currently designated in the Village Code), which would ensure that such development minimizes impacts on the use and conservation of energy. Accordingly, as long as any new construction within the two Rezoning Areas achieves the requisite compliance with these standards, no further mitigation is necessary to ensure that significant impacts are avoided; and, therefore, no additional conditions or criteria are necessary with respect to this parameter.

9.1.13 Cumulative Impacts

The impact analyses in this DGEIS considers the cumulative effect of potential future development of the properties located in the Maple Union Triangle and Post Avenue Rezoning Areas, based on the RWCDS under the proposed zoning, as compared to the existing zoning. At such time that the magnitude of actual development in the future reaches the magnitude of the respective RWCDS analyzed for the Rezoning Areas, any further increase the magnitude of development would be required to undergo review pursuant to SEQRA in order to assess whether same entails potentially significant environmental impacts that either were not assessed or not adequately assessed in this DGEIS.

10

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