

STATE ENVIRONMENTAL QUALITY REVIEW ACT

**APPLICATION OF BEECHWOOD POB LLC AND
PLAINVIEW PROPERTIES, SPE, LLC**

**COUNTRY POINTE AT PLAINVIEW
TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK**

**TOWN BOARD OF THE TOWN OF OYSTER BAY
FINDINGS STATEMENT**

Date: March 24, 2015 (Corrected)

This Findings Statement is issued pursuant to Article 8 of the Environmental Conservation Law and the implementing regulations thereto at 6 NYCRR Part 617 (State Environmental Quality Review Act, SEQRA).

Name of Action: Country Pointe at Plainview

Applicants: Beechwood POB LLC (Project Sponsor)
Plainview Properties, SPE, LLC (Property Owner)

Location: Southwest corner of the intersection of Old Country Road and Round Swamp Road in Plainview, Town of Oyster Bay, Nassau County, State of New York; Nassau County Land and Tax Map Section 47, Block E, Lots 747B, 747D, 747E, 748A, and 748D.

Lead Agency: Town Board of the Town of Oyster Bay (the "Town Board")

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SEQR Status: Type I

The Town Board, as lead agency, in consideration of the information presented in the Draft Environmental Impact Statement (the "DEIS", dated March 2013) and Final Environmental Impact Statement (the "FEIS", dated January 2015), collectively the "EIS", hereby certifies that:

- it has considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS;
- it has weighed and balanced relevant environmental impacts with social, economic and other considerations;
- the requirements of 6 NYCRR Part 617 have been met;
- consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigative measures that were identified as practicable during the environmental review process and as set forth herein.

The basis of the foregoing findings is set forth below.

DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action consists of the following general components:

- (1) Rezoning of a portion of the subject 143.25-acre¹ property from R1-1A One-Family Residence (“R1-1A”) and Office Building (“OB”), to RMF-16 Multi-Family Residence (“RMF-16”), RSC-25 Multi-Family Senior Citizen Residence (“RSC-25”), and General Business (“GB”), while retaining a portion of the site in the existing R1-1A and OB districts;
- (2) Site Plan Approval for the portion of the subject property to be rezoned, including mixed, multi-family uses in the RMF-16-zoned area, price-controlled senior housing in the RSC-25-zoned area, and commercial uses in the GB-zoned area;
- (3) Dedication of land to the Town of Oyster Bay for open space and recreation uses, pursuant to the Covenants and Restrictions adopted in 1998 in connection with the prior rezoning approval for the subject property which created the existing OB district; and
- (4) Rescission of the 1998 Covenants and Restrictions, and establishment of new Covenants and Restrictions specific to the proposed development.

Certain specific aspects of the proposed action have evolved during the review process. In response to comments received during the public review of the DEIS, the applicants revised their proposed development plan in the FEIS (the “FEIS Plan”), relative to the plan which was presented in the DEIS (the “DEIS Plan”), as follows:

- the total number of proposed residential units was reduced from 890 to 792, with the following breakdown:

Unit Type	DEIS Plan	FEIS Plan
Age-Restricted Condominiums	414	435
Age-Restricted Flats	122	43
Golden Age Units	90	79
Townhouses	34	80
Duplexes	18	0
Zero-Lot Line Units	4	24
Flats	208	131

Notes: “Age-Restricted” indicates age-55 and older. The age restriction for the price-controlled “Golden Age” units is age-62 and older. All other units do not have an age restriction

- the amount of open/recreational space outside of the development area increased from 57 acres in the DEIS Plan to 63 acres in the FEIS Plan; while the total amount of open/recreational space, including the development area, increased from 65 acres in the DEIS Plan to 69 acres in the FEIS Plan; and
- the floor area of clubhouses/recreational buildings in the residential development was decreased from 26,010 square feet in the DEIS Plan to 25,000 square feet in the FEIS Plan.

Elements of the proposed action which remained unchanged from the DEIS Plan to the FEIS Plan included the amount of open space to be dedicated to the Town of Oyster Bay (44 acres) and the floor area of the proposed commercial development (totaling 118,450 square feet, including a 71,450-square foot supermarket, 3,000-square foot bank, and 44,000 square feet of other retail space).

¹ All acreages are approximate.

Subsequent to the issuance of the FEIS, the applicants engaged in discussions with the Town to identify possible additional modifications to the proposed action that would enhance the mitigation provided in the FEIS Plan. As a result of these discussions, the applicants have amended their proposal to further reduce the overall residential yield, increase the proportion of age-restricted units in the residential component of the project (from about 70 percent in the DEIS and FEIS Plans to 82.4 percent in the Final Plan), and increase the amount of open space and recreational land to be provided. This amended site plan has been submitted for the Town Board's consideration, superseding the FEIS Plan. Accordingly, the proposed action for the purposes of this Findings Statement encompasses the Final Plan, which includes the following components:

(1) Rezoning of 85.32 acres of the subject 143.25-acre property, as follows:

- 64.53 acres from R1-1A and OB to RMF-16, for development with mixed, market-rate multi-family housing (Lot A);
- 3.72 acres from OB to RSC-25, for development with price-controlled senior housing (Lot B);
- 16.07 acres from OB and R1-1A to GB, for development with commercial uses (Lot C); and
- 1.00 acre from R1-1A to RMF-16, to be dedicated to the Town of Oyster Bay as open space (Lot F).

The existing zoning will be retained for the following parcels, totaling 57.93 acres, to be dedicated to the Town of Oyster Bay for open space and recreational use:

- 3.00 acres to remain as OB (Lot D);
- 40.00 acres to remain as R1-1A (Lot E);
- 5.00 acres to remain as R1-1A (Lot G);
- 5.51 acres to remain as R1-1A (Lot H); and
- 4.42 acres to remain as R1-1A (Lot I).

(2) Site plan approval for a mixed use development on the parcels to be re-zoned, consisting of:

- 118,450 square feet of commercial space, including a 71,450-square foot supermarket, 44,000 square feet of retail stores, and a 3,000-square foot bank;
- 750 residential units, consisting of:
 - 390 age-restricted condominiums,
 - 102 age-restricted flats,
 - 36 age-restricted townhouses,
 - 90 "Golden Age" (RSC-25) units,
 - 30 condominiums (no age restriction)
 - 70 townhouses (no age restriction), and
 - 32 flats (no age restriction);
- establishment of a walking/fitness trail around the entire perimeter of the subject property, open to and accessible by the public, consistent with the 1998 Covenants and Restrictions;
- provision of a minimum 350-foot wide buffer along the southerly property line (exceeding the 200-foot minimum buffer width specified in the 1998 Covenants and Restrictions) and minimum 125-foot wide buffer along Round Swamp Road;
- indoor recreational facilities for the RMF-16 and RSC-25 communities totaling 29,400 square feet;
- outdoor recreational facilities for the RMF-16 community, including a swimming pool, tennis court area, and playgrounds; and
- 11.38 acres of open space, buffers and recreational area to be retained in private ownership but made available for public access (as established by easement), including the southerly leg and easterly spur of the walking/fitness trail along Round Swamp Road (8.98 acres comprising portions of Lots A and C) and a water feature/green space in the southwest corner of the commercial parcel (2.40 acres in Lot C).

The total anticipated construction period for the proposed Country Pointe at Plainview development is three years.

(3) Dedication of 58.93 acres to the Town of Oyster Bay, including:

- 57.93 contiguous acres in the southwest portion of the site, which is available for active and passive recreational activities; and
- 1.00 acre at the Old Country Road-Round Swamp Road intersection, for landscaping and civic signage, to serve as an aesthetic gateway to the Plainview-Old Bethpage community.

This 58.93-acre land dedication is 18.82 acres (about 47 percent) greater than the 40.11 acres specified for dedication in the existing Covenants and Restrictions governing the subject property.

The facilities to be developed on the land to be conveyed to the Town have not yet been decided. If and when the proposed development and the associated property dedication proceed, the Town will undertake an extensive public outreach process to obtain wide-ranging input on the community’s goals and objectives for this land. Once a consensus plan for park development of this property has been formulated, any further environmental investigations that may be necessary will be performed at that time.

(4) Rescission of the existing Covenants and Restrictions pertaining to the subject property and establishment of new Covenants and Restrictions which correspond specifically to the proposed development.

The proposed action involves a number of additional permits and approvals, beside those from the Town Board (for Change of Zone, Site Plan Approval and Rescission/Modification of Covenants and Restrictions; as well as a waiver to allow a maximum of 15 units per building and 12 units per building in the RMF-16 and RSC-25 zones, respectively). These additional approvals from other agencies include:

Agency	Type of Permit/Approval
Town of Oyster Bay Zoning Board of Appeals	Area Variances (permitted : proposed): RMF-16 maximum # of stories/building height (2/30' : 3/45') RMF-16 min distance between buildings (50' : 15') RMF-16 min garage setback (25' : 20') RMF-16 use of basements as habitable space RSC-25 min distance between buildings (40' : 25')
Plainview Water District	Water supply connection
Nassau County Planning Commission	Subdivision approval; 239m referral and recommendation
Nassau County Department of Public Works	239f review (stormwater, highway work permit, sewer connection); Modification of traffic signal timing along Old Country Road; Installation of new traffic signal at intersection of Old Country Road at Mergenthaler Drive/Main Site Access
Nassau County Department of Health	Realty subdivision review, sanitary disposal, water supply
NYS Department of Transportation (NYSDOT)	Proposed improvements at the Round Swamp Road interchange of the Long Island Expressway and the Old Country Road interchange of the Seaford-Oyster Bay Expressway
NYS Department of Environmental Conservation (NYSDEC)	SPDES General Permit for Stormwater Discharge (GP-0-15-0002) and Notice of Intent

SUMMARY OF SEQRA PROCESS

Key steps in the SEQRA process for the proposed action included:

- January 17, 2012 Issuance of Positive Declaration, by Town Board Resolution #80-2012
- March 13, 2012 Public scoping session
- April 9, 2013 Acceptance of DEIS by, Town Board Resolution #264-2013
- February 4, 2014 Town Board public hearing on DEIS, zoning application and proposed site plan
- February 3, 2015 Acceptance of FEIS, by Town Board Resolution #56-2015

Ample opportunity has been provided for public participation in the environmental review process for the proposed action, well beyond the minimum requirements of SEQRA, summarized as follows:

- The Town conducted a public scoping process, which is optional under SEQRA. Scoping provides the public with the opportunity to provide input regarding content and information to be included in the DEIS. Comments were accepted on the Draft Scope for a period of 30 days after the Draft Scope was issued for public review.
- The public scoping session conducted by the Town also is optional under SEQRA.
- The public hearing on the DEIS also is optional under SEQRA.
- The public comment period for the DEIS was held open for more than ten months, from the Town Board's April 9, 2013 acceptance of the DEIS to the February 28, 2014 close date for comments. This is well in excess of the 30-day minimum review period and 14 days longer than the minimum ten-day period subsequent to the hearing specified in the SEQRA regulations.
- The opportunity for public comment on the FEIS has spanned 48 days, between the Town Board's February 4, 2015 acceptance of the FEIS and the Town Board's adoption of this Findings Statement. This exceeds the minimum ten-day time period specified in the SEQRA regulations for the Town Board to "consider" the FEIS before issuing its written findings statement. During the FEIS consideration period, further input was provided by correspondence (including letters and e-mails), telephone calls, and discussion during the public comment session following the Town Board meetings on February 24 and March 10, 2015. This further input did not reveal any new, substantive issues that were not adequately addressed in the DEIS and FEIS, particularly when considering the further down-sizing of the proposed development (and accompanying increase in the acreage of open space/recreational land) reflected in the Final Plan which is the subject of this Findings Statement.

SUMMARY OF PROJECT SPONSOR'S PUBLIC OUTREACH PROCESS

The project sponsor independently conducted a multi-faceted program of public outreach regarding the proposed development, which included the following components:

- A website (www.countrypointeplainview.com) was established, which includes responses to Frequently-Asked Questions (FAQs) about the proposed development, information about the project sponsor, a conceptual site plan, links to the DEIS and FEIS, and a Q&A section.
- A door-to-door outreach campaign was conducted in neighborhoods in the vicinity of the proposed development site by representatives of the project sponsor, who distributed informational literature and answered questions. According to the project sponsor, more than 800 homes were visited and actual contact was made with residents in more than 600 homes.
- One-on-one meetings were held with numerous community leaders and organizations (including CCPOBC, POB Chamber of Commerce, POB Soccer Club, Plainview Sports Council, Plainview Fire Department, POB School Board, Plainview Water District, and Mid-Island Y-Jewish Community Center), and individuals to introduce the project sponsor, discuss the proposed development and answer questions.

- A reception was held for individuals who registered on the project sponsor’s website, community leaders and other Plainview-Old Bethpage residents on February 7, 2013, which reportedly was attended by more than 400 people.
- The DEIS also indicates that representatives of the project sponsor were available at both Morton Village Plaza and the South Oyster Bay Road Shop Rite to answer questions about the proposed development for two to six hours each time on five separate occasions in April 2013 and on 22 occasions between January and March 2014.

ALTERNATIVES ANALYZED IN THE DEIS

Three alternatives were examined in the DEIS:

- **No-Action** – The subject property remains in its existing condition, with five single-family homes and 206,288 square feet of government use. The DEIS notes that this alternative is not consistent with the applicants’ right to develop the site.
- **Redevelopment Under the Prevailing Zoning** – The subject property is redeveloped with the previously approved 420,000 square feet of office space, along with 45 single-family homes.
- **Development Under the Previously Proposed Planned Unit Development, Mixed Use Project (“Old Plainview”)** – The subject property is re-zoned to a new PUD district and redeveloped with 499 multi-family residential units, 182,513 square feet of office, 15,873 square feet of educational/eleemosynary use, 330-room lodging facility, and 17,842 square feet of retail space. The Old Plainview proposal also included PUD rezoning and redevelopment of a 22-acre parcel on the north side of Old Country Road (with 160 apartment units, a supermarket, and additional retail development), which parcel is not part of the current application.

A summary comparison of the alternatives, including prior versions of the proposed action presented in the DEIS and FEIS, as compared to the proposed action (i.e., the Final Plan) is provided below (gross tax revenues are approximate):

Parameter	Proposed Action	FEIS Plan	DEIS Plan	No Action	Prevailing Zoning	“Old Plainview” (South Parcel Only)
Gross Floor Area (square feet)	1,600,490	1,617,600	2,021,507	219,840	780,000	1,560,924
Population (persons)	1,434	1,518	1,687	12 (0 increase)	135	1,102
School-Aged Children	19-28	36-50	38-56	0	34	104
Permanent Employment (Jobs)	498	500	504	350-440	2,100	1,842
Domestic Water/Sewage (gpd)	391,090	411,040	457,590	37,318	121,375	420,275
Solid Waste (lb/day)	12,052	12,346	12,937	1,263	5,010	12,362
Gross Tax Revenue	\$17.55 million	\$18.74 million	\$19.77 million	\$2.3 million	\$7.2 million	\$12.6 million
Pervious/Impervious Coverage	69.5%/30.5%	67.7%/32.3%	66.5%/33.5%	91.9%/9.1%	41.9%/58.1%	35.9%/64.1%
Total Open Space, Buffers and Outdoor Recreation	74 acres	69 acres	65 acres	40 acres	40 acres	40 acres
Land Dedicated to the Town	59 acres	44 acres	44 acres	NA	40 acres	40 acres
Traffic Generation (Trips)						
AM Peak	467	499	528	339	625	809
PM Peak	867	904	939	315	594	870
Saturday Peak	909	943	973	90	160	716

ANALYSIS EXISTING CONDITIONS, IMPACTS AND MITIGATION MEASURES

The discussion below provides a synopsis of relevant information regarding existing conditions, potential impacts associated with the proposed action, and measures that have been incorporated into the proposed action to mitigate anticipated impacts. The full description and details of this information is presented in the DEIS and FEIS.

Soils and Topography

A substantial portion of the subject property has been disturbed by previous land-clearing and grading, including agricultural activities in the late 19th century, site development associated with health facilities in the early 20th century and, subsequently, Nassau County offices and soccer fields. The site primarily is comprised of Enfield Silt loam, Riverhead sandy loam, Scio silt loam, Urban Land, and Urban Land-Riverhead Complex. These soils are not characterized by development limitations which would significantly impact or constrain the proposed project. A series of borings indicates that the on-site soils generally are suitable for development. Prior to construction, additional soil borings will be conducted to supplement the existing data.

The subject property is predominantly gently sloping, with 82 percent of the site area having gradients less than 5 percent; 10 percent of the site has gradients in the 5-10 percent range, and 4 percent has gradients in the 10-15 percent range, and 4 percent has gradients exceeding 15%. Areas of steeper slopes generally are concentrated in bands paralleling Old Country Road and Round Swamp Road, with the central portion of the site mostly having gentle gradients.

Grading for the proposed project has been designed generally to follow the existing topographic contours, and excavated soils will be reused on-site to the extent practicable. However, it is anticipated that a net surplus of material will be generated during site preparation, mostly for the excavation of stormwater management facilities (i.e., ponds, recharge basins, and leaching pools). The proposed project will slightly increase the site-wide extent of gentle slopes (less than 5 percent gradient); while also slightly increasing the site-wide extent of moderate-to-steep slopes (greater than 15 percent gradient), again mostly in relation to the construction of stormwater management facilities. The maximum gradient on the redeveloped site will be 33 percent (1:3 slope).

In order to minimize impacts during construction, an erosion and sediment control plan has been prepared and will be implemented under the Town's oversight. Measures included in this plan include: retaining existing vegetation to the degree practicable, timing land clearing activities to limit the spatial extent of exposed soils at any given time, installing and maintaining erosion control devices (e.g., silt fences, inlet protection, stabilized construction entrance, etc.), diverting runoff away from cleared slopes, temporarily stabilizing soil stockpiles, using appropriate means (e.g., water truck) to control dust, routine street sweeping and other good housekeeping practices. Additionally, a Storm Water Pollution Prevention Plan (SWPPP), detailing conformance with water quality and quantity criteria, will be prepared in conjunction with the erosion and sediment control plan.

The redeveloped site is not expected to be susceptible to erosion and sediment transport upon the completion of construction, provided that drainage infrastructure is properly maintained by the owners.

Environmental Site Assessment

Phase I and Phase II Environmental Site Assessments (ESAs) were conducted on the subject property. The Phase I ESA identified a number of "recognized environmental conditions" and "potential environmental concerns" (RECs and PECs), indicating the need for further investigation. The Phase II ESA addresses these RECs and PECs, or recommends further action, as follows:

- No subsurface impacts were identified with respect to above-ground storage tanks (ASTs) or underground storage tanks (USTs) on the site. However, any ASTs or USTs that are removed at the time of site redevelopment, which likely will include all or nearly all such tanks, will be inspected for potential leaks and properly disposed, along with any impacted soils, in conformance with applicable regulations.
- All existing catch basins, storm drains, leaching pools, and similar structures will require closure during site development, including remediation as necessary, in conformance with applicable regulations.
- The Phase II ESA confirmed the occurrence at certain locations of impacts to shallow soils associated with historical agricultural activities due to the use of pesticides and related chemicals. Known areas of past agricultural activities will be subjected to further testing to delineate the extent of impacts, and remediated as necessary during site redevelopment.

- A subsurface investigation will be undertaken in conjunction with site redevelopment to determine the degree to which environmental impacts have resulted from the placement of imported soils of unknown origin and debris dumping on the site, and remediation will occur as necessary during site redevelopment.
- Prior to the demolition of existing buildings on the site, any hazardous materials – including PCB-containing fluorescent lighting fixtures and other PCB-containing equipment, asbestos-containing materials (e.g., floor tiles, pipe insulation, exterior shingles, etc.), and building materials containing lead-based paint – will be fully surveyed and all such materials will be properly disposed in conformance with applicable regulations.
- An active NYSDEC Spill (#08-11184) is on record for the subject property, in connection with a leak from a fuel oil UST in 2008. Investigation and remediation have been performed under NYSDEC oversight. However, residual contamination remains under two buildings on the site. Further remediation will occur when these buildings are demolished, and it is expected that spill closure will occur prior to site redevelopment.

Based on the information in the EIS, it is concluded that no environmental conditions are present on or in the vicinity of the subject property that would preclude the proposed development, provided that the above-listed remedial activities are undertaken. A facility work plan will be prepared to establish protocols for these remedial activities, and to address any additional issues that may arise during site redevelopment (e.g., discovery of previously unidentified USTs, buried drums, associated impacted soils, etc.).

Groundwater Resources

The subject property lies in a groundwater deep recharge area of Long Island's sole source aquifer, but is situated outside the Special Groundwater Protection Area (SGPA). The water table is at a depth of approximately 87 to 127 feet below the ground surface at this location.

Sewage generated by the proposed development will be discharged to the Nassau County sanitary sewer system, and conveyed to the County's Cedar Creek facility on the south shore of the Town of Hempstead (hamlet of Wantagh) for treatment and effluent discharge to the Atlantic Ocean, thereby avoiding potential groundwater quality impacts that may be associated with the use of subsurface sewage disposal systems. The proposed landscaping plan includes the use of native plant species, which reduces the need for the application of fertilizer and other chemicals which could infiltrate into the aquifer.

Surface Water Resources

The subject property does not contain or lie in the immediately vicinity of any surface water body, nor is it located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The proposed development includes the construction of several ponds.

The DEIS indicates that some stormwater runoff generated on the subject property currently discharges to surrounding roadways and properties. The proposed development includes a drainage system designed for the on-site retention and recharge of five inches of runoff, thereby minimizing stormwater drainage impacts to surrounding areas upon project completion. Design details for the stormwater management system for the proposed development will be finalized by the applicants through discussions with the involved agencies (i.e., Town of Oyster Bay Department of Planning and Development, Department of Public Works and Highway Department, Nassau County Department of Public Works, and NYSDEC).

The required preparation and implementation of a SWPPP, in conformance with the SPDES General Permit for Stormwater Discharges from Construction Activity and Chapter 204 of the Oyster Bay Town Code, will mitigate stormwater-related impacts during construction.

Ecology

Ecological information regarding the subject property was obtained through a series of site inspections by the applicants' environmental consultants between 1991 and 2012, along with research of existing sources of information which commonly are used for such investigations.

The site is comprised of nine ecological communities defined by the New York Natural Heritage Program (NYNHP), as well as one additional community which does not closely resemble any of the NYNHP communities. All ten of these ecological communities either characterize areas of current development (i.e., Paved Road/Path, Urban Structure Exterior, Mowed Lawn, and Mowed Lawn with Trees) or otherwise are indicative of disturbance in the relatively recent past (i.e., Coastal Oak-Heath Forest, Successional Old Field, Successional Shrubland, Successional Southern Hardwoods, Pine Plantation, and Disturbed Oak Forest). The occurrence of invasive plant species is widespread on the site, which further degrades habitat quality. The field inspections and existing information sources did not identify the presence or likely presence of any federally-listed or state-listed, rare, special concern, threatened or endangered, animals or plants, significant natural communities, or other significant habitats on or in the vicinity of the site. Eight NYSDEC-designated "exploitably vulnerable" plant species were observed on the site; however, the protection afforded these species prohibits removal without the owner's consent and does not constrain site development.

The proposed development plan will result in the clearing of existing vegetation on the subject property. However, to the extent practicable, land clearing will be concentrated in areas that are more disturbed and less ecologically valuable. In particular, the DEIS Plan entailed the retention of approximately 70 percent of the existing 53 acres of woodland on the site, which was increased in the FEIS Plan and has been further increased in the Final Plan, in conjunction with a decrease in the development footprint and increase in buffers and other open space/recreation land. The proposed development plan includes extensive landscaping, which will provide some degree of compensation for habitat loss resulting from the removal of existing vegetation during site preparation. Native vegetation will be used in the landscape plan to the maximum extent practicable.

The ponds to be installed as part of the proposed development will be planted with aquatic/wetland vegetation, including native species, thereby providing suitable habitat for animal species that are not presently found on the site.

Zoning and Land Use

The existing zoning of the subject property currently is split between OB (45.91 acres) and R1-1A (97.34 acres). The proposed action includes: (a) changing the zoning of 85.32 acres of the site to RMF-16 (65.53 acres), RSC-25 (3.72 acres), and GB (16.07 acres); (b) approval of a site plan with multi-family residential uses (on the parcels to be rezoned to RMF-16 and RSC-25) and commercial uses (on the parcel to be rezoned to GB), and dedication of a 1.00-acre parcel in the RMF-16 zone to the Town of Oyster Bay as open space; and (c) open space/recreational use (on parcels totaling 54.93 acres to be retained as R1-1A and a 3.00-acre parcel to be retained as OB, which parcels will be dedicated to the Town).

Existing land uses on the subject property include offices, vacant buildings, institutional/quasi-governmental facilities, athletic fields, and undeveloped land. Currently, the Long Island Junior Soccer League has a 20-year lease with the property owner for LIJSL's use of a parcel in the southwest portion of the site, which expires in September 2018. The Plainview-Old Bethpage Soccer Club utilizes a parcel in the northeast portion of the site under a rent-free agreement with the property owner. The proposed action includes the dedication of 57.93 contiguous acres of land to the Town of Oyster Bay, including and extending beyond the parcel currently occupied by LIJSL. Development of this parkland is not part of the pending zoning/site plan application, and the uses to be sited here will be decided through a Town-sponsored public participation process if the Country Pointe at Plainview application is approved.

Historically, the subject property was used for governmental and public purposes, including health care facilities (initially a sanatorium for tuberculosis, and later expanding for the treatment of pulmonary diseases) between 1919 and the early 1970s, a "fresh air" camp for undernourished children in the early 1920s, and offices for various Nassau County agencies and treatment facilities. The property was sold by Nassau County in the late 1990s, at which time many of the governmental offices were replaced by quasi-governmental and institutional uses.

In the mid-1990s, Nassau County analyzed its land holdings and concluded that the subject property was surplus. A SEQRA process was completed, involving the preparation of an Environmental Impact Statement, for the proposed rezoning of the site from Residence-B (currently R1-1A). The initial application included a proposal for both O-1 (currently OB) and E-3 (currently RMF) zoning. However the E-3 component ultimately was dropped, and in 1997 the Oyster Bay Town Board rezoned 45.91 acres along Old Country Road to O-1; this approval retained the Residence-B zoning on the remainder of the property. Covenants and Restrictions were adopted in connection with that rezoning approval which, among other things, specified or required that:

- development of the O-1-zoned parcel be limited to 420,000 square feet of office space;
- certain required mitigation measures be implemented with development of the O-1-zoned parcel;
- the Residence-B-zoned parcel be limited to governmental uses, unless otherwise subsequently permitted by the Oyster Bay Town Board;
- a minimum buffer of 200 feet be provided on the south side of the site, adjoining the residential properties on Beatrice Lane and Cedar Drive East, if the Residence-B parcel is developed in the future;
- two parcels, defined by metes and bounds descriptions, totaling 40.11 acres combined, “shall be set aside and dedicated by the Nassau County Legislature for park and recreation purposes”;
- certain recreational improvements be provided on the aforementioned 40.11 acres of park and recreation land;
- an access road be constructed for the recreational facilities opposite East Bethpage Road;
- one of the existing buildings be designated as a community center, for lease to the Town of Oyster Bay at a cost of \$1.00 per year; and
- a fitness trail be provided around the perimeter of the site.

An application for change of zone and site plan approval was submitted in 2003 for the subject property and a 21.73-acre industrially-zoned parcel directly across Old Country Road to the north. This application sought to establish a new Planned Unit Development zoning district (PUD-MX) to allow the construction of 499 residential units, 182,513 square feet of office space, 17,842 square feet of retail space, 15,873 square feet of educational space, 264,803 square feet of lodging space, a 24,368-square foot of clubhouse, and recreational uses south of Old Country Road; and 160 rental units, 87,207 square feet of retail space, 300 restaurant seats, a 625-square foot of maintenance building, and 21,553 square feet of office space north of Old Country Road. A DEIS was completed for that proposed action in 2006, but the property owner withdrew the application at the public hearing in December of that year. Subsequently, the 21.73-acre parcel north of Old Country Road was sold and the buildings thereon were renovated for commercial/industrial uses under the parcel’s existing Light Industrial zoning.

The subject property is surrounded by a variety land uses, including the following:

- North – Old Country Road adjoining; mixed office, retail and light industrial uses and a recharge basin across Old Country Road, in a Light Industrial (LI) zoning district;
- Northeast – Round Swamp Road-Old Country Road intersection adjoining; development in the Town of Huntington across those roadways, including a lodging facility in a C10 zoning district;
- East – Round Swamp Road adjoining; single-family residences and Old Bethpage Village Restoration (Nassau County park and museum), and undeveloped land, across Round Swamp Road, in an R1-10 Single-Family Residence district;
- Southeast – Round Swamp Road adjoining; single-family residences and an elementary school, across Round Swamp Road, in an R1-10 district;
- South – single-family residences adjoining, in an R1-10 district; and
- West – Trail View State Park adjoining, in an R1-1A district.

Relevant details regarding the proposed land uses on the subject property are provided in the prior section of this Findings Statement titled “Description of the Proposed Action”. The overall layout of these uses is based on the existing land use setting on the site and in the surrounding area. The dedicated open space/recreation parcel is placed in the

southwest portion of the site, corresponding to the location of existing recreational uses. The proposed commercial uses are located on the north side of the site, proximate to the busy Old Country Road commercial/industrial corridor. The proposed residential uses are located in the eastern portion of the site, in closer proximity to the more rural setting of the Round Swamp Road corridor and the mostly residential and park/open space uses found in that direction.

The proposed the RMF-16 residential community is clustered, so as to minimize the development footprint (and associated area of impervious surfaces) and maximize the amount of open space provided. The requested variance to allow a three-story building height is an aspect of the applicants' layout plan for this community which increases the degree of clustering that can be accomplished as compared to a two-story development with the same unit count.

The 16.07-acre parcel proposed for rezoning to GB will contain 118,450 square feet of commercial space, which equates to a floor area ratio of 16.9 percent. The bulk of the commercial floor area (71,450 square feet) will comprise a supermarket (i.e., Shop Rite). The supermarket owner/operator has indicated that its existing 37,000-square foot facility in Morton Village Plaza (located on Old Country Road, approximately one mile west of the subject property) no longer serves its needs and will be vacated regardless of whether the proposed Country Pointe at Plainview development is approved.

The 3.72-acre parcel proposed for rezoning to RSC-25 will contain 90 residential units, which equates to a density of 24.2 units per acre, slightly less than the 25-unit per acre maximum density permitted in this zoning district. The density of the RMF-16 component of the proposed development is approximately 6.1 units per acre if the calculation is based on the entire 123.46 acres outside of the proposed GB and RSC-25 parcels, or 11.6 units per acre if the 58.93 acres to be dedicated to the Town of Oyster Bay are excluded from this calculation.

The proposed development plan provides recreation/open space amenities in addition to the land to be dedicated to the Town of Oyster Bay. This includes:

- a walking/fitness trail (with exercise stations, benches and way-findings signage) around the entire site, which will be open to and accessible by the public; this trail will be connected to Trail View State Park;
- a 2.40-acre water feature/green space in the southwest corner of the commercial parcel; and
- indoor clubhouse/recreation space totaling approximately 29,100 square feet to serve the RMF-16 and RSC-25 communities (the RMF-16 facility will be housed in a separate building, while the RSC-25 facility will be included in one of the residential buildings).

The RSC-25 community has been moved from its location adjacent to the commercial facility in the DEIS Plan, to the opposite side of the access road serving the overall property in the (FEIS Plan and) Final Plan, to address comments received during the review of the DEIS which questioned the appropriateness of mixing these two uses together. The configuration in the Final Plan will require seniors to cross the main site access roadway if they wish to travel on foot to the commercial center. In order to ensure pedestrian safety at this location, a "refuge island" will be placed at the midpoint of the proposed crosswalk and appropriate signage will be installed to warn motorists of the presence of the crosswalk.

The proposed development involves the reuse of a previously developed site, rather than new development on an undisturbed site. This action will help to satisfy a housing need (i.e., senior market rate and senior price-controlled units) which has been identified for the Town and region. Potential adaptive reuse of existing buildings on the site was examined during project planning, but was determined by the applicants to be infeasible due to the deteriorated condition of these structures.

The DEIS presents a detailed analysis of the proposed action in regard to relevant comprehensive, land use, and resource management plans. This analysis indicates that the project generally is consistent with, and does not significantly contravene any major objectives or goals of, these plans.

Transportation

The DEIS contains a detailed Traffic Impact Study, with supplemental information in the FEIS, as summarized below.

Current traffic conditions were determined by means of turning movement counts at key intersections in the vicinity of the subject property recorded during the weekday morning peak traffic hour (AM peak, 7:00AM-10:00AM), weekday afternoon peak hour (PM peak, 3:30PM-6:00PM), and Saturday mid-day peak hour (10:00AM-2:00PM). The 22 study intersections analyzed in detail in the TIS are as follows:

Signalized Intersections (14)

- Long Island Expressway North Service Road (LIE NSR) at Round Swamp Road
- LIE South Service Road (SSR) at Round Swamp Road
- Old Country Road at Round Swamp Road
- Old Country Road at Newtown Road (proposed for new site access driveway)
- Old Country Road at County Offices Driveway
- Round Swamp Road at Melissa Lane
- Round Swamp Road at Hay Path Road
- Round Swamp Road at Old Bethpage Road/Bethpage-Sweethollow Road
- Hay Path Road at Old Bethpage Road
- Plainview Road at Old Bethpage Road
- Old Country Road at Plainview Road/Manetto Hill Road
- Manetto Hill Road at Washington Avenue/Guild Court
- Old Country Road at NYS Route 135 (Seaford-Oyster Bay Expressway) Northbound Ramp
- Old Country Road at NYS Route 135 Southbound Ramp

Un-Signalized Intersections (8)

- Old Country Road at Amfesco Drive
- Old Country Road at Mergenthaler Drive (proposed for new signal at site access driveway)
- Old Country Road at East Bethpage Road
- Round Swamp Road at Old Bethpage Restoration Village
- Round Swamp Road at Old Bethpage Elementary School North Driveway
- Round Swamp Road at Old Bethpage Elementary School South Driveway
- Broadway/Plainview Road at NYS Route 135 Exit 9 Northbound Ramp
- LIE SSR at Newtown Road

Continuous, automated counts were also recorded for a period of at least seven days at 11 locations to obtain data on existing traffic volumes on roadways in the study area.

The No-Build condition is based on existing traffic counts, adjusted for background traffic growth in the study area plus traffic generated by any proposed or pending development projects in the vicinity of the project site, but not including traffic generated by the proposed project. The annual background growth rate was assumed to be 0.7 percent (or a total of 4.2 percent through the then-anticipated project build year of 2016) based on NYSDOT's Long Island Transportation Plan. Three other proposed/pending development projects were included in the No-Build condition:

- Proposed office/mixed-use building at 270 South Service Road (former FedEx building) – 151, 457 square feet of office space, 2,627-square foot bank, and three restaurants of 7,451 square feet, 7,447 square feet and 6,710 square feet;
- Proposed Canon Corporate Center at the southwest corner of LIE SSR and Old Walt Whitman Road – 900,000 square feet of office space; and
- Proposed Rubie's Costume Company office complex at the southwest corner of NYS Route 110 and LIE SSR – 91,800 square feet of office space, 8,000-square foot restaurant, and 3,200-square foot bank.

The total trip generation for the proposed Country Pointe at Plainview development was calculated for the three peak hours, using data from the 8th Edition of *Trip Generation* published by the Institute of Transportation Engineers (ITE).

This report is a standard resource employed in estimating traffic generation by new development projects, based on empirical data for various types of land uses collected in studies throughout the United States

“Pass-by” trips represent traffic already present on the surrounding roadway system that would be diverted to the proposed facility, and which do not represent new or increased traffic volumes. ITE provides general recommendations, in its *Trip Generation Handbook* (2nd Edition), for credits that can be applied to the overall trip generation rate for certain land uses, including some (i.e., retail space, supermarkets, and banks) which are included in the proposed development. Applying these pass-by credits to the overall trip generation quantities results net trip generation (i.e., new traffic on area roadways) for the DEIS Plan, FEIS Plan, and Final Plan as follows:

	Net Trip Generation			Percent Decrease for Final Plan versus DEIS Plan
	Final Plan (Proposed Action)	FEIS Plan	DEIS Plan	
AM Peak	467	499	528	11.6%
PM Peak	867	904	939	7.7%
Saturday Peak	909	943	973	6.6%

A certain degree of interaction occurs with respect to the vehicular trips generated by the different uses in a mixed use development. For example, residents of the proposed development are expected to patronize the proposed on-site retail uses; this activity will not result in additional traffic on the surrounding roadway system. These “internal trips” (or “internal capture”) can be a significant percentage of the overall trip generation for large, mixed-use developments, and were calculated in the TIS at 20 percent of the overall project-generated trips for the PM peak and 11 percent for the Saturday peak. However, the TIS does not take any credit for trip reduction due to internal capture; and the trip generation totals quantified in the table above, accounting for the pass-by credit, were added to the No-Build scenario to forecast Build scenario traffic volumes.

The directional distribution of the traffic generated by the proposed development (i.e., the roadway routes project-generated traffic will follow in traveling to and from the site) was determined using arrival and departure patterns for each project component (i.e., commercial and residential). This directional distribution pattern was based on the information in the 2006 Old Plainview DEIS, modified to reflect changes in the Final Plan for Country Pointe at Plainview as compared to that earlier development proposal (including different access points, different use mix, and absence of a Northern Parcel component in the present application).

Capacity analyses for the study intersections were conducted using Synchro software, a computer modeling program developed by Trafficware Ltd., which adheres to and implements the guidelines and methods set forth in the 2000 *Highway Capacity Manual*. These analyses examined four scenarios (i.e., Existing, No-Build, Build, and Build-with-Mitigation) for the three peak periods. The TIS analysis also employed the companion traffic simulation software, SimTraffic developed by Trafficware, which includes vehicle and driver performance characteristics as developed by the Federal Highway Administration.

In order to ameliorate the impacts of project-generated traffic on the operating conditions of the surrounding roadway system, the applicants will fully fund, at their cost, the design and construction of the following mitigation measures, subject to approval of the involved roadway jurisdiction agencies:

Intersection	Capacity Mitigation	Signal Timing Changes
LIE NSR at Round Swamp Road	Northbound: Add lane – Modify from 1 left-turn lane and 2 through lanes → 2 left-turn lanes and 2 through lanes	Increase AM cycle length from 80 seconds → 95 seconds; Increase PM cycle length from 80 seconds → 100 seconds; Change northbound left-turn from protected/permissive phase → fully protected phase; Optimize phase-splits to correlate to future volumes.
	Southbound: Add lane – Modify from 2 through lanes and 1 right-turn lane → 3 through lanes and 1 right-turn lane	

Intersection	Capacity Mitigation	Signal Timing Changes
LIE SSR at Round Swamp Road	Eastbound: Add lane – Modify from 1 left-turn lane, 1 left-turn/through lane, and 1 right-turn lane → 2 left-turn lanes, 2 through lanes, and 1 right-turn lane.	Increase AM cycle length from 80 seconds → 95 seconds; Increase PM cycle length from 80 seconds → 100 seconds; Increase PM cycle length from 80 seconds → 100 seconds; Optimize phase-splits to correlate to future volumes.
	Northbound: add lane – Modify from 2 through lanes and 1 right-turn lane → 3 through lanes and 1 right-turn lane; Extend right-turn lane to provide extra storage.	
Old Country Road at Round Swamp Road	Not Applicable	Increase PM cycle length from 87 seconds → 90 seconds; Optimize phase-splits to allow more green time for southbound left-turn movement in order to improve LOS.
Old Bethpage Road at Round Swamp Road	Not Applicable	Increase PM cycle length from 60 seconds → 75 seconds; Optimize phase-splits correlate to the volume.
Old Country Road at Manetto Hill Road/Plainview Road	Not Applicable	Optimize phase-splits to correlate to future volumes.
Old Country Road at NYS 135 NB Ramp	Not Applicable	Increase PM cycle length from 100 seconds → 110 seconds; Optimize phase-splits to correlate to future volumes; Optimize intersection offset to ensure signal progression.
Old Country Road at NYS 135 SB Ramp	Southbound: Add lane – Modify from 1 left-turn lane and 1 through/right-turn lane → 1 left-turn lane, 1 left-turn/through/right-turn lane and 1 right-turn lane.	Increase PM cycle length from 100 seconds → 110 seconds; Optimize phase-splits to correlate to future volumes; Optimize intersection offset to ensure signal progression.
Old Country Road at Mergenthaler Drive/Site Access	Install new traffic signal	Not Applicable

The results of the intersection capacity analysis for the DEIS Plan are detailed in a series of tables and computer worksheets in the DEIS, as summarized in the two tables below (first for signalized intersections then for un-signalized intersections), in terms of overall intersection Level of Service (LOS)/average intersection delay (in seconds) during the three peak hours, for the No-Build, Build and Build-with-Mitigation scenarios. The Build and Build-with-Mitigation scenarios for the Final Plan would be expected to exhibit somewhat improved conditions as compared to the analysis presented in the DEIS (and summarized below), due to the reduced volume of project-generated traffic (11.6 percent for the AM peak, 7.7 percent for the PM peak, and 6.6 percent for the Saturday peak) associated with the decrease in the residential development yield.

SIGNALIZED INTERSECTION	Peak Hour	No-Build	Build	Build-with-Mitigation
LIE NSR at Round Swamp Road	AM	D/39.9	D/40.9	D/43.2
	PM	D/42.8	D/47.6	D/29.7
	Sat	B/17.0	B/18.2	B/18.5
LIE SSR at Round Swamp Road	AM	F/91.3	F/94.9	E/72.9
	PM	F/92.5	F/97.8	D/44.2
	Sat	B/17.5	B/18.1	B/16.4
Old Country Road at Round Swamp Road	AM	B/11.4	B/14.0	--
	PM	B/19.4	C/31.3	B/15.5
	Sat	B/10.1	B/12.2	--
Old Bethpage Road at Round Swamp Road	AM	C/21.8	C/22.3	--
	PM	C/33.2	D/35.2	C/28.1
	Sat	B/10.7	B/11.1	--

SIGNALIZED INTERSECTION	Peak Hour	No-Build	Build	Build-with-Mitigation
Old Country Road at Manetto Hill Road/Plainview Road	AM	C/28.7	C/33.9	C/31.3
	PM	D/41.4	E/57.7	D/52.6
	Sat	D/35.1	D/42.7	D/39.0
Old Country Road at NYS 135 Northbound Ramp	AM	C/34.9	D/42.2	C/34.9
	PM	D/35.2	D/36.6	C/32.2
	Sat	C/25.3	C/26.9	C/27.2
Old Country Road at NYS 135 Southbound Ramp	AM	C/30.1	C/33.5	C/24.6
	PM	D/51.3	F/60.6	D/38.7
	Sat	D/42.7	D/48.3	D/37.0
Old Country Road at Mergenthaler Drive/Site Access	AM	--	A/9.2	--
	PM	--	C/24.7	--
	Sat	--	B/19.1	--
Old Country Road at Newtown Road/Site Access	AM	A/5.5	B/13.8	--
	PM	A/8.3	B/17.3	--
	Sat	A/3.2	B/12.9	--
Old Country Road at County Offices Driveway	AM	A/2.5	A/2.5	--
	PM	A/2.0	A/2.0	--
	Sat	B/12.6	B/15.7	--
Round Swamp Road at Melissa Lane	AM	A/4.6	A/4.7	--
	PM	A/3.3	A/3.7	--
	Sat	A/2.7	A/3.9	--
Round Swamp Road at Hay Path Road	AM	A/8.1	A/8.8	--
	PM	A/7.9	B/11.5	--
	Sat	A/4.9	A/7.7	--
Old Bethpage Road at Hay Path Road	AM	B/14.5	B/14.5	--
	PM	B/14.4	B/17.1	--
	Sat	A/9.9	B/10.3	--
Plainview Road at Old Bethpage Road	AM	C/21.7	C/21.5	--
	PM	B/16.1	B/16.7	--
	Sat	B/17.8	B/18.4	--
Manetto Hill Road at Washington Avenue/Guild Court	AM	B/12.2	B/12.0	--
	PM	B/19.3	B/19.5	--
	Sat	B/13.3	B/13.4	--

UN-SIGNALIZED INTERSECTION	Movement	Peak Hour	No-Build	Build
Old Country Road at East Bethpage Road	Southbound	AM	D/25.7	C/20.6
		PM	D/25.9	D/27.0
		Sat	C/21.3	C/19.7
	Eastbound Left Turn	AM	B/11.9	B/11.7
		PM	B/10.9	B/11.6
		Sat	A/9.9	B/11.0
Round Swamp Road at Old Bethpage Village Restoration	Westbound	AM	C/16.4	C/17.6
		PM	C/15.4	C/17.3
		Sat	B/13.3	C/15.1
	Southbound Left Turn	AM	A/0.4	A/0.3
		PM	A/0.0	A/0.0
		Sat	A/0.7	A/0.6
Round Swamp Road at Elementary School North Drive	Westbound	AM	C/15.6	C/16.8
		PM	C/22.8	D/28.1
		Sat	B/11.0	B/11.8
	Southbound Left Turn	AM	A/0.1	A/0.1
		PM	A/0.0	A/0.0
		Sat	A/0.0	A/0.0

UN-SIGNALIZED INTERSECTION	Movement	Peak Hour	No-Build	Build	
Round Swamp Road at Elementary School South Drive	Westbound	AM PM Sat	C/16.5 C/23.9 B/11.7	C/17.7 D/29.6 B/12.8	
	Southbound Left Turn	AM PM Sat	A/0.9 A/0.1 A/0.1	A/0.9 A/0.1 A/0.1	
Plainview Road at NYS Route 135 Northbound Ramp	Northbound	AM PM Sat	F/72.3 D/32.1 B/13.1	F/80.0 D/34.8 B/13.5	
LIE SSR at Newtown Road	Northbound	AM PM Sat	B/14.9 C/19.6 B/10.2	C/15.4 C/21.2 B/10.5	
Old Country Road at Amfresco Drive/Site Access	Northbound	AM PM Sat	-- -- --	A/9.2 B/10.1 A/9.3	
		Southbound	AM PM Sat	D/26.6 E/35.4 C/21.6	B/14.4 C/17.0 B/13.5
			Eastbound Left Turn	AM PM Sat	A/2.9 A/2.0 A/2.5
Old Country Road at Mergenthaler Drive	Southbound	AM PM Sat	C/20.3 F/61.0 C/23.6	-- -- --	
	Eastbound Left Turn	AM PM Sat	A/1.1 A/1.1 A/0.7	-- -- --	

As can be seen from the data summarized in the tables above, the study area intersections generally are expected to experience similar overall operating conditions after construction of the proposed development (including the accompanying, proposed mitigation measures) as compared to the No-Build scenario. At some locations – e.g., Round Swamp Road at LIE NSR for the PM peak; Round Swamp Road at LIE SSR for the AM and PM peaks; and Old Country Road at NYS Route 135 Southbound Ramp for all three peak periods, especially the PM peak – the proposed mitigation measures will improve operating conditions to a degree that the impacts of project-generated traffic will be more than fully offset, and the Build-with-Mitigation condition will experience decreased overall delays as compared to the No-Build condition. Even with the proposed mitigation, however, there will be an increase in average overall delay with the proposed development (as compared to the No-Build condition) at the Old Country Road at Manetto Hill Road/Plainview Road intersection during all three peaks, but no degradation of overall LOS. Additionally, some of the un-signalized study intersections (e.g., the Elementary School’s North and South driveways on Round Swamp Road) will experience some increase in delay for the Build versus No-Build condition, but again no degradation of overall LOS; and the Northbound Ramp for NYS Route 135 at Plainview Road will continue to operate at LOS F, with an increased delay of several seconds for the Build versus No-Build scenario during the AM peak.

Some individual movements or lane groups at certain intersections will experience relatively large increases in delay for the Build (or Build-with-Mitigation) versus Non-Build scenario. However, in such instances the net effect is to better balance overall operating conditions for the involved intersections, and the affected movements/lane groups generally will continue to experience acceptable operating conditions.

A supplemental analysis was performed as part of the FEIS to address a concern that the DEIS was completed prior to development of Canon Corporate Center, which is located on the South Service Road of the LIE in close proximity to the northeast of the subject property. However, traffic generated by the Canon project was accounted for in the DEIS using data available from the earlier traffic impact study for that project. Notwithstanding, supplemental vehicular volume counts were recorded at the access points for the operational Canon facility over the course of several days in March

2014. The data collected during these follow-up observations corresponded closely to the trip generation projections in the DEIS, indicating the accuracy of the DEIS's assumptions with respect to Canon-generated traffic volumes.

An analysis has been completed to demonstrate that tractor trailer trucks can safely navigate the commercial parcel to make deliveries to the loading area for the proposed supermarket.

The proposed action includes consolidation of all public athletic facilities on the subject property into a single, large parcel in the southwest portion of the site. This will improve traffic safety for athletic facility users, since all access will be via a signal-controlled intersection on Old Country Road; and the athletic field use (and the associated un-signalized access) will be eliminated for the existing parcel on Round Swamp Road in the southeast portion of the site.

The proposed Country Pointe at Plainview development will be provided with three access points on Old Country Road:

- Westerly Site Access – located opposite Newtown Road at an existing traffic signal. This will serve as the primary entrance/exit for the residential component of the proposed development.
- Central Site Access – located opposite Mergenthaler Drive, an intersection which currently is un-signalized and is proposed for a new traffic signal. This will serve as the primary entrance/exit for the commercial component of the proposed development. The need for this new signal was demonstrated in a warrant analysis, which was reviewed by Nassau County Department of Public Works, and with which that agency concurred.
- Easterly Site Access – located opposite Amfresco Drive, an intersection which currently is un-signalized and is proposed to remain as such. This will be limited to right turns in and out, to serve as a secondary entrance/exit for the commercial component of the proposed development, especially the supermarket. Raised, channelizing islands and suitable signage will be installed to discourage illegal left turns at the Easterly Site Access. This signage will include standard “No Left Turn” signs and auxiliary signs directing motorists to the nearby main (signalized) intersection which will allow safe and convenient exiting left turns.

Dedicated eastbound right-turn lanes are not proposed by the applicants at the project driveways, on the south side of Old Country Road, because the installation of such lanes would require the removal of mature trees and the TIS analysis indicates that these driveways will experience good operating conditions in the Build scenario. However, the applicants would construct such lanes if required by Nassau County, and would plant suitable replacement trees to compensate for any tree removal necessary to accommodate the roadway widening.

The existing signalized intersection on Old Country Road at the west end of the site will continue to serve as the access point for the open space/recreational parcel in that portion of the subject property. No active ingress/egress for the site will be placed on Round Swamp Road, based on concerns regarding potential impacts on the primarily residential uses (and an elementary school) along this roadway. A gated and locked driveway will connect between Round Swamp Road and the internal roadway system for the RMF-16 community, which will be available for emergency access only.

The TIS includes a review of accident history in the study area for the most recent three-year period for which data were available (January 1, 2009 through December 31, 2011).

On-site parking will be provided at a rate conforming to the requirements of the Zoning Code and Department of Planning and Development standards, which will ensure that sufficient capacity is available to serve the parking demand of the proposed development. The commercial parcel will provide 661 parking stalls (including 26 handicapped stalls), whereas 593 parking stalls are required under the Town of Oyster Bay Zoning Code; and the residential community will provide 1,437 parking stalls (not including 346 garage parking spaces in the RMF-16 area), which corresponds to the requirement under the Zoning Code.

As indicated previously, the total anticipated construction period for the proposed Country Pointe at Plainview development is three years. The number and types of construction vehicles arriving to and departing from the site will vary considerably during this period, depending upon the work being performed. All construction vehicle access will be via Old Country Road, at a location to be determined in consultation with Nassau County Department of Public Works and the Town of Oyster Bay; this construction traffic is expected to travel directly between the site and the Round

Swamp Road exit of the LIE. The maximum volume of heavy construction vehicle traffic likely will occur during demolition, when the DEIS calculates that there will be an average of 29 40-cubic yard trucks arriving/departing each day for ten weeks. This volume of trip generation is a small fraction of the overall volume of traffic on these busy roadways under existing conditions.

The proposed development will include a certain percentage of residents who will commute to work using nearby Long Island Rail Road stations, especially Farmingdale, Bethpage and Hicksville. However, the large proportion of units restricted to age-55 and older residents will moderate the number of commuters, as compared to a project having no age restrictions. Furthermore, the applicants have committed to establishing shuttle bus service, similar to what is provided for their Westbury development, at the time the Plainview residential units are 60 percent occupied. The subject property also is served by a Nassau County bus route along Old Country Road, with destinations including Hicksville train station; and the applicants will work with the County to establish a bus turnout area in an appropriate location.

Air Quality

The DEIS included a “microscale” analysis, following the procedures outlined in NYSDOT’s *Environmental Procedures Manual*, using the U.S. Environmental Protection Agency (EPA) CAL3QHC⁶⁰ (Version 2) computer model, to evaluate the effect of project-generated traffic on air quality conditions – specifically: one-hour and eight-hour carbon monoxide (CO) concentrations during the winter season; as well as 24-hour and annual PM_{2.5} and 24-hour PM₁₀ particulate concentrations – at seven intersections which also were included in the Traffic Impact Study, as follows:

- LIE NSR at Round Swamp Road
- LIE SSR at Round Swamp Road
- Old Country Road at Plainview Road/Manetto Hill Road
- Old Country Road at NYS Route 135 (Seaford-Oyster Bay Expressway) Northbound Ramp
- Old Country Road at NYS Route 135 Southbound Ramp
- Old Country Road at East Bethpage Road
- Round Swamp Road at Old Bethpage Elementary School North Driveway

The microscale analysis shows that project-generated traffic will have minimal effect on local airborne particulate and CO concentrations, and that all concentrations are well below the respective air quality standards established by the EPA.

The potential generation of airborne dust during construction will be controlled, as necessary, by the wetting of exposed soils, temporary soil stabilization (e.g., hydro-seeding), minimizing the area and length of time that soils are exposed, and other measures incorporated into the erosion and sediment control plan in the SWPPP.

Noise

The DEIS included a noise analysis to evaluate projected sound levels at 24 selected locations of sensitive noise receptors – mostly in residential neighborhoods, but also including Trail View State Park, Battle Row Campground, and Old Bethpage Elementary School – in comparison to applicable Town, State and federal noise impact criteria. This analysis indicates that project-generated traffic will increase noise levels by a maximum of one A-weighted decibel (dBA) at any given study location, which is below the 3-dBA change required for a sound level increase to be detectible by the average human ear, and well below the 6-dBA criteria establish by NYSDOT as the threshold for a significant impact.

The DEIS also included an analysis of noise impacts due to stationary equipment in the proposed development (e.g., rooftop mechanical equipment). This analysis indicates that stationary noise sources in the proposed development will increase noise levels by a maximum of 2 dBA at any given study location which, again, is below the 3-dBA change required for a sound level increase to be detectible by the average human ear, and also below the 3-dBA criteria establish by NYSDOT as the threshold for a significant impact.

Noise impacts will be minimized by adhering to Town of Oyster Bay requirements limiting the permissible hours of construction and the permissible hours of loading activities in the proposed commercial center.

Community Facilities and Services

Public Schools – The subject property is situated in Plainview-Old Bethpage Central School District. Based on accepted standards which are widely used for such analyses, it is projected that the proposed residential development (i.e., the 750 units in the Final Plan) will generate an estimated 19 to 28 school-aged children, as compared to 38 to 56 for the DEIS Plan and 35 to 50 for the FEIS Plan. The age-55-and-over units will not contain any school-aged children, as a restrictive covenant will be established to specifically prohibit such occupancy; the project includes commercial space which will also generate tax revenues for the School District without requiring any educational services. At a per-pupil annual cost to the School District of \$27,675, the total educational cost associated with the proposed development will be a maximum of \$775,000 per year (assuming 28 project-generated students). With project-generated tax revenues to the School District forecasted to exceed \$11 million per year, the net annual economic benefit to the School District is anticipated to exceed \$10 million, an increase of more than \$8 million over the existing condition. Additionally, the applicants have entered into an agreement with the School District for a voluntary monetary contribution of \$6 million, paid in three equal installments, to assist in offsetting potential capital improvement needs.

Fire Protection – The subject property is situated in Plainview Fire District. The proposed development is similar to existing facilities already served by Plainview Fire Department, and is not expected to place an undue burden on this service provider. An estimated \$443,000 in annual tax revenue to the Fire Department will help offset any increase in the Department's costs associated with the project. The applicants have indicated that they are willing to install emergency vehicle pre-emption devices on traffic signals along Old Country Road in the vicinity of the subject property, as requested by the Fire Department, subject to review and approval by the Nassau County Department of Public Works. Emergency access will be provided via a gated and locked driveway connecting between Round Swamp Road and the internal roadway system of the RMF-16 community.

Police – The subject property is situated in the Second Precinct of Nassau County Police Department. An estimated \$1.5 million in annual tax revenue to the Nassau County Police Headquarters and Police Department will help offset any increase in the Department's costs associated with the project. The proposed development will include on-site security, which will help to reduce the demand for services on the Police Department. The RMF-16 community will be gated to provide security review and surveillance of all entering vehicles.

Solid Waste – It is estimated that the proposed development will generate approximately 12,000 pounds of solid waste per day, based on industry standard rates for the various project components (general retail, bank, supermarket, and residences). This solid waste will be collected by a private carting service for disposal at licensed facilities. Recycling is required per the Town of Oyster Bay Code.

Potable Water Supply – It is estimated that the proposed development will consume potable water at a rate of approximately 391,000 gallons per day, an increase of about 354,000 gallons per day over the existing condition. This water will be supplied by Plainview Water District, which has issued a Conditional Certificate of Water Availability. The project will generate approximately \$298,000 in annual tax revenues for the Water District. Water conservation will be achieved through a variety of measures, including compliance with the New York State Building Code, use of low-flow fixtures and high-efficiency showerheads, and planting of native vegetation in the site landscaping plan.

Sanitary Waste Disposal – The quantity of sewage generation will be approximately equal to potable water consumption, or about 391,000 gallons per day (a net increase of about 354,000 gallons per day over the existing condition). At the request of Nassau County Department of Public Works, this sewage discharge will be split between mains which adjoin the subject property on Old Country Road and Round Swamp Road, for conveyance to the County's Cedar Creek facility in Wantagh, treatment, and effluent discharge to the Atlantic Ocean. The project will generate approximately \$300,000 in annual tax revenues for Nassau County Sewage Collection and Sewage Disposal District #3.

Utilities – The EIS process did not indicate that the proposed development will place any unusual burden on utility services (i.e., electric, gas, etc.). Energy conservation will be achieved through various measures, including, but not limited to: New York State Building Code-compliant construction; EnergyStar appliances, windows and doors; programmable thermostats; insulation and caulking to prevent energy loss; and energy-efficient light bulbs.

Open Space and Recreation – The proposed action will provide various recreational facilities for both project residents and the public, including:

- 29,100 square feet of indoor recreational space for the proposed residential communities;
- outdoor swimming pool, tennis court area, and playgrounds for the RMF-16 residential community;
- ponds in the RMF-16 community, providing for passive recreational enjoyment by project residents;
- perimeter walking and fitness trail available to residents of the proposed residential development and the general public, and which will be linked to Trail View State Park;
- 11.38 acres of open space, buffers and recreational area to be retained in private ownership but available for public access (as established by easement), including land encompassing the segment of the walking/fitness trail along Round Swamp Road, and a water feature/green space in the southwest corner of the commercial parcel;
- 57.93 contiguous acres of open space/recreation land to be dedicated to the Town of Oyster Bay; and
- 1.00-acre passive park at the intersection of Old Country Road and Round Swamp Road, to serve as an aesthetic gateway to the Plainview-Old Bethpage community.

A total of 70.31 acres (49.1 percent of the subject property), including 58.93 acres to be dedicated to the Town and 11.38 acres to be retained in private ownership, will be accessible to the public for recreational and open space use.

As noted previously, development of the 57.93-acre contiguous parcel to be dedicated to the Town of Oyster Bay (including determination of the specific facilities to be provided and groups to be accommodated) will be decided if the Country Pointe at Plainview application is approved. This park planning initiative will involve a public process undertaken by the Town, with input from all interested parties, to formulate a community consensus. The existing Plainview-Old Bethpage Soccer Club (POBSC) facilities in the northeast portion of the site are located in an area that is proposed for residential development, and will have to be removed if the subject application is approved. These soccer facilities will be retained in place as long as feasible after construction commences, and ultimately will be incorporated into the development of the 57.93-acre parcel to be conveyed to the Town. The Town will cooperate with and assist POBSC in securing temporary facilities to accommodate their needs if there is a hiatus in field availability after development commences in the area of the existing fields and before the new fields in the 57.93-acre parcel have been constructed. The Town is in discussions with Long Island Junior Soccer League regarding contingencies when LIJSL’s lease with the current property owner expires in September 2018 for their existing fields in the southwest portion of the site.

The existing restrictive covenants governing the subject property specify that one of the existing buildings be designated as a community center, for lease to the Town at a cost of \$1.00 per year. The current development plan includes the demolition of all remaining buildings on the site; however, the applicants have committed to working with the community to either convert an existing building for use as a community center on the land to be dedicated to the Town (if feasible) or to construct such a facility and donate it to the community.

Socioeconomics

It is projected that the 750 proposed residential units will provide housing for 1,434 persons, including an estimated 19 to 28 school-aged children. Employment opportunities created by the proposed action include approximately 600 construction jobs during the three-year construction period, and approximately 498 jobs during the operational period after the completion of construction. Currently, the subject property provides fewer than 20 jobs.

The proposed development will provide a total of 750 new housing units, with the proposed split among the various types of units as follows:

Unit Type	Proposed Unit Price	Proposed # Age-Restricted Units	Proposed # Non-Age-Restricted Units
Condominium	\$650,000	390	30
Flat	\$600,000	102	32
Townhouse	\$950,000	36	70
RSC-25 Senior Unit	\$250,000	90	--
TOTAL		618	132

The proposed development also includes an 118,450-square foot commercial component, consisting of a 71,450-square foot supermarket, 3,000-square foot bank, and 44,000 square feet of other retail space.

The DEIS (Section 2.5) presents an analysis demonstrating the need and market demand for the proposed residential and commercial facilities.

The annual tax revenue to be generated by the proposed development is projected to total approximately \$17.55 million. The distribution of this total revenue among key taxing jurisdictions (based on the same proportional split presented in the DEIS, Table 71) is discussed in the "Community Services and Facilities" section, above.

Aesthetics and Cultural Resources

The subject property currently contains a number of buildings, most of which are vacant. These structures primarily are situated toward the interior of the site and are largely screened in off-site views by perimeter vegetation. Two existing buildings, including the former New York Islanders' office, are visible from Old Country Road. On-site views are of a campus-like setting, with buildings of similar architecture, massing and brick construction.

The visual setting of the surrounding area varies widely, with differing building heights, sizes, massing and materials of construction. Dense commercial/industrial development is located across Old Country Road to the north, with a high proportion of impervious surface coverage. The area to the north-northeast, along the LIE South Service Road, contains office and hotel buildings which are taller and more massive than any other structures in the site vicinity. The area across Round Swamp Road to the east has a more suburban residential appearance, with a much higher percentage of tree coverage than the areas to the northwest and northeast.

The proposed development will change the visual setting of the subject property through the removal of all existing buildings, construction of new buildings and associated infrastructure, and removal of existing vegetation. The commercial component of the project will be situated along Old Country Road, opposite existing commercial/industrial development to the north-northwest. The aesthetic quality of this portion of the development will be enhanced by extensive landscaping.

The residential component of the project will be situated primarily on the eastern portion of the site. In order to provide visual screening, in accordance with the restrictive covenants governing the site, a minimum 125-foot wide buffer will be retained along Round Swamp Road and a minimum 350-foot wide buffer will be retained in the southeast corner of the site adjacent to the residential community along Cedar Drive East and Beatrice Lane. Existing vegetation will be preserved in these buffer areas, except as necessary for the installation of the perimeter walking/fitness trail, augmented as appropriate with additional plantings. The nearest building will be located approximately 150 feet from the easterly property line and approximately 390 feet from the southerly property line.

The one-acre parcel at the Old Country Road-Round Swamp Road intersection to be dedicated to the Town of Oyster Bay will be developed into a passive park, with dense landscape plantings, to serve as an aesthetically appealing gateway to the Plainview-Old Bethpage Community.

As per the Town of Oyster Bay Code, lighting installed in the proposed development will be required to be of shielded design to prevent illumination impacts to surrounding areas.

A Stage 1 Archaeological Survey (December 2004) was prepared for the subject property and submitted to the New York State Office of Parks, Recreation and Historic Preservation. Based on its review of that report, OPRHP concluded that the proposed project "will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places."