



TOWN OF NORTH HEMPSTEAD

**FINAL SCOPE
for
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**THE WEST SHORE RESIDENCES
145 WEST SHORE ROAD
PORT WASHINGTON**

April 15, 2021

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1. OVERVIEW

SEQRA Actions and Timeline

On November 9, 2020, the Town of North Hempstead received a *Petition to Rezone* the premises located at 145 West Shore Road, Port Washington from the ‘Residence-AAA’ zoning district to the ‘Multiple Residence’ district to enable the construction of a 7-story, 176-unit multiple dwelling on a 7.17-acre property. The Town circulated an *Intent to Declare Lead Agency* letter to 13 Involved Agencies on November 17, 2020. The Town Board declared itself Lead Agency and issued a *Positive Declaration* at its meeting on January 21, 2021. A *Draft Scope* was received from SLC Development LLC, the Project Sponsor, on January 26, 2021. Following a public comment period which closed on March 30, 2021, this *Final Scope* serves as the directive to the Project Sponsor as to the contents and parameters for study of the Draft Environmental Impact Statement.

Elements of a Scoping Document

In accordance with § 617.8(e) of 6 NYCRR Part 617 (The New York State Environmental Quality Review Act) a Final Scope is to consist of the following:

1. **Description of the Proposed Action:** A brief synopsis of the project.
2. **Potentially Significant Adverse Impacts:** the potentially significant adverse impacts identified both in Part 3 of the *Environmental Assessment Form* and as a result of consultations with other Involved Agencies and the public, including identification of those particular aspects of the environmental setting that may be impacted.
 - a. **Extent and Quality of Information Needed to Adequately Address Potentially Significant Adverse Impacts:** this includes the identification of relevant existing information, required new information to be obtained or data to be collected, including the required methodologies for obtaining new information;
 - b. **Initial Identification of Mitigation Measures:** those actions that may be undertaken by the Project Sponsor to minimize or eliminate potentially significant adverse impacts.
3. **Reasonable Alternatives to Be Considered:** alternative development scenarios must be evaluated for a specified “build year” along with a “no-action” alternative.
4. **Organization of DEIS:** essentially the table of contents.
5. **Identification of Information/Data to be Included in the Appendix:** raw data or lengthy graphs, tables and charts are typically found in an appendix rather than the body of the document, as are copies of letters and other correspondence.

6. **Prominent Issues:** A summary of issues that were raised during the public comment period or by Involved Agencies and an indication of whether they were incorporated into the Final Scope or were determined to be not relevant or not environmentally significant or that have been adequately addressed in a prior environmental review.

Description of Proposed Action

The Subject Property is situated along the western shoreline of Hempstead Harbor and is designated on the Nassau County Land & Tax Map as Section 6, Block 053, Lots 1005A and 1005B. Of the 7.17-acre total, approximately 2.69 acres are above the Mean Highwater line while 4.48 acres are submerged. Currently found on the property are various structures associated with existing and former industrial uses, including a concrete platform, a masonry storage building, and the remains of a wooden pier. The vehicular access point is a single curb cut on West Shore Road, a County-owned arterial thoroughfare leading to the central business districts of Port Washington and Roslyn.

The immediate vicinity is characterized by the large public recreational areas to the west and south with one remaining industrial use to the immediate south; Hempstead Harbor to the east and residential development to the north. Large open spaces include the Hempstead Harbor Preserve and Aerodrome to the west, the Harbor Links golf course to the southwest, and North Hempstead Beach Park to the south.

The Proposed Action consists of a 212,000 s.f., seven-story, 176-unit multiple residence. Five residential floors would sit atop two indoor parking levels, of which the lowest level would be partially underground. Amenities would include a pool, a public marina, pier and promenade, and associated surface parking. The dwelling units would be a mix of one-, two-, and three-bedroom rental units. The marina would provide 29 boat slips, capable of accommodating boats of varying sizes. The Proposed Action would require all existing site features to be demolished.

242 parking spaces would be located within the indoor parking levels. The Project Sponsor is seeking permission to locate 58 additional surface spaces on an adjoining Town-owned lot that is part of North Hempstead Beach Park. The total of 300 parking spaces would be considerably short of the 428 required by the zoning code for a building of this size.

The maximum allowable density for the 'Multiple Residence' zoning district is 29 units/acre. It is the intention of the Project Sponsor to apply the yield for the full 7.17 acres, but concentrate development on only the upland portion of the parcel, essentially an internal transfer of development rights.

Building materials would include a mix of stucco, brick, and glass, with wood slats along the ground floor to screen the parking level. Building height would be approximately 95 feet above ground at its highest point. Other site improvements would include the installation of stormwater infrastructure, site lighting, and landscaping.

Organization of DEIS

The Draft Environmental Impact Statement will consist of the following chapters and sections:

- 1.0 Executive Summary

- 2.0 Description of the Proposed Action
 - 2.1 Project Description and Setting
 - 2.2 History of the Property
 - 2.3 Purpose, Need and Benefits
 - 2.4 Site remediation
 - 2.5 Demolition and Site Clearing
 - 2.6 Required Permits and Approvals

- 3.0 Analysis of Potential Impacts
 - 3.1 Soils and Topography
 - 3.1.1 Existing Conditions
 - 3.1.2 Potential Impacts
 - 3.1.3 Proposed Mitigation

 - 3.2 Subsurface Conditions
 - 3.2.1 Existing Conditions
 - 3.2.2 Potential Impacts
 - 3.2.3 Proposed Mitigation

 - 3.3 Water Resources
 - 3.3.1 Existing Conditions
 - 3.3.2 Potential Impacts
 - 3.3.3 Proposed Mitigation

 - 3.4 Ecological Resources
 - 3.4.1 Existing Conditions
 - 3.4.2 Potential Impacts
 - 3.4.3 Proposed Mitigation

 - 3.5 Zoning, Land Use, and Community Character
 - 3.5.1 Existing Conditions
 - 3.5.2 Potential Impacts
 - 3.5.3 Proposed Mitigation

- 3.6 Traffic and Transportation
 - 3.6.1 Existing Conditions
 - 3.6.2 Potential Impacts
 - 3.6.3 Proposed Mitigation

- 3.7 Community Facilities and Services
 - 3.7.1 Existing Conditions
 - 3.7.2 Potential Impacts
 - 3.7.3 Proposed Mitigation

- 3.8 Noise
 - 3.8.1 Existing Conditions
 - 3.8.2 Potential Impacts
 - 3.8.3 Proposed Mitigation

- 3.9 Air Quality
 - 3.9.1 Existing Conditions
 - 3.9.2 Potential Impacts
 - 3.9.3 Proposed Mitigation

- 3.10 Light Deprivation and Shadows
 - 3.10.1 Existing Conditions
 - 3.10.2 Potential Impacts
 - 3.10.3 Proposed Mitigation

- 3.11 Coastal Resiliency
 - 3.13.1 Existing Conditions
 - 3.13.2 Potential Impacts
 - 3.13.3 Proposed Mitigation

- 3.12 Greenhouse Gas Emissions
 - 3.13.1 Existing Conditions
 - 3.13.2 Potential Impacts
 - 3.13.3 Proposed Mitigation

- 3.13 Use and Conservation of Energy
 - 3.13.1 Existing Conditions
 - 3.13.2 Potential Impacts
 - 3.13.3 Proposed Mitigation

- 3.14 Aesthetics and Cultural Resources
 - 3.12.1 Existing Conditions
 - 3.12.2 Potential Impacts
 - 3.12.3 Proposed Mitigation

- 3.15 Fiscal and Economic Impacts
 - 3.11.1 Existing Conditions
 - 3.11.2 Potential Impacts
 - 3.11.3 Proposed Mitigation

- 4.0 Unavoidable Adverse Effects

- 5.0 Irretrievable and Irreversible Commitment of Resources

- 6.0 Growth-Inducing Aspects

- 7.0 Analysis of Alternatives
 - 7.1 No-Action
 - 7.2 Retain existing Residence-AAA zone
 - 7.3 Rezone to Multiple Residence with reduced yield
 - 7.4 Rezone to Waterfront Business
 - 7.5 Rezone to Planned Waterfront Residential Community

- 8.0 References

- 9.0 Appendix
 - Positive Declaration and Final Scope
 - Conceptual or schematic design plans
 - Documentation regarding Environmental Site Assessments
 - Documentation of Ecological Resources
 - Data for traffic impact analysis
 - Site and area photographs
 - Correspondence with special districts, utilities and service providers
 - Documentation of historical and archeological findings

2. DETAILED SCOPE OF DEIS:

The following includes the topic areas and level of detail to be analyzed by the Project Sponsor in the Draft Environmental Impact Statement:

§1.0: Executive Summary

Provide a project synopsis, a description of impacts that were analyzed and a concise summation of analysis results, conclusions, mitigations and impacts that could not be mitigated.

§2.0: Description of Proposed Action

§2.1: Project Description and Setting

- Description of the proposed building, with details regarding unit sizes, number of bedrooms, and targeted market segments. Discuss the provision of affordable units as mandated under the Long Island Workforce Housing Act of 2008. Public waterfront access and amenities, including a description of all facilities to be dedicated for public access and the means of access. Provide a description of the intended use of the adjoining Town-owned land.
- Land cover data for the Proposed Action (percent coverage of buildings, pavement, landscaping, etc.) for the total acreage and for just the upland portion.
- Preliminary site circulation plan, including vehicular and pedestrian access paths, parking areas, and roadway access.
- Description and schematic plans for marina, pier, promenade and any other structures in waterways. Discuss any plans for dredging, if applicable.
- Intended timeline for construction, breakdown of phases, if applicable and identify any areas intended for construction staging.
- Description of surrounding area including a summary of land uses, density, transportation facilities and major infrastructure.

§2.2: History of the Property

Provide a comprehensive inventory of prior landowners and former uses. In particular, provide an explanation of how title to the underwater lands was obtained.

§2.3: Purpose, Need and Benefits

Provide a discussion of housing needs for northern Nassau County and what role the Proposed Action would serve in fulfilling such needs, including a discussion of price points and affordability. Beyond increasing the housing supply, discuss whether the project would increase recreational opportunities, cultural resources or provide needed infrastructure.

§2.4: Site Remediation

Provide a complete inventory of all hazardous materials present on the subject property. Summarize the findings of all Environmental Site Assessments performed to date. Discuss the intent of the Project Sponsor to enter the New York State Brownfield Cleanup Program. of the intended remedial and environmental restoration efforts. Include a full inventory of items to be removed from the site and the intended means of disposal.

§2.5: Demolition and Site Clearing

Provide a full inventory of all site features to be removed, the means and methods of demolition, methods of transportation of debris and materials to be removed including type of equipment and egress routes. Discuss any special procedures needed for the removal of any hazardous or contaminated materials.

§2.6: Required Permits and Approvals

The following reviews, approvals or service connections are required for the Proposed Action:

- North Hempstead Town Board – change of zone, site plan approval
- North Hempstead Board of Zoning Appeals – variances, conditional use permits (if any)
- North Hempstead Building Department – building permits
- North Hempstead Town Clerk – structures-in-waterways permit
- North Hempstead Waterfront Advisory Committee – review of pier and marina
- Nassau County Planning Commission – GML 239-m referral

- Nassau County Department of Public Works – GML 239-f review
- Nassau County Fire Marshal – sprinkler system, emergency egress
- Nassau County Health Department – stormwater management, backflow prevention
- New York State Department of Environmental Conservation – SPDES General Permit for Stormwater Discharges for Construction Activities (GP-0-15-002); Tidal Wetlands Permit; Water Quality Certification; Protection of Waters Permit (Excavation & Fill in Navigable Waters; Docks, Moorings, or Platforms); Coastal Erosion Management Permit
- New York State Department of State – consistency review with NYS Coastal Policies
- New York State Office of General Services – permits (Lands Under Water; Docks, Moorings or Platforms)
- United States Army Corps of Engineers – permits (Section 404 Clean Water Act; Section 10 Rivers & Harbors Act)
- Port Washington Water District – water service connection
- Port Washington Water Pollution Control District – sewer service connection
- PSEG Long Island – electric utility connection
- National Grid – natural gas connection

The following approval may be necessary for certain activities proposed for adjacent Lot 1035:

- New York State Legislature – Alienation of Parkland

Approval from the following may be required should the Project Sponsor seek public financial assistance:

- Nassau County Industrial Development Agency

§3.0: Analysis of Potential Impacts

§3.1: Soils and Topography

Using the *Soil Survey of Nassau County*, determine the soil types on the subject property and the characteristics of such soils. This information shall be supplemented with soil boring data obtained at various locations throughout the subject property. The suitability of the soils (stability, quality, etc.) and potential engineering limitations for the proposed site alterations and proposed uses on the subject property shall also be examined. Include topographic information obtained through review of relevant USGS maps and site-specific topographic surveys.

Perform an evaluation of potential impacts to soils and topography and propose mitigation measures to minimize such impacts for both the subject property and any activities proposed for Lot 1035. A description of measures that will be implemented to mitigate impacts due to potential erosion and off-site sediment transport shall be presented. Discuss potential changes in topography and provide estimates of the volume of material to excavated, filled and the cut/fill balance.

Resources to be utilized:

- On-site sampling
- USDOA publication, “Soil Survey of Nassau County”
- Soil borings
- USGS Maps and site-specific topographic surveys

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Sediment and erosion control plan
- Stormwater Pollution Prevention Plan

§3.2: Subsurface Conditions

Present a summary of the findings of any Environmental Site Assessments that have been performed for the subject property, including the historical uses and operations, any site investigations that were conducted, as well as any remedial actions that may be required. Discuss the necessary protocols that will be implemented to ensure public safety during the removal of any contaminated soils or hazardous materials. Provide a summary of site remediation activities that were previously undertaken or that will be required.

Describe the Project Sponsor’s potential submission of an application to enter the New York State Brownfield Cleanup Program. Include a detailed description of program procedures, the status of the application, and any planned activities to ensure that the future use of the property is protective of human health and the environment.

Resources to be utilized:

- Environmental Site Assessments

Potential mitigation:

- Remediation of property

§3.3: Water Resources

Groundwater

Discuss regional and local hydrogeological conditions and water quality, based on tidal and seasonal variations. Site-specific depth to groundwater elevation data shall be provided, accounting for tidal and seasonal variations. Discuss the impact high groundwater may have on the design of building foundations and the stormwater system. Assess the potential need for de-watering both during and after construction to accommodate building foundations, utilities and other site improvements.

Perform a consistency analysis of the Proposed Action with the recommendations and standards for development within the relevant hydrogeologic zone, as set forth in the *Long Island Comprehensive Waste Treatment Management Plan*.

Stormwater Management

Quantify the areas to be developed with impervious surfaces or planted with landscaping. Describe any plans to minimize impervious surfaces.

Describe and evaluate existing and post-development drainage conditions and stormwater management measures. This evaluation shall include calculations of stormwater volumes to be generated, description of proposed collection and management systems, proposed future maintenance practices for stormwater collection and leaching structures, discussion of anticipated changes in drainage patterns, and analysis of how the proposed stormwater management system would comply with applicable regulatory requirements, including prevailing Town, County, and State regulations. Consistency with the *Town Storm Water Management Plan* shall be analyzed as part of this assessment. Discuss potential impacts to adjacent surface waters during construction, along with measures (e.g., erosion and sediment control plan, State Pollution Discharge Elimination System General Permit, and Storm Water Pollution Prevention Plan) that would be implemented to mitigate same.

Floodplain Management

Identify the locations of designated Flood Hazard Areas and Base Flood Elevations on or adjacent to the subject property and depict these features on maps. Identify applicable laws and adopted plans that regulate or control development activities in floodplains. Assess the degree to which the Proposed Action would conform to the relevant floodplain development standards as set forth in Chapter 21 (Floodplain Management Regulations) of the Town Code, and describe how the Proposed Action would affect conditions in the flood zone, particularly with respect to drainage conditions. Assess the applicability of the New York State Community Risk & Resiliency Act and NYSDEC projections of sea level rise (medium and high-medium projection). Discuss possible measures to mitigate any potential impacts or vulnerability from the effects of climate change and sea level rise.

Resources to be utilized:

- Long Island Comprehensive Waste Treatment Management Plan
- FEMA Flood Insurance Rate Maps
- New York State Community Risk & Resiliency Act
- NYSDEC Projected Sea Level Rise
- North Hempstead Storm Water Management Plan
- Hempstead Harbor Management Plan
- Hempstead Harbor Water Quality Improvement Plan

Potential mitigation:

- Sediment and erosion control plan
- Pre-treatment of drainage outfalls
- Stormwater Pollution Prevention Plan
- Use of pervious pavement, stormwater recycling, vegetated roofs
- expansion of wetland area; use of constructed wetlands
- Use of floodwalls, bulkheads and berms
- Elevation of structures

§3.4: Ecological Resources

Describe the boundaries of NYSDEC Tidal Wetlands and NYSDEC wetlands jurisdictional areas in the vicinity of the Subject Property based on coordination with NYSDEC and USACE. NYSDEC Freshwater wetland maps and National Wetland Inventory maps shall be reviewed. Conduct field investigations to determine observed and expected plant and wildlife species as well as existing terrestrial and aquatic ecological characteristics, based on the ecological community descriptions in the New York Natural Heritage Program publication *Ecological Communities of New York State*, as well as NWI and NYSDEC wetland types. National Oceanographic and Atmospheric Administration Essential Fish Habitat data, any available littoral and/or benthic survey data for Hempstead Harbor, the NOAA Section 7 ESA Mapper, and the United States Fish and Wildlife Service Information for Planning and Consultation database shall be reviewed, and the NYSDEC Natural Heritage Program shall be consulted regarding the potential presence of significant ecological resources on the subject property and in the surrounding area and potential impacts to identified resources.

Establish the regulatory setting for the Proposed Action, including a summary of the relevant federal, state and local government agencies and regulatory programs pertaining to the ecological resources found on the subject property and within the adjacent regulated tidal wetlands and open waters of Hempstead Harbor. Discuss direct and indirect impacts to identified ecological resources, and appropriate avoidance, minimization, and identify potential mitigation measures.

Evaluate the nature, extent, and significance of potential impacts, including impacts during demolition and construction, of the Proposed Action on fish and wildlife habitat. Determinations of the amount and type of vegetation to be disturbed, and potential impacts to ecological resources shall be described. Provide a discussion on the potential impacts of the building height and glass façade on native and migratory birds. Site disturbance under the proposed action would extend into the tidal wetland area, including the removal of a concrete pier, subsequent dredging, and installation of a new dock. There is also the potential for indirect impacts to the adjacent wetlands and surface waters, such as may result from the discharge of stormwater runoff during construction, as well as the long-term effect of site-generated runoff during project operation. These potential impacts shall be analyzed and suitable measures identified for mitigation.

This section will describe the landscaping plan and anticipated changes with regard to ecological resources, including any planned renovations of in-water structures and wetlands restoration.

Resources to be utilized:

- Site inspections
- NYSDEC Natural Heritage Program
- NYNHP Ecological Communities of New York State
- NYSDEC Wetlands Mapping tools
- NWI Wetlands Mapping tools

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Habitat corridors, where applicable

§3.5: Land Use, Zoning, and Community Character

Describe and provide maps depicting the existing zoning designations and land uses on the subject property and in the surrounding area. Provide a physical description of the property – i.e., size, boundaries, cover type, buildings and other improvements. The primary study area shall extend for a 1.5-mile radius from the subject property, upon which the analyses will be based. Analyze the development trends along the Hempstead Harbor waterfront. The subject property and study area shall be described in terms of specific uses and land use patterns, zoning (building bulk, massing, height, and density), and any other relevant factors that contribute to the character of the surrounding community. Of particular concern are the Beach Park and the adjoining water-dependent industrial uses. As part of this effort, the applicable zoning regulations and any pertinent land use plans and similar documents shall be reviewed and analyzed, including the *North Hempstead Beach Park Master Plan*, *Shared Vision Plan for Port Washington*, *Harbor Management Plan for Hempstead Harbor*, *1998 Nassau County Comprehensive Master Plan* and the *Nassau County Comprehensive Plan Update 2008: Trend Analysis*.

Assess the consistency of the Proposed Action with the policies of the *Long Island Sound Coastal Management Program* as the property is located within the designated New York State Coastal Area.

The Primary Study Area is to include land uses extending for approximately 2 miles when measured along West Shore Road/Beacon Hill Road/Main Street to the Port Washington railroad station and approximately 1.5 miles to the south to the Seaview and Harbor Park industrial parks. A secondary study area shall extend to the central business district in the Village of Roslyn and to the Manhasset Bay waterfront along Lower Main Street.

Resources to be utilized:

- Nassau County Comprehensive Plan and updates
- North Hempstead Master Plan
- Long Island Sound Coastal Management Program
- Site and area inspections
- Aerial and ground photography

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Modified layout, building design

§3.6: Traffic and Transportation

This section will describe the existing transportation conditions and evaluate the effects of the Proposed Action on the traffic operations, roadway capacity and level-of-service of the surrounding roadway network. Also to be included are evaluations of parking demand and the potential for public transit and non-motorized modes of transportation. The complete Traffic Impact Study will be located in an appendix and summarized in the body of the text.

For purposes of traffic analysis, the study area will extend from the Port Washington railroad station (Haven Avenue/Main Street) to the Roslyn Clock Tower (Old Northern Boulevard/Main Street/Tower Place). The majority of site-generated traffic will pass through one of these intersections. It is thus important that they form the limits of the “cordon” area.

The Traffic Impact Study shall include the following components:

- Existing roadway features within the study area, including the number, direction and width of travel lanes, posted speed limits, jurisdiction for enforcement,

maintenance responsibilities, parking regulations, regulatory signage and traffic control devices will be identified.

- Automated Traffic Recorder counts will be collected along West Shore Road within one half-mile of the subject property for a 7-day period.
- Manual turning movement counts shall be conducted for at least three typical weekdays during the a.m. peak period (7:00 a.m. to 10:00 a.m.), the p.m. peak period (4:00 p.m. to 7:00 p.m.), and for at least two Saturdays during the midday peak period (11:00 a.m. to 2:00 p.m.) at the following signalized intersections:
 - West Shore Road at Site Entrance
 - West Shore Road and Harbor Park Drive South
 - West Shore Road and Old Northern Boulevard
 - Old Northern Boulevard and Main Street/Tower Place
 - Beacon Hill Road and Longview Road/Summit Road
 - Port Washington Boulevard and Beacon Hill Road/Main Street
 - Main Street and Bayles Avenue
 - South Bayles Avenue and Vanderverter Avenue

and at one unsignalized intersection:

- Port Washington Boulevard and Longview Road
- Both automated and manual counts will be compared to historical data and an adjustment factor will be applied to bring the counts in line with pre-pandemic conditions.
- The collected data will be compiled and an analysis will be conducted of the existing operating conditions during the peak weekday a.m., p.m., and Saturday periods using Synchro software, based on the methodology presented in the latest edition of the *Highway Capacity Manual*.
- Traffic accident data for the most recent five-year period available will be obtained for the study intersections from the New York State Department of Transportation, the Port Washington Police Department and the Nassau County Police Department, as applicable. The data will be summarized and any significant trends/patterns that might be impacted by the Proposed Action will be identified and the need for corrective measures will be evaluated.

- The latest available information from the applicable governmental agencies regarding any significant planned development projects or roadway/intersection improvements within the study area will be requested. Any such improvements, based upon responses received, will be evaluated and incorporated into the future "No-Build" and "Build" analyses.
- The "No-Build" baseline traffic conditions will be estimated by applying a background traffic growth factor to the existing traffic volumes using NYSDOT growth rates specific to the area, with 2024 assumed to be the year in which the Proposed Action will be completed and operating. Traffic generated by other significant planned developments in the vicinity of the subject property will also be included in the "No-Build" base condition, using information provided by the Town and relevant governmental agencies.
- Trip generation for project-related traffic will be estimated utilizing trip generation data outlined in the *Trip Generation Manual*, latest edition published by the Institute of Transportation Engineers and supplemented with empirical data where available.
- Trip distribution patterns will be determined and site-generated traffic will be assigned to the roadway network using previous studies, census data, population distribution in the vicinity of the subject property, and existing travel patterns.
- Based on the directional distribution assignments, the site-generated traffic will be added to the "No-Build" volumes at each of the study intersections to determine the "Build" condition. The "Build" condition will then be analyzed using the latest version of Synchro to determine the relative impacts of the Proposed Action on surrounding roadways.
- An evaluation of the proposed site access configuration, parking areas and overall site layout with regard to the following:
 - sight distance from within the site and for vehicles travelling on West Shore Road
 - pedestrian safety
 - accommodations for pedestrians, bicycles and other non-motorized transportation modes
 - emergency vehicle access
 - accommodations for moving vans, refuse trucks, and delivery vehicles

- A parking demand analysis will be prepared utilizing data published in the ITE *Parking Generation Manual*, latest edition. The adequacy of the number of off-street parking spaces provided will also be evaluated in the context of applicable zoning code requirements.
- The study will evaluate the potential construction-related impacts associated with the Proposed Action, considering the construction schedule and phasing anticipated for the project, and including traffic detours as necessary.
- Public transportation options available within the study area will be discussed and the likelihood of such options to be used by visitors or residents will be presented. This will include an evaluation of the parking facilities around the Port Washington railroad station and the adequacy of other available parking areas to accommodate the demand.
- Assess the potential for providing a bus, van or other shuttle service for future residents and the effect that may have on reducing vehicular volumes.
- Non-motorized transportation modes will be discussed including an inventory of existing pedestrian or bicycle amenities. Identify any potential new facilities that could service or benefit the Proposed Action.
- Evaluate the impacts on trucking operations at the adjoining industrial site and the Seaview and Harbor Park industrial parks.
- Evaluate the impacts of the proposed marina on boat traffic and existing mooring infrastructure. To be analyzed are the effects on the navigation and safety of the adjacent barging operations and on recreational and non-motorized watercraft.

Resources to be utilized:

- Automated traffic volume counts
- Manual turning movement counts
- Accident data from NYSDOT, PWPD and NCPD
- ITE Trip Generation Manual
- ITE Parking Generation Manual
- TRB Highway Capacity Manual
- Synchro 7 traffic analysis software
- PWPPD Parking Study
- Inventory of parking facilities for LIRR station and for municipal parks.

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Additional traffic control devices
- Addition of sidewalks and bicycle lanes
- Van or shuttle service

§3.7: Community Facilities and Services

Evaluate the impacts of the Proposed Action on the applicable special districts, utilities and service providers as follows:

1. Port Washington Water Pollution Control District

As the site is not presently serviced by sanitary sewers, an extension of the District will be necessary. Provide a complete projection of anticipated flow rates adjusted for different possible bedroom configurations and including wastewater from any swimming pools, laundry facilities or plumbing fixtures in common-area spaces.

Fully describe all proposed sewer infrastructure including any pumping stations and offsite piping and manholes. Provide an assessment of the capacity of the District treatment plant and street conveyance systems. Identify any required expansions and upgrades.

Assess the potential for a new service connection to potentially be shared by adjacent properties including the Beach Park to the south and the Beacon Hill Bungalow Colony to the north.

2. Port Washington Water District

Provide a complete projection of domestic demand adjusted for different possible bedroom configurations and including any swimming pools, laundry facilities or plumbing fixtures in common-area spaces.

Provide a projected demand for irrigation of lawns, grasslands and landscaped areas. Describe methods of reducing irrigation demand including the use of rain sensors, low-flow fixtures and selection of vegetative species.

Fully describe the fire flow system including projected capacity, any necessary booster pumps, and means of backflow prevention.

Assess the capacity of the District to service the projected demand. Identify any potential new infrastructure or facility upgrades that may be required.

There is currently a moratorium in effect for new water service connections to enable the District to fully evaluate the impacts and possible treatment methods of

1,4-Dioxane. Discuss any impacts the moratorium may have on the execution of the Proposed Action.

3. Port Washington Fire Department

Provide the following:

- an inventory of current apparatus including pumping capacity, height of aerial equipment and emergency medical service vehicles
- number of active volunteers and any full-time personnel
- current ISO rating
- station locations and distances to the subject property
- annual call volume (fire and ems) and typical response times
- mutual aid agreements currently in effect

Evaluate the ability for apparatus to access and stage within the property and for aerial apparatus to reach the roof and upper floors. Discuss any plans for providing standpipes, internal hydrants or capability for drafting operations. Discuss potential fuel storage for the marina or any other significant potential fire hazards. Assess the need for any new or specialized equipment.

4. Port Washington Police Department

Provide an inventory of current staffing, call volumes and response times. Perform an analysis of any potential increase in demand for police services and any expansion of capacity that may be required to service the Proposed Action.

5. Port Washington Union Free School District

Provide an inventory of current district facilities including the location of buildings, enrollment distribution by grade level, number of faculty and the bus/student transportation system.

Obtain future enrollment projections absent the Proposed Action from the School District and/or the applicable Board of Cooperative Education Services.

Project any changes to future enrollment resulting from the Proposed Action for at least three different bedroom configurations (the mix of one-, two- and three-bedroom units). Empirical data shall be used to supplement published references where possible.

Project any additional facilities, vehicles, staffing or other forms of capacity that may be needed to accommodate additional enrollment resulting from the Proposed Action.

6. Solid Waste Disposal

As a multiple dwelling, the property will not be eligible for municipal collection service and instead must retain a private carter. Determine the anticipated volume of refuse to be generated by the Proposed Action at full occupancy and provide a breakdown of the proportion that may be diverted for recycling. Identify any strategies to be deployed to reduce the volume of refuse to be disposed at a landfill or incinerator.

7. Private Utilities (Gas and Electric)

For each applicable utility, determine the projected demand at full occupancy, the proposed means of connection and any potential capacity expansions or upgrades needed to service the Proposed Action.

Resources to be utilized:

- Direct communication with the applicable special districts
- LIRPC publication: “Multi-family Housing Development Impacts in Long Island Communities: School District Enrollment and Budget Trends”
- Western Suffolk BOCES publication: Annual Bi-County Nassau/Suffolk Public School Enrollment Report
- Stony Brook University publication: “Market Rate Apartment School Aged Children Study”

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Generation of property taxes and other revenues
- Improvements to local infrastructure
- Community Benefit Agreements

§3.8: Noise

Evaluate project-related noise impacts during and after construction. The analysis shall account for potential impacts to particularly sensitive receptors (i.e., the Beach Park); and shall analyze consistency with the requirements of the Town noise ordinance and other relevant criteria including the NYSDEC noise policy, *Assessing and Mitigating Noise Impacts*, to determine the potential for significant impacts.

Project Sponsor shall obtain mid-day and nighttime decibel readings at a minimum of five receptor locations to establish pre-construction sound pressure levels. Anticipated site-generated noise shall be superimposed on these pre-construction baselines to determine the as-built conditions.

Receptor locations shall include the following:

- within the subject property
- along West Shore Road at the entrance to the Beacon Hill Bungalow Colony
- along West Shore Road at the northernmost entrance to the NH Beach Park
- at the north end of the parking lot of Harry Tappen Beach
- at the Hempstead Harbor aerodrome

The analysis for the construction phase shall evaluate the potential impacts from mobile and stationary sources including, but not limited to, structural demolition, installation of foundation pilings, and the use of heavy equipment, generators and compressors throughout the construction period. The analysis shall consider site location, types of construction equipment, duration of use, surrounding land uses and existing means of attenuation (i.e., buildings or vegetation). Identify potential mitigation measures.

Resources to be utilized:

- Chapter 38 of the Code of the Town of North Hempstead
- NYSDEC Publication “Assessing and Mitigating Noise Impacts”

Potential mitigation:

- Modify construction hours and vehicle routes
- Utilize noise attenuating trees and landscaping

§3.9: Air Quality

Existing ambient air quality data for the subject property and surrounding area shall be collected and summarized. Determine the current status with regard to meeting the National Ambient Air Quality Standards in the vicinity of the Proposed Action.

Provide a qualitative assessment of potential air impacts resulting from construction activities, traffic, and site operations, with reference to established air quality parameters. This shall include a discussion on the air quality impacts on the adjoining Beach Park. Appropriate mitigation measures to reduce identified impacts shall be identified.

Resources to be utilized:

- USEPA publication, “National Ambient Air Quality Standards”
- Empirical air quality data
- Traffic volume projections

Potential mitigation

- Modify construction hours and vehicle routes
- Use of trees and landscaping

§3.10 Light Deprivation and Shadows

Perform a preliminary screening assessment to ascertain whether the Proposed Action may potentially cause significant impacts on any sunlight-sensitive resources in the project area (Beacon Hill Bungalow Colony, NH Beach Park, Tappen Beach, etc.). This analysis will analyze shadows for the solstice (June 21 and December 21) and equinox (March 20 and September 21) at 9AM, 12PM, and 3PM.

Resources to be utilized:

- Site and area inspection
- Graphical representation of the Proposed Action in relation to study area

Potential mitigation:

- Reduce building height
- Modify orientation of buildings and structures within the site

§3.11: Coastal Resiliency

Describe how the Proposed Action will conform to local and regional plans for coastal resiliency and hazard mitigation. Discuss the intended means of conformity with the goals and objectives of the New York State *Climate Leadership and Community Protection Act*.

Resources to be utilized:

- NYS Climate Leadership and Community Protection Act

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Use of hardened structures including floodwalls and bulkheads
- Use of soft structures including berms and constructed stormwater wetlands
- Elevation of structures

§3.12: Greenhouse Gas Emissions

Describe the intended means and methods to reduce GHG emissions. Provide an analysis of compliance with the goals and objectives of the New York State Energy Plan. Determine the annual volume of emissions for the construction and post-construction periods and discuss any strategies for reduction.

Resources to be utilized:

- New York State Climate Action Plan
- NYS Climate Leadership and Community Protection Act
- Cleaner Greener Long Island Regional Sustainability Plan

Potential mitigation:

- Use of alternative fuels
- Provide shared and non-motorized modes of transportation

§3.13: Use and Conservation of Energy

Describe all forms of energy to be used during the construction and operational phases of the Proposed Action. Anticipated demand shall be estimated and any measures to reduce consumption shall be detailed. Discuss whether Project Sponsor will be seeking *Leadership in Energy and Environmental Design* certification and at what level.

Resources to be utilized:

- U.S. Green Building Council LEED standards
- USEPA Energy Star standards

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Use of low energy fixtures and appliances

§3.14 Aesthetics and Cultural Resources

Project Sponsor shall discuss the aesthetic character of the subject property and primary study area by means of descriptive text and representative photographs. Discuss the primary and secondary study areas which will be reviewed as part of the Land Use, Zoning, and Community Character assessment. Potential changes to visual character shall be evaluated through detailed narrative descriptions supported by suitable graphical depictions, including elevations and perspectives of the Proposed Action.

These vantage points shall include:

- North Hempstead Beach Park
- Beacon Hill Bungalow Colony
- Beacon Hill neighborhood (near Summit Road)
- HarborView senior residential community
- Harry Tappen Beach

Perform a preliminary review of the database and maps of the New York State Office of Parks, Recreation and Historic Preservation to document nearby properties of historic significance or potential for archaeological sensitivity. The required notification to OPRHP shall include site photos of existing conditions, a description of the Proposed Action, a conceptual plan, contact information for key project team members, and any additional maps or graphics that may assist in their review. The Town will provide a list and map of locally designated historic landmarks for inclusion in the analysis.

Aesthetic characteristics of the Proposed Action, as well as aspects of the project directed at enhancing site aesthetics (i.e., architectural features, screening, landscaping, etc.) shall be detailed, accompanied by appropriate illustrative materials (i.e., building elevations and/or architectural renderings, and landscaping plan). Discuss potential lighting impacts based on the proposed lighting plan, including an analysis of how the project meets the standards for light fixtures set forth in the Town Code, and considering the ambient light levels in the surrounding area. The potential impacts due to temporary construction lighting shall be addressed.

Resources to be utilized:

- Site inspections and area photographs
- North Hempstead Map of Streets, Parks and Historic Sites
- North Hempstead Cultural Master Plan
- NYSOPRHP Cultural Resources Information System

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Modify layout and building materials
- Utilize landscaping, screening and buffering

§3.15 Fiscal and Economic Impacts

In this section, the Project Sponsor shall examine the existing fiscal and economic conditions in the greater study area, including the existing population, total assessed valuation, current tax rates, the taxes and fees and other revenues currently generated by the subject property to each taxing jurisdiction, and current operating budgets for the

applicable special districts and service providers including the Port Washington School District, Water District, Water Pollution Control District, Fire Department and Police Department.

Project Sponsor shall examine the land use and tax base composition, detailed budgets and the current tax rates and levies for the Town and County.

Project Sponsor shall perform a property tax analysis for all relevant taxing jurisdictions resulting from the Proposed Action, and projected costs of providing necessary services to determine the net cost/benefits. Provide a description of any form of anticipated public financial assistance including any tax-exempt construction bonds, tax abatements, Payment In Lieu Of Taxes or reduced assessment. Provide a schedule for the phase-out of abatements where applicable. Fiscal analysis shall be performed both with and without public financial assistance.

Project Sponsor shall provide an analysis of other anticipated economic impacts including projected job creation for the construction phase and for the long term. Analysis shall address the following principal topic areas:

- Direct Residential Displacement
- Direct Business Displacement
- Indirect Residential Displacement
- Indirect Business Displacement
- Adverse Effects on Specific Industries (i.e., water-dependent commerce)

Project Sponsor shall perform an analysis of the impact of the Proposed Action on real estate values within the primary study area.

Resources to be utilized:

- U.S. Census
- Nassau County Office of the Assessor
- North Hempstead Receiver of Taxes

Potential mitigation:

- Reduction in magnitude of Proposed Action
- Financial assistance to special districts proportional to magnitude of impacts

§4.0: Unavoidable Adverse Effects

Identify all significant adverse impacts which cannot be avoided or mitigated by a change to the scope of the Proposed Action.

§5.0: Irretrievable and Irreversible Commitment of Resources

Identify the potential for the permanent loss of an environmental resource resulting from the Proposed Action. Issues of particular concern include tidal wetlands, vegetation and habitat.

§6.0: Growth-Inducing Aspects

Discuss the potential for the Proposed Action to induce additional future development. Of particular concern are the following:

1. Commercial development intended to service residents of the Proposed Action
2. Multiple residences along West Shore Road

§7.0: Analysis of Alternatives

Perform a comparative analysis of the differential impacts with regard to the relevant and applicable topics in Section 3 for each of the following development scenarios:

- No-Action; site remains in its present condition
- Development of the subject property under the existing 'Residence-AAA' zoning regulations
- Rezone to 'Multiple Residence'; develop the subject property using only the 2.7-acre upland portion and assuming no access is granted to Lot 1035
- Rezone to 'Waterfront Business'; develop the subject property with marine-dependent commercial uses
- Rezone to 'Planned Waterfront Residential Community'; develop the subject property with multiple-family dwellings

3. RESULTS OF PUBLIC SCOPING

Prominent Issues

The following is a summary of recommended additions and revisions to the Draft Scope that were received during the public comment period. Included is an indication of which were incorporated into the Final Scope and which were not.

Description of the Proposed Action

Expand the primary study area: Commenters expressed the need to expand the study area north and west to the Port Washington railroad station and south to the Villages of Flower Hill and Roslyn. Examples:

- *The Draft Scope proposes to examine "Land Use, Zoning, and Community Characteristics" based on a primary study area with a radius of a half-mile from the building site. This is far too small an area to provide grounds for assessment of the impact of this development on community characteristics. At the least, the primary study area needs to have a radius that includes Bar Beach and the Hempstead Harbor Shoreline Hiking Trail, which are more than a mile away.*
- *The Draft Scope mentions a secondary study area, but as far as I can tell, provides no definition or description of this area.*
- *Revise the study area from half-mile radius to a five-mile radius. (At a half mile radius, hardly any non-public uses would be included and there would be fewer residential lots included than are proposed by the Proposed Action. Given the scope of the project a five-mile radius, to include Villages that are contained in the radius but not a part of the Town, is appropriate)*
- *Include development trends on the Manhasset Bay waterfront in the analysis. (Local residents tend to think of the 'shore' as a single commodity and do not distinguish between Manhasset Bay/ Hempstead Harbor)*

Response: The Lead Agency agrees a half-mile radius is too small and has expanded the Study Area to a mile and a half. This will include all of Beacon Hill Road and will include Main Street up to the railroad station. To the south, it will encompass the Harbor Park and Seaview industrial parks. The traffic impact analysis will extend further south to reach the intersection Old Northern Blvd/Main Street/Tower Place in the Village of Roslyn. For purposes of analysis, the EIS will not treat areas within a village any differently than areas that are not. Five miles was deemed to be excessive as a primary study area and the properties along Manhasset Bay were deemed to be too far from the subject property.

Add more detail about the use of Lot 1035 and public access to the marina: There were a number of requests to require more information about the proposal to construct a parking lot on the adjoining Town-owned lot. Examples:

- *The description of use of Lot 1035 should be sufficiently detailed to include all of the park-related uses permitted - for example, will the parking lot be open to the public at all times; physically, will it primarily open to the parkland or to the apartment; how would access across Lot 1035 to the loading dock constitute a park use? These questions and many others must be answered if the claim is that the parking lot is a park use;*
- *The impacts of the usage rights for the adjoining lot should be considered in depth - for example, if the parking lot is open for public use (such as at the Town Dock) how will that impact traffic patterns; will it become a late night magnet for teenagers; how will public safety and enforcement be handled; how will open public access impact availability of parking for the apartments; how will it affect usage of the regular Park's lot (which charge for access in the summer); would the lot be regularly closed for public events (like at the Town Dock for the Farmer's Market and HarborFest); if so, where would apartment residents park during those periods?*
- *The following bullets should also be added under the above referenced heading to address the discussion regarding Lot 1035, the Park Master Plan:*
 1. *Description of the development to occur on Lot 1035 for uses that will be appurtenant to the Proposed Action to include: (i) a description of the land area covered by such uses, (ii) a description of the rules and regulations that will apply to such uses;*
 2. *Description of the historical use of and dedication of Lot 1035 as parkland.*
 3. *Description of the process that would apply to converting Lot 1035 from its current use to the use(s) proposed by the Applicant.*
 4. *Description of economic & risk sharing arrangement(s) that would apply to the Applicant's use of public land on Lot 1035.*
 5. *Description of the Park Master Plan as it relates to the Proposed Action. Schematics should be compared and any changes to the Park Master Plan (or any of the alternative plans contained in it) that would be required by the Proposed Action should be detailed.*

Response: The Final Scope requires a more detailed description of the intended use, the impacts of introducing impervious or partially impervious surfaces on factors such as stormwater collection and erosion, the impact on the North Hempstead Beach Park Master Plan and a discussion of how to ensure public access to the marina. Operational details regarding public parkland are matters for the Town to determine, not the Project Sponsor. Financial arrangements are not relevant as the property will not be sold, leased or otherwise conveyed to the Project Sponsor.

Include more detail on affordable housing: There were a few requests to require additional

information on the allocation of affordable housing: Examples:

- *Will there be a % of the units dedicated to low income tenants?*
- *There have been reports that the owner of the project might disproportionately place non-market rate (subsidized) units on areas of the building that face the Tilcon plant. Requiring less economically able families to accept an industrial sized aggregate yard as a neighbor as part of the trade for moving into an affordable unit could have an adverse effect on the character of the community and threaten our commitment to environmental justice. These issues should be reviewed and discussed in the DEIS.*

Response: The requests for additional information were mostly added to the Final Scope. The Project Sponsor is subject to the requirements of the Long Island Workforce Housing Act, enacted by the New York State Legislature in 2008. The Act specifies a minimum number of affordable units to be constructed and provides a definition of affordability.

Add additional agencies to the list of approvals:

- *Add the following to bullets that appear under “The following approvals are required for the Proposed Action:”*
 - *New York State Legislature and Governor - approval of parkland alienation (if applicable)*
 - *Nassau County - waiver of Deed Restriction*
 - *Port Washington Union Free School District - approval of school enrollment consultant and related report Port Washington Union Free School District - approval of CBA*

Response: Although it is not anticipated that the Town will authorize a use of parkland that would require alienation, the New York State Legislature has been added as a possible required approval. Nassau County does not have the authority to waive the deed restrictions. That authority lies with the New York State Office of General Services, which is already one of the listed approvals. The Port Washington School District does not have to grant approvals but is designated as an Involved Agency and is participating in the review.

Expand the description of the Proposed Action section: Several commenters requested more details in the Description section. Examples:

- *Add the following to the bullets that appear under “Description of the Proposed Action”:*
 - *Descriptions of the variances involved by the Proposed Action including, for each variance type, both the permitted (without variance) condition and the proposed condition.*
 - *Land cover data for the Proposed Project including a description of the lot coverage and building coverage ratios that would be created pursuant to the proposed action. These ratios should be based on both total and land area size for the Subject Property.*

- *Details regarding boat slips, including: i) number and sizes, ii) amenities provided to slips, iii) split between privately owned slips and slips that will be fully provided for public use (in any), iv) for slips provided for public use, detail regarding the assignment, maintenance and cost of those slips, v) parking available to the slips.*
- *Description of existing site features to be demolished and detail regarding whether any existing features have local, historical, cultural or other preservation significance.*
- *Details regarding the parking spaces including sizes, what uses they are dedicated to/required by, the number allocated for accessible use, whether any will be served by e-charging stations, and whether these will be private or generally accessible/public spaces.*
- *The traffic and circulation plan should include: the size of the proposed curb cut on West Shore Road (and a comparison to any existing curb cut it will replace)*
- *Description of the proposed environmental cleanup at the Subject Property including a description of the total cost (if a range is used, the elements that contribute to the range should be itemized and described), a description of parties that will pay for the cleanup (if other than the Applicant).*
- *Details concerning the proposed waterfront access should include: i) the total area dedicated to public access, ii) a description of maintenance obligations and costs, iii) the means of access to the waterfront features (specifically whether they will be solely accessed from the adjacent park or if public access will also be available through the subject project or planned parking spaces on the public lands), iv) the total distance between the nearest public parking spaces and such amenities, v) amenities offered at the waterfront area.*

Response: Much of the requested information has been included in the Final Scope. Many of the design details are premature at this stage as final design will not commence until and unless the rezoning is approved.

Impact on Soils and Topography

Obtain additional Soil Borings: Commenters requested additional sampling data both on land and for soils under water to understand the extent of possible contamination. Examples:

- *Development Site borings must include environmental borings under water throughout the 4 acre water covered "site" as well as environmental soil borings around all the abandoned and unsafe barges so developer and agencies can understand the complete scope of necessary environmental abatement in the waters, potential contaminant discharge into the waters and developers means and methods to remediate and/or contain such contaminants.*

- *Individual soil boring data for the subject site should be required (not incorporated as available) considering the size of the Proposed Action and the existing site condition.*

Response: The soil sampling protocol for the upland area will be developed in conjunction with the Project Sponsor and other agencies having jurisdiction. The protocols for sampling under water must be determined by the New York State Department of Environmental Conservation.

Other impacts on soils and topography: The following additions were requested. While they correspond to different areas in the Scope, they have been grouped together here for convenience:

- *Add discussion of the following to “Potentially Significant Adverse Impacts (“PSAI”) - Soils and Topography,*
 - *Where contaminated fill removed from the Subject Property will be placed and its impact should be discussed.*
 - *Any impacts to soils or topography of adjacent lands (including the entirety of Lot 1035) should be discussed.*
 - *Changes to the existing grade required by the Proposed Action should be detailed (whether increasing or decreasing grade). If the existing grade needs to be changed, discuss whether changes should be avoided through alternative plans.*

Response: These items have been incorporated into the Final Scope.

Impacts on Subsurface Conditions

Impact on subsurface conditions: The following additions were requested. While they correspond to different areas in the Scope, they have been grouped together here for convenience:

- *Add discussion of the following to the PSAI – Subsurface Conditions,*
 - *Describe whether any ESAs will be performed in the future with respect to the Proposed Action.*
 - *Describe any subsidies or payments that will be made by public actors for remedial actions.*
 - *Describe the cost of the remedial actions, if a range is used itemize the components that are included in the range and provide a description of the likely cost of each so that a single approximate cost might be estimated.*

Response: The cost estimates for site remediation and a breakdown of funding sources are not within the scope of an EIS. The EIS will, however, include the results of all Environmental Site Assessments conducted to this point. It is not relevant for this EIS whether additional ESAs may be conducted in the future.

Impact on Water Resources

Impact on water resources: The following items were requested. While they correspond to different areas in the Scope, they have been grouped together for convenience:

- *Discuss the FEMA flood zone implications. In particular, discuss the garage structure's relationship to FEMA zone elevations, the onsite parking elevation, discussion of where parking will be available off site for resident's cars during storms potentially involving flooding.*
- *What storm hardening will be required, and have FEMA, EPA, or Army Corp of Engineers been contacted to express their opinions on the proposal?*
- *Add discussion of the following to PSAI – Groundwater, given the size and scope of the Proposed Action, obtaining data for tidal and seasonal variations should be required.*
- *We need to consider the pumping out of boats in the marina, the weather controls and whether or not there is gasoline filling station for these boats which would have an impact on the community.*

Response: The majority of the requests for information have been incorporated into the Final Scope. However, FEMA, USEPA and USACE all have assigned regulatory functions and permit processes, but generally do not offer advisory opinions on development proposals.

Impact on Ecological Resources

Include a discussion on the height of the building and its effect on avian species. There were a few commenters requesting a discussion on the potential hazards to birds. Example:

- *Add discussion of the following to PSAI – Ecological Resources, determine whether the height of the proposed building will pose risks or have other adverse impact on any wildlife such as birds. Analyze any such impacts and describe mitigation measures. (This is necessitated by the height of the proposed structure, which is unusual for the area, as well as its proximity to key ecological areas)*

Response: This has been incorporated into the Final Scope.

Impact on Land Use, Zoning, and Community Character

Include a discussion on the impacts to industrial water dependent uses. The adjoining property includes a water-dependent industrial use. There were a number of concerns about constructing a multiple-residence adjoining an actively used industrial site. The transshipment of aggregate includes both barge traffic in Hempstead Harbor and truck traffic on West Shore Road. There were questions regarding how this would impact the Proposed Action as it related to health, noise, and air quality. Examples:

- *The Draft Scope should be revised to clearly require the analysis of the placement of high density residential and marina development in such proximity to barge traffic and in eliminating an area that historically and planning documents have recommended be preserved for water-dependent development.*
- *There is not mention of considering existing regional freight transportation plans in the Draft Scope or evaluating the impact of the proposed marina on barge and shipping operations. The Draft Scope acknowledges the requirement for a New York State Department of State review to determine consistency with New York State Coastal Policies yet ignores the Long Island Sound Coastal Management Program ("LISCMP") recommendations and policies concerning water dependent industrial uses. In particular, the Draft Scope fails to identify LISCMP findings, policies, and recommendations for the "Working Coast" concerning the regional need for existing Aggregate Transshipment Facilities, including the Tilcon Aggregate Transshipment Facility.*
- *The Draft Scope makes only a passing reference to the Hempstead Harbor Management Plan and wholly fails to identify potential impacts that need to be examined arising from conflicts between the proposed residential occupancy and recreational boating uses and the long existing and vital Aggregate Transshipment Facility, a water dependent industrial use identified in the Hempstead Harbor Management Plan.*
- *Add discussion of the following to PSAI – Land Use, Zoning, and Community Character, discuss the impact that re-purposing the subject property from industrial/commercial use will have on commerce and services within the Community. Discuss what replacement sites there are or may be to move the existing operations on the subject property to.*

Response: The *Land Use, Zoning, and Community Character* and the *Traffic and Transportation* sections have been expanded to include thorough analysis of the impact of the Proposed Action on water-dependent commercial uses and vice versa. The majority of the recommended items have been incorporated into the Final Scope. Not incorporated was the request to identify alternative sites for the relocation of business from the subject property.

Include a discussion on the impacts to water-dependent recreational activities. The surrounding area includes a number of public recreational facilities and amenities. At least one commenter requested information about the impacts of the proposed marina further up the Harbor:

- *The increase of boat traffic and its impacts on the water in front of Beacon Hill Colony and up the harbor needs to be carefully studied*

Response: The *Land Use, Zoning, and Community Character* and the *Traffic and Transportation* sections have been expanded to include an evaluation of impacts to the recreational water-dependent uses in the vicinity of the Proposed Action.

Include a discussion of how the Proposed Action will affect the existing Beach Park facility and programs, the amenities proposed in the Beach Park Master Plan, and the Hempstead Harbor Shoreline Trail. Various comments expressed concerns about locating a multiple-residence in close proximity to public parkland. Examples:

- *The Proposed Development impacts to the current use of the Park for fireworks, festivals, drive-in movies and public uses (during and post construction).*
- *Marina operations as it relates to the proposed Kayak Launch*
- *The restaurant is significant to the consideration of the Proposed Action in that it has been said the Proposed Action's culmination will make such a restaurant viable. In the spirit of keeping the DEIS at least as informative as the Applicant's non-regulatory public statements, the waterfront restaurant, the Proposed Action's contributions to it, and the waterfront restaurant's viability in the absence of the completion of the Proposed Action should be discussed in the DEIS. Any public funds already secured to provide sewage capacity for the restaurant should be disclosed in the DEIS.*
- *The planted groyne proposed in the proposals for the Park Master Plan appear to conflict with the proposed piers of the Proposed Action. Groynes provide erosion protection and other benefits. The impact of being unable to construct a groyne, including impacts on resiliency design for the Park should be discussed and reviewed.*
- *The DEIS should describe the use of the dog run, in the proposed Master Plan, on which lot it is located any possibility of providing access to it by the public.*

Response: Most of the suggestions have been incorporated into the *Land Use, Zoning, and Community Character* and the *Aesthetics and Cultural Resources* sections of the Final Scope. The Town is exploring the feasibility of having a restaurant at the north end of the Beach Park, however, that is not related to the Proposed Action nor is there any sort of joint venture with the Project Sponsor. The feasibility of coordinating a shared sanitary sewer connection will be explored in the EIS. The financing mechanisms will not. The dog run at the Beach Park is not within the scope of the EIS.

Impact on Transportation

Add additional intersections to the traffic impact study. A number of commenters provided additional intersections and road segments to include in the traffic analysis. This included the Port Washington railroad station, the Main Street shopping district, various schools and the residential areas adjoining Beacon Hill Road. To the south, suggestions included the Villages of Flower Hill and Roslyn. Specific locations included:

In Unincorporated Port Washington:

- Beacon Hill Road at Port Washington Boulevard
- Main Street from Port Washington Boulevard to Mackey Avenue
- All side streets including Longview Road, Beverly Road, Hampton Road, Summit Road, Crescent Road
- Port Washington Blvd at Longview Road

In the Village of Flower Hill:

- John Beach Court and West Shore Road

In the Village of Roslyn:

- Roslyn Road from the clock tower to the Long Island Expressway
- Old Northern Boulevard
- Mineola Avenue from the Village to the Long Island Expressway

Response: In addition to the study locations proposed by the Project Sponsor, the Lead Agency has included:

- Beacon Hill Road/ Longview Road
- West Shore Road/Old Northern Boulevard
- Old Northern Boulevard/Main Street/Tower Place
- Main Street/Bayles Avenue
- South Bayles Avenue/Vanderventer Avenue

Not every requested intersection was included. In some cases, the suggested location was an intermediate or an unsignalized intersection between two control points, meaning very little original or valuable information would be obtained. In others, the locations were too far away and site-generated traffic would have dissipated further upstream.

Review additional accident data. There were a number of requests for accident data on Beacon Hill, Longview, Hampton and West Shore roads. Of special concern was the fact that

middle and high school students must walk along Beacon Hill Road, which has no sidewalks. Many expressed concern about high operating speeds. Requests include:

- *Traffic violations for the past 5 years on Beacon Hill Road.*
- *Traffic accidents should be documented for the last 5 years on Beacon Hill Road, Longview Road, Hampton, and West Shore Road.*

Response: The review of accident data was expanded to include the Beacon Hill neighborhood for a five-year period. The request for data regarding violations was not included as it is outside the scope of an EIS.

Include a discussion on pedestrian and other non-motorized transportation modes: There were suggestions for adding pedestrian and bicycle facilities. Examples:

- *The traffic study should also include: Sidewalks necessary to connect the property to existing sidewalks, streetlights necessary to illuminate those sidewalks*
- *Discuss if any services for bike lanes should or could be provided. Will the development prevent the creation of future bike lanes?*

Response: The requested items were incorporated into the Final Scope.

Include a train station parking study. Several commenters requested more information regarding the impacts to parking around the Port Washington railroad station. Examples:

- *The study should include an assessment of the impact on the train station parking. We have been at capacity for years and although the pandemic has temporarily reduced train traffic, it is entirely predictable that this will be a problem again in the months ahead.*
- *SLC also says they will be providing a train trolley. But it is entirely predictable that many tenants would want to take advantage of our coveted train passes.*

Response: The EIS will include a projection of the anticipated utilization of the railroad station and any means of providing transportation. A full study of the parking demand for the station is beyond the scope of the EIS.

Community Facilities and Services

Additional elements on the impacts to the Water Pollution Control District. There were a number of requests for more information on how expanding the sewer district will affect the surrounding area. Examples:

- *We understand that the proposal includes extending the sewer line down West Shore Road to this new project. Beacon Hill Colony residents need to understand how this will affect them. Will the community be tied into the new sewer system or will the current system stay in place?*
- *With respect to Water Pollution Control services: discuss whether the Proposed Action will use any part of the District's existing water control capacity and discuss if there is sufficient capacity for the District to satisfy the Proposed Action & all potential (but unbuilt) as-of-right development in areas serviced by the District. If not, discuss any means of mitigation.*

Response: The requested information was incorporated into the Final Scope.

Additional elements on the impacts to the Port Washington Water District. Example:

- *With respect to the Port Washington Water District: discuss whether the Proposed Action will use any part of the District's existing water supply capacity and discuss if there is sufficient capacity for the District to satisfy the Proposed Action & all potential (but unbuilt) as-of-right development in areas serviced by the District. If not discuss any means of mitigation. Discuss if the Proposed Action might have any detrimental impacts on the District's waiver from 1,4-Dioxane-related regulations. (The Draft Scoping Document's references to the moratorium are out of date).*

Response: The requested information was incorporated into the Final Scope.

Additional elements on the impacts to the Port Washington School District. Suggested additions include the following:

- *A detailed study on impacts to the School District including building additional classrooms and cost of additional busing. Taking into consideration what grade, what school, and the actual costs for actual incremental students, which could be dramatically different, inclusive of the costs of busing (a need that is virtually assured), and any special requirements, outplacement and/or mandate costs.*
- *The Draft Scoping Document currently refers to determining impacts on school enrollment through a report from the Real Estate Institute. The Final Scoping Document should require hiring a consultant with the School District's approval as to the consultant, scope and method of review and the School District should have an opportunity to review and approve the final report before it is incorporated in the DEIS.*

- *SLC has said that it plans to enter “a Community Benefit Agreement to offset any potential financial burden that may be generated by the addition of new residents” but such an agreement is not discussed in the Draft Scoping Document. The terms and conditions of a CBA to benefit the School District should be incorporated in the DEIS and the approval of this by the School District should be an approval included in the Final Scoping Document.*
- *A study to estimate the number of student that would be living in the apartment complex and then possibly of increase turnover in other houses in port, with some resident selling their homes earlier and moving into these apartments.*
- *With respect to the School District: Provide that the impact on school enrollment will be determined according to a consultant’s report. The consultant should be hired by SLC with the School District’s approval as to the consultant, scope and method of review and the School District should have an opportunity to review and approve the final report.*

Response: The EIS will include a projection of anticipated school enrollment and an evaluation of impacts to the District. The Project Sponsor will not be required to retain a special consultant nor will the District be asked to approve a consultant. Fiscal impacts will be discussed although the terms and conditions of a community benefits agreement, should there be one, would not be finalized until after the SEQRA process is complete. The analysis will include future enrollment projections with and without the Proposed Action, but will not specifically distinguish those moving to the facility from within Port Washington to those moving in from outside the District.

Additional elements on the impacts to emergency service providers: Suggested additions are the following:

- *A statement from the Fire Department and emergency medical services that they are able to service the area sufficiently and have the equipment necessary for the Proposed Action*

Response: The police and fire departments are designated as *Involved Agencies* and are participating in the review. While emergency service agencies do not typically provide such a statement, the EIS will include a full inventory of each agency’s capacity and capabilities, an assessment of impacts of the Proposed Action and will identify any additional resources necessitated by the Proposed Action.

Impacts to Air Quality and Noise

Additional information on noise and air quality impacts from adjoining industrial uses. There were questions regarding the impact of the industrial uses on the residential project. Examples:

- *While the Draft Scope describes doing a study of noise from the Proposed Project, it makes no mention of a noise study of the compatibility of the proposed residential structure and uses with the existing freight transshipment operations.*

- *Add discussion of the following to PSAI – Air Quality, discuss air quality for residents of the apartments during operation. How will Tilcon effect air quality? Will there be disparate impacts for non-market units?*

Response: The requested information was incorporated into the Final Scope.

Additional information regarding air quality impacts to the adjoining parkland. Example:

- *Add discussion of the following to PSAI – Air Quality, discuss air quality impacts on the Park.*

Response: The requested information was incorporated into the Final Scope.

Impacts from Light and Shadows

Include a discussion on light pollution and impacts due to shadows.

- *Light Pollution is not mentioned in the DEIS Scope document. Considering the decades long use of the site only during the day, Light Pollution must be included in the considerations of the proposed site use, including the impact on its Sea Cliff neighbors.*
- *Include an analysis of Shadows of the Proposed Development of parts of the Beach Park.*

Response: A section regarding a shadows analysis was added to the Final Scope.

Impact on Fiscal and Economic Conditions

Additional data in the Taxing and Finance Section. Commenters requested more details on tax incentives/abatements and their impact on community finances. Examples:

- *Including a cost-benefit analysis of the tax incentives versus future revenue of for the Town.*
- *What is the benefit to the TONH and Port Washington if the Proposed Action is financed through an Industrial Development Agency Loan or PILOT Program?*
- *When will the Property reach full tax value?*
- *Is it possible to estimate the project's near and long-term impacts on infrastructure, incremental capital and operating costs of accommodation infrastructure, effects on the tax base, foregone and received tax revenues (from all sources, including PILOTS and developer 'contributions'), and net tax impact on current Port Washington taxpayers?*
- *Discuss under the scoping what exactly is developer donating or paying forward to the community for those funds.*

Response: The Fiscal Impacts section has been considerably expanded to incorporate the majority of the information requested.

Impact on Aesthetics and Cultural Resources

Further details on the height of the Proposed Action as it relates to views from parks and nature trails. Building height was a frequently cited concern among the commenters. Examples:

- *Line-of-sight projections from street level, from various levels up the hill going to Port Washington, and from the top of Beacon Hill, along the Summit Road Residences.*
- *The limitation on the quantity of "views" under the scope description of "Aesthetics and Cultural Resources" is unnecessarily low in that only 3 views will be considered. In this day of highly accurate 3D and VR modeling, the use of animation and similar technologies, the idea of 3 views is too limited.*

Response: Many of the requested item were incorporated into the Final Scope.

Alternatives Analysis

Include additional alternatives to be analyzed. Commenters suggested recreational uses or other water dependent uses as potential development scenarios. Suggestions included:

- *Development of single family homes on the smallest lots sizes permitted by existing Town codes,*
- *Development consistent with the requirements of the Port Washington Planned Waterfront Zoning District (PWRC),*
- *Development without the use of any part of Lot 1035.*
- *A good faith effort should be made to solicit proposal for reasonable alternatives from a range of community members, included commercial, non-profit and public (governmental) options.*
- *development consistent with the requirements of the B-W District which the Town adopted for an area of about 10 acres on the Manhasset Bay shoreline*
- *development without the use of any part of Lot 1035.*

Response: Three development scenarios were added to the Final Scope. They include rezoning to PWRC, to B-W and to R-M but only considering the development yield from the upland portion of the property and without access to any part of Lot 1035.

Growth Inducting Aspects

Include a discussion on possible Future Development Spurred by the Proposed Action.

- *Whatever density and development is allowed on 145 West Shore Road is likely to be extended to 139 West Shore Road. Although there is no current plan, that I am aware of, to redevelop 139 West Shore Road, given that this project is for high-end luxury apartments (some renting for \$10,000 a month), it seems nearly certain that at some point in the future an application would be made to extend the zoning to 139 West Shore Road. This, in calculating impacts, one must assume and extend to both sites.*

Response: Consideration of the potential for and the impacts from future development induced by the Proposed Action was already included in the Final Scope.

Use and Conservation of Energy

Include additional details on climate change and sustainability. Examples:

- *The Climate Leadership and Community Protection Act (CLCPA) enacted into law in 2019, stated that New York must reduce its greenhouse gas emissions by 85% and be completely carbon-neutral by 2050. It sets interim benchmarks for these goals. The Climate Action Council, created under the CLCPA is developing scoping plans that will direct how future development will have to comply to achieve these goals. Municipalities in NY State must consider the impact of these directive on future development. The DEIS should address the anticipated impact of the CLCPA directives.*
- *Built environments contribute to greenhouse gas emissions and global warming. Natural environments help mitigate this effect. The DEIS should compare the estimated impact of the proposed development to a typical planted area on the same size on: Carbon sequestration of the soil, Albedo, Heat absorption, Water retention*
- *The Draft Scope does not include qualification and analysis of the Proposed Project's greenhouse gas emissions or any discussion of mitigation or alternatives. Both the direct effects, e.g. the extension and ongoing use of natural gas for the complex, as well the foreseeable secondary effects, e.g. displacement of water-dependent freight transportation, should be fully evaluated.*
- *Energy conservation measures which go beyond the minimum requirement of the State Energy Conservation Construction Code (9 NYCRR Parts 7810 through 7816) should be evaluated as Project elements or as part of the alternatives.*
- *A discussion on any liability to the Town regarding the location of this Proposed Action and sea-level rise.*

Response: New sections on *Greenhouse Gas Emissions* and *Coastal Resiliency* have been added to the Final Scope. Most of the items requested have been incorporated. A discussion of the Town's liability, should any exist, is outside the scope of an EIS.

General Changes to the Scoping Document

Do not include outdated references:

- *Citing very old references, e.g. Long Island Comprehensive Waste Treatment Management Plan, L. Koppelman, 1978. Updated studies and current data needs to be obtained and added to the study to reflect current standards and technology upgrades.*

Response: Updated information will be used wherever it is applicable. In some cases, a decades-old study may be the latest one produced and/or may still be currently in effect.

Include a discussion on how the pandemic affects our understanding of quality of life.

- *How will estimates of unquantifiable and more subjective impacts on quality of life, impacts which will vary significantly among individuals and areas of Town, be made during pandemic?*

Response: It is not entirely clear what has been requested. The EIS will be analyzed with 2024 as the target “build year”. It will be presumed, at least initially, that Covid-related restrictions are no longer in effect and that pre-2020 conditions have resumed. If during the review, it becomes apparent that certain conditions may be continued indefinitely, then the analysis will be revised.

Other Comments

The following comments were of a more general nature and did not offer specific suggestions for the Final Scope. A significant number were simply opinions and objections to the Proposed Action. These were classified as not relevant, not environmentally significant, or the issue would otherwise be addressed in the DEIS.

Concern 1: Inclusion of underwater land in development yield calculations. There were questions and concerns regarding the Project Sponsor’s right to apply the full development yield from the underwater lands and essentially transfer the development rights to the upland portion of the parcel. Examples:

- *I was attending the town EIS meeting on March 23, 2021 and I heard the discussion about owning land underneath the high tide line. This made me worry and feel angry. The high tide line classifies itself, it is nobody’s property and that is law. You can own a pier on the water but not the water under it because the water is of the earth, and not a human’s to take ownership of. Being a fisherman, kayaker, surfer in the ocean, a snorkeler and enjoying being on water is part of living here. So taking away some of the public land and giving away our underwater land is giving away our access to it, so when it is gone we will never get it back.*

- *With respect to the proposed residential use and occupancy of the property and adjacent underwater lands, it should also be considered that the underlying state patent made by the Commissioners of the Land Office, dated December 7, 1907 to J.B. King & Co., the original source of title to both the Tilcon property and the Bay Aggregates property, comprising all of the lands identified in the HMP as aggregate transshipment facilities, was a restricted beneficial use grant and serves to limit use of the property to piers, wharves, docks and other substantial structures related to marine commerce. The restricted beneficial use grant does not convey the full beneficial use of the parcel necessary to encompass the proposed residential development regardless of the zoning designation.*

Response: New York State does, in fact, recognize private ownership of underwater lands and the current landowner does appear to hold proper title. However, they are not proposing to construct any part of the building over water or to reclaim/fill any submerged land. Instead, the proposal is to condense the development yield for the full 7+ acres onto the upland portion. The use of the underwater land would be a public marina and pier. For purposes of analysis, the EIS will include development with the full yield as the Proposed Action. A scenario that includes only the yield for the upland area will be analyzed as one of the Alternatives.

Concern 2: Concerns and objections regarding the use of a portion of Lot 1035. There were questions and concerns about the use of the Town-owned lot, part of a public park, for a parking lot. Examples:

- *The use of adjacent parkland for residents' permanent use is a problem.*
- *No public lands should ever be alienated for private parking*
- *Unless the proposed use is clearly consistent with park uses as interpreted by a clear controlling state court opinion, an opinion should be sought from the New York State Attorney General and the New York State Comptroller confirming that they agree with the Town's position. The County should also still be asked for consent - especially since the County may apply different interpretations to the language in the Deed Restriction.*
- *If the Town included in facilitate the development at scale via perpetual grant of an easement or the outright sale of the adjoining property which serves as the access/egress, loading, and parking for Applicant's proposed*

Response: Lot 1035 comprises the northern half of North Hempstead Beach Park, a Town recreational facility. The lot was obtained from Nassau County for use as perpetual parkland and was merged with the former Bar Beach to create a single consolidated park. As such, it is not available for conveyance. The Project Sponsor is seeking non-exclusive access to the parcel and permission to construct a parking lot at the north end for public use and as mitigation for a parking deficiency on the Sponsor's property. The Town has not yet indicated whether this will be approved. For purposes of analysis, the EIS will include development with the use of Lot

1035 as the Proposed Action. A scenario that does not include Lot 1035 will be analyzed as one of the Alternatives.

Concern 3: Impacts on traffic, parking, and transportation. There were numerous comments about existing traffic congestion and concerns that the density of the Proposed Action would make traffic worse. Examples:

- *The additional traffic on West Shore Road is likely to have a significant impact on Beacon Hill Colony. Currently, at certain times of the day, it is difficult to exit the upper and lower entries of Beacon Hill Colony. The impact on traffic entering and exiting Beacon Hill Colony needs to be studied.*
- *The 45mph speed (and most likely more) at which vehicles will be travelling past the opening to the 145 West Shore Road planned development. A left turn out of the property will be extremely dangerous under the circumstances. A right turn only will direct all traffic onto Beacon Hill Road, an already highly travelled residential street.*
- *What in detail are the plans for having 428 parking spaces available to residents of the proposed building? If just one of those cars heads north into the hamlet of Port Washington each day what will be the environmental impact on my already difficult ability to get through the traffic light at Beacon Hill Road and Port Boulevard at certain times of day?*
- *Would speed cameras be proposed?*
- *Why does the developer not take into consideration to include off site mitigations (sidewalks, lights, etc.) in the traffic impact study?*
- *The traffic and circulation plan should include: changes to or additional traffic control devices such as signs, lights or turn lanes.*

Response: Many of the suggestions have been incorporated into the Final Scope and will be addressed in the *Traffic and Transportation* section. This will include an analysis of turning movements in and out of the Subject Property as well as key intersections in the study area with regard to roadway slope, sight distance and operating speeds. Capacity and Level-of-Service analyses will be performed. The Project Sponsor will be considering off-site mitigation. Speed cameras, however, are not under consideration, as neither the Project Sponsor nor the Town has jurisdiction over their placement. Nassau County, who has sole jurisdiction, discontinued the speed camera program in 2014. The study will adjust volumes for pre-pandemic conditions. Any longstanding enforcement issues on the surrounding street network can and should be addressed independently of the Proposed Action. Mitigation measures will be proposed and analyzed for a range of development scenarios.

Concern 4: General safety and security. There was a concern that the Proposed Action would decrease safety in the area and, specifically, concern about individuals trespassing into Beacon Hill Colony. In addition there were a number of traffic safety concerns. Examples:

- *Beacon Hill Colony has a substantial problem with individuals who trespass onto its property, use its facilities such as the dock, etc. Beacon Hill Colony is not currently a gated community, and must rely on the local police with respect to unauthorized persons. The study needs to consider the impact of 176 units (and more if 139 West Shore Road is developed) on Beacon Hill Colony.*
- *Longview Road has lots of stop signs, but a "rolling" stop is the norm and you're lucky if drivers do that. Other local streets are used as a way to get around the stop light at the bottom of Beacon Hill Road and there are no speed limits that are obeyed there. And going down Beacon Hill Road that becomes Shore Road...the speed limit is 45 mph but I am about the only who follows that. There is no police effort to stop the speeding. There is also no effort to police the load limits on Beacon Hill Road or Longview Road. There is a tiny sign on Shore Road that announces the weight limit but that is never enforced either.*

Response: Traffic safety is one of the factors considered in the *Traffic and Transportation* section and many of the suggestions will be incorporated. Other impacts to personal safety and security fit best in the section covering impacts to local police services.

Concern 5: Water resources (groundwater, stormwater run-off, and water quality). There were questions and concerns about the effects on the water quality of Hempstead Harbor, on groundwater and on drinking water. There were concerns about the possibility of contaminating the groundwater and the strain on water supply due to construction activities and the size of the Proposed Action. Comments included concerns regarding the pool, health club, and dishwashers/laundry machines on the drinking water supply. Other commentors mentioned water supply restrictions imposed by the Water District as well as the lack of water pressure. Examples:

- *This project envisions a large increase in the residential use in this area. We need to make sure that we carefully study the impacts on groundwater and the water supply to neighboring communities, and in particular to Beacon Hill Colony.*
- *What will be the impact of a building housing possibly more than 500 residents (assuming an average of 3 people per apartment) on the Port Washington Water District's ability to supply it? Water is already a stressed resource on the peninsula; the water district has put further irrigation restrictions in place for the spring and summer.*
- *How can you mitigate flooding to prevent contamination to the shallow water table?*
- *The increase in runoff into the harbor, and its effects on water quality of Hempstead Harbor, also needs to be carefully studied.*
- *The developers propose a 2-level underground garage for 242 cars. How is this prudent on the edge of a body of Long Island tidal water?*

Response: The impacts of the project on water resources and community facilities/services will be addressed in the *Community Facilities and Services* section of the EIS and many of the suggestions were incorporated into the Final Scope.

Concern 6: Ecological resources. Questions and concerns arose over aquatic life and the flora and fauna within the project area. There were concerns that pollution from the Proposed Action would impact marine ecology. Specific animals named include horseshoe crabs, muscles, dear, fox, rabbits, coyotes, osprey, whales, dolphins, seals, and bait fish. Examples:

- *As for cleaning up, the water in Hempstead Harbor was reopened for the last 11 years to shellfishing after being closed for over 40 years. In the last 10 years we have had whale sightings, dolphins pods, seals, bait fish, cleaner water therefore allowing shell fishing to reopen! To disturb this finally thriving eco system would be an ecological disaster!*
- *Marine ecology will be greatly impacted with the construction of 7 stories concrete building and the marina over acres of water. This marine water is home to many wildlife, which includes birds, fish, shellfish and other marine life. Pollution from building, additional population and marina will immensely impact Hempstead Harbor marine ecology.*

Response: These potential impacts will be addressed in the *Ecological Resources* section of the EIS and many of the suggestions were incorporated in the Final Scope.

Concern 7: Community Facilities and Services. Numerous concerns were raised about the impacts of the Proposed Action on special districts and service providers including school, water, sewer, police, and fire. Examples:

- *What will be the impact on the ability of the Port Washington Pollution Control District, the Police and Fire Departments and the Emergency Medical Service to service this major addition to our community?*
- *Services from fire, police, and ambulance will require additional, expensive resources, personnel and equipment.*
- *Our peninsula's infrastructure is not designed to support this development.*
- *How will school, water, sewer districts, police and fire departments of Port Washington be additionally stressed by these significant increases in population density and traffic congestion?*

Response: These potential impacts will be addressed in the DEIS under the *Community Facilities and Services* section and many of the suggestions were incorporated into the Final Scope. In addition, the special districts and service providers are designated as Involved Agencies and are participating in the review of the Proposed Action.

Concern 8: Aesthetics and cultural resources. Many comments were received regarding the size of the building in relation to the subject parcel itself and to the surrounding properties. For example:

- *The building will largely obliterate the view of Hempstead Harbor as one travels down Beacon Hill Rd, heading towards Roslyn.*
- *The scope and size of this proposed property makes no sense. The developers have no standing to build in acres of our shared natural resource of Hempstead Harbor.*
- *If carried through, this project will have a huge adverse impact on our quality of life from an environmental and aesthetic perspective as well as daily inconveniences of traffic and population density. It will set a precedent that will transform Hempstead Harbor as we know it.*
- *I am very concerned about a change to our suburban environment for the Port Washington community.*

Response: These potential impacts will be addressed in the *Aesthetics and Cultural Resources* section of the EIS and many of the suggestions were incorporated into the Final Scope.

Concern 9: Fiscal and economic conditions. There were concerns about the means of financing and how the Proposed Action would affect taxes. There were several questions about potential tax abatements and the effect on other taxpayers. Examples:

- *Additionally, how will this new development change neighborhoods like Beacon Hill Colony and its current tax structure? How will this zoning change alter the tax structure of Beacon Hill?*
- *If the developer seeks funding from the Nassau County IDA, will property and school taxes in Port Washington increase?*

Response: The impacts to property taxes, special district taxes, and a detailed review of proposed financing for the Proposed Action will be addressed in the DEIS under the *Fiscal and Economic Impacts* section. This section has been greatly expanded from what was in the Draft Scope and many of the suggestions have been incorporated.

Concern 10: General Outreach. A comment was received expressing concerns about public outreach:

- *The Draft Scope asserts that the applicant "has undertaken extensive community outreach" to various organizations and states, "This outreach is ongoing." However, it names only Port Washington organizations as having been targeted for outreach. Although this development would have its greatest impact in Port Washington, it would affect all of North Hempstead, as well as our neighbors across the Harbor. As a Town of North Hempstead resident who does not live in Port Washington, I saw no evidence of outreach by the applicant. I urge the Board to require the applicant to broaden its*

outreach efforts to include the entire town, whose residents' taxes support the open space and recreational facilities near the proposed development.

Response: The Lead Agency cannot mandate that the Project Sponsor undertake or expand public outreach efforts. All public meetings conducted by the Lead Agency will be publicized and are open to all.

Concern 11: Need for variances. There were numerous comments regarding the need for several substantial variances and the inability to undertake the Proposed Action in compliance with the zoning code. Examples:

- *The proposed project will require numerous zoning variances or waivers, including for height, multiunit construction, and parking inadequacy. Zoning laws are enacted to manage urban/suburban development in a well-thought-out plan. Our concerns about allowing variances to local zoning laws in this instance are amplified given the potential adverse impacts this project will create for Hempstead Harbor.*
- *It seems that numerous variances to the zoning codes will be required. Variances should be reserved for minor adjustments at a building site such as moving the building a little closer to a property line or exceeding the height restriction by a couple of feet. When the proposed variances pile up, then it should be clear that the proposed structure is unsuitable for the site.*
- *The variances they are seeking are all because of self-created hardships and why should the town consider granting these variances for the developers self-created hardships?*

Response: The EIS will fully evaluate the impacts of constructing a building of this size. Comparative analyses will also be performed for a building of a lesser magnitude among a number of alternate scenarios. The EIS will guide the Board of Zoning Appeals in evaluating any future applications for variances. The EIS will not, in itself, provide an evaluation of the legal merits for granting variances.

Concern 12: Requests to simply reject the Proposed Action. Examples:

- *The Board might consider requiring the current owner to cure the public nuisance before considering any zoning change*
- *We question how this proposal was not dismissed at the outset by virtue of including 4.4 acres of surface water into the 7 acres required for this development and the associated calculations regarding allowable density, lot coverage, parking, etc.*

Response: The Lead Agency is required to undertake a review of the potential impacts of any Proposed Action and cannot simply dismiss an application without obtaining evidence.

Concern 13: Conducting studies and public review during a pandemic. Objections were raised about conducting a traffic study and public outreach during a pandemic and whether the study would accurately reflect future conditions. Examples:

- *Under the DEIS, the Traffic Impact Study is flawed. It should only be using figures before the pandemic (historical traffic volume) and add in expected growth factors (not adjusted to the pandemic). Why are the Automated Traffic Recorder counts for the past year included? This can only deflate the actual number of future traffic in the area and not be accurate.*
- *How can you possibly do a complete traffic study in a year of a pandemic or post pandemic when most of the business are closed or with minimum staff? Will you be waiting to do a complete assessment of traffic once everyone returns to work and traffic conditions will be more realistic going forward?*
- *The inability for townspeople to attend the Scoping and other related meetings in person - because of the Covid-19 pandemic- disenfranchises those citizens who are not technology equipped or knowledgeable, especially the elderly. The entire process is untimely and objectionable because of Pandemic related limits imposed upon resident's right to assemble. Can the process be stopped or postponed until post- pandemic? If not, why not?*

Response: Traffic figures will be adjusted by comparing 2021 volumes to baseline data obtained from prior years.

Concern 14: Noise impacts: Questions and concerns regarding noise both during and after construction were raised:

- *How can you protect the adjacent homes from the noise from construction?*
- *The funnel Shape of the Harbor surrounded by Beacon Hill, Harbor Hill and the Sand Pits creates amplified sound so on Beacon Drive we can hear the sound of motor boats going up the harbor even though it is about a mile away the sounds reverberate. In addition, another 300 cars and support vehicles crawling up Beacon Hill Road will also be creating excessive noise. How can you protect the adjacent homes from the noise from construction?*

Response: There will be a specific section of the EIS devoted to analyzing noise impacts and many of the suggestions have been incorporated into the Final Scope.

Concern 15: Lack of details in the Environmental Assessment Form, Part 1. There were objections that the EAF was not detailed enough and concerns over some answers as "TBD". Examples:

- *Page 4 lists height as TBD- ?? As noted below, many answers are TBD which is alarming*

- *The EIS is vague, with many TBDs and blank spaces. How can this be acceptable?*
- *Descriptions of all elements of the Proposed Action that would be disclosed by a completed copy of the Full Environmental Assessment Form (EAF). Sections of the Applicant's EAF dated November 5, 2020 that were marked as "TBD" should be completed and described.*

Response: The sole purpose of an EAF is to guide the Lead Agency's determination as to whether an Environmental Impact Statement will be needed. In this case, the Lead Agency issued a Positive Declaration indicating the need for an EIS. The Assessment Form will therefore be superseded by the EIS and is of no further utility.

Concern 16: A potential restaurant at the adjoining Beach Park. A couple of commentors requested more information on possible restaurant in the NH Beach Park Master Plan and the relationship between this restaurant and the Proposed Action.

- *The restaurant is significant to the consideration of the Proposed Action in that it has been said the Proposed Action's culmination will make such a restaurant viable. In the spirit of keeping the DEIS at least as informative as the Applicant's non-regulatory public statements, the waterfront restaurant, the Proposed Action's contributions to it, and the waterfront restaurant's viability in the absence of the completion of the Proposed Action should be discussed in the DEIS. Any public funds already secured to provide sewage capacity for the restaurant should be disclosed in the DEIS.*
- *Description of the infrastructure provided by the Proposed Action to support development of the waterfront restaurant including its total cost, description of any public funds or contributions that will be made to develop such infrastructure.*

Response: The Town is currently evaluating the feasibility of establishing a restaurant at the north end of the Beach Park. Estimates of potential traffic generation, water demand and sewer flows will be provided to the Project Sponsor for use in their analyses of the Proposed Action. Details about the financing and operations for the restaurant are outside the scope of this EIS.

4. PARTICIPANTS:

List of organizations and individuals that provided written comments on the Draft Scope:

Community Organizations, Companies, and Governmental Entities:

1. Barker Aggregates, LTD – Letter dated March 22, 2021
2. Beacon Hill Bungalow Corporation – Letters dated March 22, 2021; March 29, 2021
3. Beacon Hill Residents Association – Letters dated March 23, 2021; March 29, 2021
4. Buchanan Marine L.P. – Letter dated March 22, 2021
5. Coalition to Save Hempstead Harbor – Letter dated March 21, 2021
6. Mitchell Farms Neighborhood Association - Email dated March 18, 2021
7. Residents Forward – Letter dated March 21, 2021
8. Tilcon New York – Letter dated March 22, 2021
9. Village of Flower Hill – Letter dated March 4, 2021

Individuals:

10. Ames, Claudia and Jody Fiener – Email dated March 30, 2021
11. Amsel, Jody – Email dated March 29, 2021
12. Ash, Cindy and Peter Primont – Email dated March 30, 2021
13. Bass, Elizabeth – Email dated March 23, 2021
14. Beall, Lisa – Emails dated February 19, 2021; March 18, 2021
15. Bheddah, Dorothy – Email dated March 23, 2021
16. Boroumand, Kevin – Letter dated March 22, 2021
17. Brezel, Claire – Emails dated February 10, 2021; March 19, 2021
18. Bridgette, Donna – Email dated March 25, 2021
19. Cashman, Lisa – Email dated March 30, 2021
20. Cohn, C & J – Email dated March 22, 2021
21. Collins, Sandra – Email dated March 30, 2021
22. Cooperman, Roberta – Email dated March 22, 2021
23. Dannan, Suzanne – Email dated March 24, 2021
24. Englander, Harriet – Email dated March 17, 2021
25. Estes, Joshua – Email dated March 24, 2021
26. Fleming-Durrer, Jill – Email dated March 30, 2021
27. Gaffney, Pete – Letter dated March 23, 2021
28. Ganzer, Anne – Email dated March 1, 2021
29. Gilbert, Marilyn – Email dated March 17, 2021
30. Glasser, Sam and Sally – Email dated March 30, 2021
31. Gordon, William – Email dated March 30, 2021
32. Greene, Ellen – Email dated March 22, 2021
33. Harir, Lisa – Email dated March 30, 2021
34. Hughes, Sara – Email dated March 30, 2021

35. Hutchinson, Ami – Email dated March 23, 2021
36. Ioanna, Resti – Email dated March 24, 2021
37. Johnston, Edward & Linda – Email dated March 29, 2021
38. Kinney, Gavin – Email dated March 30, 2021
39. Klein, Lori and Alan – Email dated March 30, 2021
40. Kleinman, Kristen – Email dated March 24, 2021
41. Klyce, Stephen – Letter dated March 22, 2021
42. Kramer, Mike – Email dated March 30, 2021
43. Kress, Andrew – Letter dated February 11, 2021
44. Lederman, Bruce – Letter dated March 23, 2021
45. Lefever, Jenna – Email dated March 22, 2021
46. Levin, Richard – Email dated March 22, 2021
47. Lubetsky, Josh – Email dated March 24, 2021
48. Lubetsky, Leslie – Email dated March 18, 2021
49. Lucks, Stuart – Email dated March 25, 2021
50. Madia, Michael – Email dated February 20, 2021
51. Madry, Penelope – Email dated February 5, 2021
52. Mady-Grove, Theresa – Email dated February 25, 2021
53. Mann, Bob – Letter dated March 16, 2021
54. Mansfield, Amy and Rob – Email dated March 30, 2021
55. Marks, Karyn – Email dated February 22, 2021
56. Merkelson, Paul – Email dated March 30, 2021
57. Miglietta, Richard – Email dated February 11, 2021
58. Mills, Donna – Email dated March 20, 2021
59. Minicucci, Kathy – Emails dated February 22, 2021; March 29, 2021
60. Monaghan, Will – Email dated February 5, 2021
61. Ramsdell, Edda – Emails dated March 11, 2021; March 19, 2021
62. Reitenbach, Claudia – Email dated March 23, 2021
63. Rimmer, Jennifer – Email dated March 12, 2021
64. Rudegeair, Claudia – Email dated March 23, 2021
65. Schlesinger, Frieda and Isaac – Email dated March 30, 2021
66. Shodell, Elly – Email dated March 26, 2021
67. Shaffer, Andy – Email dated March 23, 2021
68. Shyer, Randee – Email dated March 30, 2021
69. Smitheimer, Roy – Email dated March 17, 2021
70. Sobel, Stephanie and Mark – Email dated March 30, 2021
71. Solomon, Nancy – Email dated March 29, 2021
72. Steinberg, Andrew – Email dated March 21, 2021
73. Stock, Floryn – Email dated February 22, 2021
74. Sussman, Denise – Email dated March 30, 2021

75. Sweeney, Laura – Emails dated February 21, 2021, February 24, 2021, March 30, 2021
76. Walsh, Joan Kendall – Email dated March 23, 2021
77. Watt, Margaret – Email dated March 30, 2021
78. Werz, Kristie and Robert – Email dated March 30, 2021
79. Wilson-Pines – Email dated March 29, 2021
80. Wright, Nancy – Email dated March 23, 2021
81. Yeh, Shane – Email dated March 19, 2021
82. Ziev, Joel – Email dated March 13, 2021

List of organizations and individuals that provided oral comments during the Public Scoping meeting held on March 23, 2021:

1. Adickman, Cary
2. Alletto, Eugene
3. Aloe, Paul – Beacon Hill Bungalow Colony
4. Boroumand, Kevin
5. Bromberg, Kay – Coalition to Save Hempstead Harbor
6. Contino, Vincent
7. Farhadian, Sarah
8. Galasso, Philip
9. Jackson, Jeff
10. Klyce, Steven
11. O'brian, Bob
12. Shaffer, Andy
13. Ziev, Joel