Engineering, Surveying and Landscape Architecture, P.C.

FINAL ENVIRONMENTAL IMPACT STATEMENT

THE VILLA AT GLEN COVE
PROPOSED RESIDENTIAL CONDOMINIUM DEVELOPMENT
EAST SIDE OF GLEN COVE AVENUE AT CRAFT AND YOUNG AVENUES
CITY OF GLEN COVE, NASSAU COUNTY, NEW YORK

PROJECT LOCATION:

3.96±-acre property located on the east side of Glen Cove Avenue, both north and south of Craft Avenue, north of Ralph W. Young Avenue, City of Glen Cove, Nassau Country, New York

NASSAU COUNTY TAX MAP NUMBERS:

Section 21 – Block 244 – Lots 55, 60 and 66
Section 21 – Block 038 – Lots 152, 196, 202 and 203

APPLICANT:

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LEAD AGENCY:

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AVAILABILITY OF DOCUMENT: This document, together with the Draft Environmental Impact Statement (DEIS), is the Final Environmental Impact Statement (FEIS). Copies are available for public review and comment at the offices of the lead agency and the following website: http://www.glencove-li.com. Copies are also available at the Glen Cove Public Library.

DATE OF FILING: April 1, 2014

List of Figures

List of Tables

Table of Contents

List of Appendices

This document is a Final Environmental Impact Statement for the Application of Livingston Development Corp. for Site Plan Approval, Incentive Density Bonuses and Waivers of Inclusionary Housing and Hillside Protection for The Villa at Glen Cove Residential Condominium Development.

This FEIS incorporates, by reference, the Draft Environmental Impact Statement for this proposed action, dated May 2010. The above-referenced Draft Environmental Impact Statement was the subject of a Public Hearing on October 19, 2010 and written comments were accepted until November 16, 2010.

Written Comments on the DEIS and the Public Hearing Transcript are provided in Appendices A and B, respectively, of this FEIS.

1.0

Introduction

1.1 Organization and Format of Document

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR Part 617.

This FEIS includes three sections -- Section 1.0, of which this is a part, is the introduction to the document, which describes the project history and SEQRA procedure, as well as the information included in the document.

Section 2.0 discusses the revised plan (containing 196 units), which has been prepared and submitted by the Applicant in response to the comments received from and by the Planning Board during the public comment period on the Draft Environmental Impact Statement (DEIS).

Finally, Section 3.0 includes the Lead Agency's response to all substantive comments made at the public hearing and in the written correspondence received during the comment period. Written comments are presented in Appendix A. The public hearing record is provided in Appendix B. The comment numbers are identified so that the reader may refer to the comments in their original form, as provided in Appendix A. Each substantive comment contained in Appendix A has been numbered sequentially (C-1, C-2, and so forth). Substantive comments in Appendix B have also been numbered (H-1, H-2, and so forth). Many of the responses in Section 3.0 refer to the revised 196-unit plan as presented in Section 2.0 of this FEIS.

1.2 Project History and Planning Board Analysis

1.2.1 Project History

The City of Glen Cove Planning Board (Planning Board) has been reviewing the Application of Livingston Development Corp. (hereinafter the "Applicant" or the "Project Sponsor") for several years. The State Environmental Quality Review Act (SEQRA) process for this application commenced in 2007 with the filing of a Part 1 of the Environmental Assessment Form (Part 1 – EAF) with the Planning Board along with applications for site plan approval and preliminary subdivision approval, as well as a companion application to the City Council for rezoning the parcels comprising the 3.976±-acre (173,192-square-foot) subject property (that are designated on the Nassau County Land and Tax Map as Section 21 – Block 244 – Lots 55, 60 and 66 and Section 21 – Block 38 – Lots 152, 196, 202 and 203) for a development known as Villa at Glen Cove (the Proposed Action) from the B-2 (Peripheral Commercial), R-4 (One and Two-Family Residences) and R-5 (Garden Apartments and Townhouses) zoning districts to either B-1 (Central Commercial) or a potential special overlay district (ultimately to be known as the Glen Cove Avenue Redevelopment Incentive Overlay [RIO-GCA] zoning district). The original application to the Planning Board requested 251 residential units, but the 2007 application was subsequently amended to reduce the total number of requested units to 226. The 226-unit plan was the subject of the original Part 1 – EAF filed with the Planning Board in 2007.

As more fully described below, the SEQRA process for the proposed action has been comprehensive, however, despite numerous requests by the Planning Board, issues of potential significant adverse environmental impacts, particularly those relating to visual impacts and impacts to community/neighborhood character were not fully addressed or mitigated by Livingston Development Corp. While the Planning Board acknowledges that the Applicant has proposed some reductions in density and modifications to the proposed buildings and their configuration, these reductions and modifications have not mitigated significant adverse environmental impacts to the maximum extent practicable.

A brief history of the SEQRA process and requested impact analyses follows:

- March 18, 2008 – the Planning Board initiated coordinated review and advised involved agencies of its intent to serve as SEQRA Lead Agency for this matter.

- May 6, 2008 – the Planning Board declared itself as Lead Agency, and after considering the criteria in 6 NYCRR §617.7(c), determined that the proposed action had the potential to result in one or more significant adverse environmental impacts and, thus, issued a Positive Declaration, requiring the preparation of a Draft Environmental Impact Statement (DEIS).

- August 2008 – the Applicant submitted a "Preliminary" DEIS (hereinafter "2008 Preliminary DEIS"), which was reviewed by the Planning Board's consultants, as a courtesy to the Applicant. The proposal included 226 residential condominium units in six residential buildings (one seven-story and five four-to-five-story residential buildings) and a health and recreation center building. The unit mix included five one-bedroom units, 144 two-bedroom units, 70 two-bedroom duplex units, and seven three-bedroom duplex units.

Letters detailing the Planning Board consultants' comments regarding the 2008 Preliminary DEIS were sent to the Applicant, with an explanation that that the review of the Preliminary DEIS was done as a courtesy to the Applicant and did not reflect the comments of the Planning Board (as there is no provision for the submission and review of Preliminary DEIS in the implementing regulations of SEQRA set forth at 6 NYCRR Part 617).[1] The Planning Board's consultants advised the Applicant of specific issues including:

- The appropriateness of the proposed action (i.e., multifamily, residential development) on the subject property since the site was not located in a "zoning issue location" or within the City's "Downtown Commercial District" ("Downtown Core"), the recommendations for which included changes to zoning regulations that encourage residential uses above retail or professional uses, with ground floor uses that are active and inviting to pedestrian traffic.
- Specific data and calculations related to impacts (such as stormwater runoff, water, sewage and solid waste) were not included, and there was information missing relating to impacts to community services.
- The need for a construction section in order to address construction on steep slopes and other construction-related issues.
- The substantiation for the appropriateness of the build year (2010).
- The lack of discussion of cut and fill, potential impacts to steep slopes (including potential erosion and sedimentation), hillside protection (in accordance with the City of Glen Cove Zoning Ordinance [hereinafter "Zoning Ordinance"]), changes to impervious surfaces, etc.
- Insufficiency of landscaping and the potential significant adverse visual impacts, which were not sufficiently mitigated.
- The neighborhood character impacts relating to the massing of buildings so close to the roadway, which are not in character with existing multifamily buildings across the street.
- Potential significant adverse visual impacts to residences to the east of the subject property since, given that the topographical variation between the residences to the east and the proposed buildings would block views from the residences to the east (including those toward the water).
- The need for a discussion of displacement of existing tenants and relocation of residents and businesses.
- The need for inclusion of a cumulative traffic impact analysis that addressed the Glen Isle development at the Glen Cove waterfront.
- Assessment of the potential need for a shuttle bus for commuters to the Long Island Rail Road.
- The potential closure of Craft Avenue.
- The method of parking for the residents, and the potential impact to on-street parking.

- April 21, 2009 – the Applicant formally submitted a DEIS to the Planning Board (hereinafter "April 2009 DEIS"). The April 2009 DEIS proposed 226 units in the same building configuration and unit mix as described in the 2008 Preliminary DEIS. In addition to the April 2009 DEIS, the Applicant prepared a response memorandum, dated April 16, 2009, addressing each comment issued on the 2008 Preliminary DEIS. The response memorandum indicated, with respect to visual impacts, "...the single-family residential homes located to the east of the site are also set on a hill that overlooks the project site, and the

[1] See Appendix T of this FEIS for a copy of all of the Planning Board consultants' comment letters regarding the completeness and adequacy of the DEIS for public review and the adequacy of the FEIS for filing by the Planning Board.

roofs of these homes would also generally be in line with those of the proposed buildings" and "it is possible that, as part of the proposed action, westerly views from those existing detached residences located on higher ground to the east (e.g., Rooney Court, etc.) may be blocked during certain seasons...the roofs of the proposed residential buildings would be built to approximately the roof lines of these existing residential homes."

Also, with respect to long-term visual impacts, the Applicant indicated that "the EIS has been amended to include more detailed discussions of those potential long-term visual related adverse impacts that might occur as a result of the proposed action. However, while the aesthetics and visual resources...would be altered by the proposed action, overall the proposed action is not anticipated to result in any significantly [sic] adverse impacts related to aesthetics and/or visual resources."

The April 2009 DEIS did not include any physical changes to the site plan, but did include changes to the DEIS text. The Planning Board's consultants reviewed the April 2009 DEIS and prepared comment letters to the Planning Board (a) indicating that the DEIS was incomplete and not adequate for public review and consideration, and (b) recommending to the Planning Board that the Applicant revise the DEIS, based upon the consultants' comments. The Planning Board's consultants raised various issues within their comment letters, including, but not limited to, the following:

- The DEIS asserted that the proposed action was consistent with the City's *Comprehensive Master Plan* (hereinafter "*2009 Master Plan*") and selected goals contained therein, but did not provide any analysis to substantiate that conclusion.
- The DEIS incorrectly stated "all grade changes would be adhered to per local and State codes," as the applicable Hillside Protection regulations in effect were not considered.
- There was no substantiation and/or analysis of the Applicant's conclusion that the "proposed action will *significantly improve* storm water management of rainfall runoff from the proposed site and from the uphill 7.61 acres that drain onto the subject property..."
- Sufficient mitigation was not provided for various impact areas (e.g., soils and topography, stormwater impacts, visual impacts).
- Photosimulations were not provided from specifically-requested intersections, so that the visual impacts of the proposed action could be assessed.
- The proper software was not used to perform the Level of Service and capacity analyses for the traffic assessment.
- The DEIS concluded that there will be no noise impacts because the traffic volumes will increase by less than 100 percent, but no supporting information was provided to support this conclusion.

Pursuant to 6 NYCRR §617.9(a)(2), the Planning Board reviewed the DEIS and by Resolution dated June 4, 2009, filed on June 8, 2009, the Planning Board determined that the DEIS submitted by the Applicant, dated April 2009, was incomplete and inadequate for public review.

- May 26, 2009 – the City Council of the City of Glen Cove (City Council) adopted the *2009 Master Plan*, which discussed recommendations with respect to the area in which the subject property is situated.

- December 14, 2009 – the Applicant submitted a revised DEIS to the Planning Board (hereinafter the "December 2009 DEIS"). This DEIS proposed and analyzed a reduced number of units (216 units v. 226 units). The Planning Board's consultants reviewed the December 2009 DEIS and prepared comment

letters to the Planning Board (a) indicating that the DEIS was incomplete and not adequate for public review and consideration, and (b) recommending to the Planning Board that the Applicant revise the DEIS, based upon the consultants' comments. The comments from the Planning Board's consultants included, but were not limited to, the following:

- The DEIS needs to provide sufficient explanation as to how the proposed action meets the criteria for the requested density bonuses to allow for an increase in the number of units beyond the permitted density of 20 units per acre.
- The DEIS needs to provide an analysis of compliance with the City's Hillside Protection regulations, which could impact the design and density of the proposed development.
- The DEIS must analyze the proposed project's consistency with the relevant goals of the *2009 Master Plan.*
- The DEIS must provide an accurate projection of potable water use.
- The DEIS must provide the heights of the buildings that would be developed under the *"Redistributed Density Alternative,"*[2] so that an analysis of visual impacts of this alternative can be conducted. Also the DEIS needs to provide the appropriate information that would allow a comparison of visual impacts between the proposed project and the *"Redistributed Density Alternative."*

Pursuant to 6 NYCRR §617.9(a)(2), the Planning Board reviewed the revised DEIS, and by Resolution dated February 2, 2010, filed on February 5, 2010, the Planning Board determined that the DEIS submitted by the Applicant, dated December 2009, was incomplete and inadequate for public review.

- July 6, 2010 – the Applicant submitted a further revised DEIS to the Planning Board, dated May 2010 (hereinafter the "May 2010 DEIS"). By agreement dated July 9, 2010, the Planning Board's timeframe to determine the completeness of the revised DEIS was extended until September 8, 2010.

- August 2010 – the City Council adopted the Glen Cove Avenue Redevelopment Incentive Overlay (RIO-GCA) zoning district, which was based upon the *2009 Master Plan.* The rezoning and implementation of Chapter 134 of the Code of the City of Glen Cove (Code) resulted in the reclassification of the proposed action from Unlisted to Type I pursuant to 6 NYCRR Part 617 and Section 134-3 of the Code of the City of Glen Cove (the City Code).

- August 2010 – relative to the May 2010 DEIS, in correspondence to the Planning Board dated August 31, 2010, the Planning Board consultants[3] indicated the following:

> *"It is important to understand that the determination of completeness of the DEIS does not indicate that the Planning Board agrees with the content thereof, but rather, that the DEIS is suitable for review and commentary by involved agencies and the public. In that regard, The SEQR Handbook, 3rd Edition (2010), indicates, at pages 125 to 126, that in determining completeness of a DEIS:*
>
> > *'The lead agency should ensure that all relevant information has been presented and analyzed, but should neither expect nor require a "perfect" or exhaustive document.*

[2] This alternative included the rezoning and redevelopment of the project site with 216 residential units, but with on-grade surface parking as well as an above-grade parking garage. This alternative yielded one 12-story building and one 13-story building.
[3] Correspondence from VHB Engineering, Surveying and Landscape Architecture, P.C. to Chairman Thomas Scott and Members of the Planning Board, dated August 31, 2010.

The SEQR Handbook further indicates:

> *'A draft EIS that is adequate to be accepted for public review should describe the proposed action, alternatives to the action, and various means of mitigating impacts of the action. The draft EIS should identify and discuss all significant environmental issues related to the action, however, the draft EIS will not necessarily provide a final resolution of any issues…'*
>
> *'…as long as the draft EIS contains an accurate description of the proposed action, plus reasonably supported discussions of significant impacts, alternatives and mitigation measures requested by the lead agency, the lead agency may choose to release that draft EIS for public review, even though the lead agency believes that the draft EIS still contains deficiencies.'"*

Based upon the foregoing, the Planning Board's consultants recommended that the Planning Board deem the May 2010 DEIS to be complete and adequate for public review, and indicated that a list of substantive DEIS comments, which would be required to be addressed in the FEIS, would be provided during the DEIS public comment period established by the Planning Board.

- September 7, 2010 – by Resolution dated September 7, 2010, the Planning Board determined that the May 2010 DEIS, submitted by the Applicant on July 6, 2010, was complete and adequate for public review.

- October 19, 2010 – the Planning Board held a public hearing on the DEIS, with a written public comment period that expired on November 16, 2010. Between the end of the comment period and June 2011, the Applicant made no further submissions to the Planning Board.[4]

- November 2010 – the Planning Board consultants provided a list of substantive comments regarding the May 2010 DEIS to be addressed in the Final Environmental Impact Statement (FEIS), that included, among other items:

  - The FEIS must clarify and accurately indicate the heights of the proposed buildings, and how same are measured, as well as fully evaluate the potential visual impacts, given conflicting statements in the May 2010 DEIS.
  - The FEIS must include what specific streetscape improvements are proposed, particularly as they relate to requested density incentives being requested. The *2009 Master Plan* specifically described a landscaped median, reduced curb cuts, and on- and off-site landscaping as being appropriate reasons for granting of additional density.
  - The FEIS must include requisite analyses to support various conclusory statement in the May 2010 DEIS regarding the suitability or adequacy of on- and off-site improvements that would support the waiver of affordable housing requirements, streetscape improvements that would facilitate a density bonus, and the retaining walls and engineering measures that would support waiver of the Hillside Protection provisions.

[4] SEQRA requires that "the lead agency must prepare or cause to be prepared and must file a final EIS within 45 calendar days after the close of any hearing or within 60 calendar days after the filing of the draft EIS, whichever occurs later." While the Planning Board initially allowed the FEIS to be prepared by the Applicant after the comment period on the DEIS expired, the Applicant did not submit an FEIS to the Planning Board within 45 days after the close of the public hearing.

- A leaf-off photosimulation should be provided in the FEIS to allow an assessment of visual impacts during winter months.
- The DEIS concluded that there would not be significant adverse impacts to the hillside and also stated that no mitigation was warranted with respect to slopes, despite a significant cut from the hillside and proposed request for a waiver from the City's Hillside Protection ordinance. The FEIS must specifically evaluate the impacts resulting from this cut and the effectiveness of proposed mitigation measures.
- The FEIS must resolve conflicting information in the DEIS regarding whether rooftop gardens and/or deck plantings would be provided. Accurate photographic simulations must be included in the FEIS to demonstrate post-construction views of the proposed project.
- Information on proposed HVAC equipment must be provided to permit accurate evaluation of potential noise and visual impacts.
- The FEIS must include supporting analyses for the estimated percentage of vehicular trips bound for the Glen Street and Sea Cliff LIRR stations.

- Between the end of the comment period on November 16, 2010 and June 2011, the Applicant made no further submissions to the Planning Board.

- June 2011 – the Applicant submitted a proposed FEIS to the Planning Board (hereinafter "June 2011 FEIS"). The Planning Board's consultants reviewed the June 2011 FEIS and indicated to the Planning Board that it was inadequate for filing by the Planning Board as it did not appropriately address the various environmental impacts and comments relating to the May 2010 DEIS.

  The Planning Board, based upon the review conducted by Planning Board and the written recommendations of its consultants, determined that the June 2011 FEIS was inadequate for filing. The Board then directed the Applicant to submit a further revised FEIS, based upon the consultants' comments, which included the following issues, among others:

  - The FEIS does not accurately reflect various substantive comments made during the public comment period on the May 2010 DEIS. In many cases, the Applicant's paraphrasing of the actual comments made by involved agencies and interested parties modified the original comment to the extent that various issues raised during the public comment period on the May 2010 DEIS were not properly reflected or addressed in the FEIS.
  - Specific information and supporting documentation must be provided to address the incentive bonuses and waivers requested. Corrected plans and associated information must be provided to allow an accurate understanding of proposed building height and associated visual impacts.
  - The FEIS does not contain sufficient information to assess the suitability of proposed streetscape improvements (relative to requested density bonuses) nor does it provide adequate information about how interior landscaping and improvements accessible only to residents of the proposed project would benefit the neighborhood.
  - The FEIS does not and must provide the cost information required by the RIO-GCA District, which includes the extent and dollar value of off-site improvements, and the public costs that would otherwise be required to affect the same improvements.
  - The FEIS must include the requested information on visual impacts (not just impacts to potential water views) including shadowing, loss of light and the mass of the proposed buildings.

- The FEIS must provide consistent information as to visual mitigation proposed (e.g., whether roof gardens would be provided). The FEIS text indicates that such roof gardens would not be provided, but the photosimulations illustrate rooftop vegetation.
- An improperly paraphrased comment did not address specific questions regarding utilities, rooftop vegetation/plantings and HVAC systems, and the potential visual impacts thereof. The photosimulations and text are inconsistent with respect to underground utilities, HVAC equipment, and rooftop gardens.
- The FEIS must provide additional information in order to evaluate potential noise impacts associated with proposed HVAC units.
- The FEIS does not sufficiently address specific concerns with regard to the compatibility of the proposed project in relation to density and building height, and their impact to neighborhood character.
- The signal warrant analysis at the intersection of Glen Cove Avenue and Craft Avenue and the proposed driveway must be further clarified.
- Revisions are necessary to address construction traffic trips and parking requirements.

- March 2012 – the Applicant submitted another proposed FEIS to the Planning Board (hereinafter "March 2012 FEIS"). Prior to the submission of the March 2012 FEIS, the Applicant modified the configuration of the proposed buildings on the subject property and made other site design changes. For example,

  - The proposed grading was modified to reduce the size of the retaining walls and allow for more natural light, especially on the eastern side of the property
  - The impervious coverage was reduced by decreasing the footprint of Building A, increasing landscaped areas and providing more pervious paving with grass-crete-type pavers in certain locations
  - Building A was moved further west to provide a greater distance between the proposed building and existing residences
  - The pool building was removed and the pool relocated under Building A
  - Building masses were broken up with stepped bays and recesses, balconies and terraces and changes in materials
  - Parking was placed below grade to conceal it from public view

The Planning Board's consultants reviewed the March 2012 FEIS and indicated to the Planning Board in that it was inadequate for filing by the Planning Board as it did not appropriately address the various environmental impacts and comments relating to the May 2010 DEIS. The Planning Board, based upon the review conducted by Planning Board and the written recommendations of its consultants, determined that the March 2012 FEIS was inadequate for filing.

The Board directed the Applicant to submit a further revised FEIS, based upon the consultants' comments, which included, but were not limited to, the following:

- Not all referenced supporting documentation (e.g., shadow study and revised photographic simulations) were included in the March 2012 FEIS. As there were changes to the design of the project, a discussion of these changes must be provided in detail, and the differences between the previous plan and the current plan explained.

- The number of stories of all proposed buildings, and the relative heights thereof (as defined by the Code), must be provided.
- The FEIS must explain how the "conversion" from two buildings to six buildings, associated costs, reduction of the width of Building "A" and its relocation, as well as moving the pool building below grade, are streetscape improvements that would benefit the affordable housing units in the neighborhood, such that a waiver of affordable housing requirements should be granted by the City.
- Relevant responses should indicate the amount of increased space between Building "A" and the nearest off-site residence as compared to the May 2010 DEIS building design.
- The plans showing the effective building height elevations need to be provided in a revised FEIS, and the narrative needs to demonstrate how the maximum heights meet the RIO-GCA requirements.
- The potential loss of light and shadowing, as well as mass of the buildings and the potential impacts to houses on Craft Avenue and Robinson Avenue, as well as Rooney Court, must be addressed.
- Further discussion of the proposed "green roofs" and "undergrounding" of utilities is required in order to properly evaluate potential visual impacts.
- A discussion of the relationship of the building heights of surrounding residences to the building heights and rooftops of the proposed buildings must be provided.
- References to proposed drainage improvements as a basis for a density incentive for streetscape improvements should be removed. The need for drainage improvements within the street has not been adequately established in order to cite them as a public benefit, and the density bonus in the zoning code relates to streetscape improvements.
- The cost of constructing six buildings, as opposed to fewer buildings, as a basis for density incentive for streetscape improvements should be removed. While the appearance of the area may be improved by the redevelopment of the property, same does not constitute a "streetscape improvement."

- June 2012 – the Applicant submitted a third proposed FEIS (hereinafter the "June 2012 FEIS"). At the same time the Applicant submitted the June 2012 FEIS, the Applicant also submitted revised application documents, including new site plan documents, plans and map, and an application for incentives and waivers to the City Council pursuant to the RIO-GCA. This was the first time the Applicant submitted the required application for incentives and waivers pursuant to the RIO-GCA, although the necessity for such incentives and waivers were discussed in the various versions of the DEIS and FEIS submitted by the Applicant.

- November 2012 – the Planning Board's consultants reviewed the June 2012 FEIS and recommended to the Planning Board that the June 2012 FEIS was inadequate for filing by the Planning Board. By Resolution dated November 20, 2012, the Planning Board, based upon the review conducted by Planning Board and the written recommendations of its consultants, determined that the June 2012 FEIS was inadequate for filing. The Board directed the applicant to submit a further revised FEIS, based upon the consultants' comments, which included, but were not limited to, the following:

  - In order for the Planning Board to fully assess the impacts of the height of the proposed buildings on the surrounding neighborhood, charts, plans and cross-references should be consistent and

inclusive of average height, maximum height of the building, and maximum height of the highest structure on the roof.

- All the views (not just the water views) from the homes on Rooney Court, Robinson Avenue and Craft Avenue needed to be evaluated, and the visual impacts analyzed due to the potential significance. The FEIS still focuses only on the impacts of the proposed project on the water views associated with surrounding residences, and not the overall visual impacts. An objective analysis must be provided.
- The new shadow analysis requires more discussion within the FEIS in order to evaluate its impact on neighborhood character. A discussion of the shadow impacts to the subject property, as well as to the nearby off-site multi-family development (apartments on the west side of Glen Cove Avenue) and non-residential properties, should be provided, as well as a description of the methodology used to produce the shadow analysis.
- All building height references must be reconciled and/or corrected throughout the FEIS (charts and text) and on site plans. The visual analysis should consider the impacts based on the tallest structures on the roof, not just the roof height, given that certain responses indicate elevator penthouses and other structures on the building roof would screen roof-top HVAC units, potentially mitigating noise impacts to off-site residences to the east.
- The FEIS must identify the specific areas and residences where views will be impacted so that the Planning Board can fully understand the visual impacts of the proposed development. While the June 2012 FEIS does present additional information, the specific visual impacts are not fully examined. As the Applicant notes in Response to Comment C-6, Section 280-73.3D(8) of the Code indicates that the City Council, in authorizing the use, shall establish additional height restrictions, as necessary, to mitigate any potential visual or scenic impacts. As such, the visual/scenic impacts must be included in the FEIS, as this is a vital component of the environmental record that the City Council will rely upon.
- The cost of six buildings versus two buildings must be removed from the calculations associated with streetscape improvements, as the number of buildings does not constitute a "streetscape improvement."
- The FEIS must reflect the Planning Board's estimate of the value of streetscape improvements being provided by the Applicant.
- As part of its justification for a request for full density bonuses, the Applicant indicates that proposed improvements to stormwater management will improve local flooding conditions on the Boys and Girls Club property. However, the Applicant has not provided any documentation as to the extent of the flooding on that property, and how such flooding, if it exists, would be alleviated. Furthermore, references to drainage improvements as a basis for the density incentive for streetscape improvements should be removed, as the need for drainage improvements within the street have not been adequately established in order to cite them as a public benefit.
- The distances between buildings and the closest neighboring residences must be reconciled throughout the document and with the Site Plans.
- Given the proposed use of fully-automated parking, the FEIS should evaluate whether all 420 underground spaces would be usable in the event of power outages, equipment failure, etc.

- April 2013 – as a result of the Planning Board's comments, the Applicant submitted a further revised FEIS, the April 2013 FEIS, which was based on a 216-unit plan, but included an *alternative* plan of 196 units. According to the Applicant's April 2013 FEIS, "the Project Sponsor has offered an alternative Villa development (196-unit Alternative) that has 20 fewer residential units…The difference of 20 residential

units in the 196-unit Alternative consists of the removal of 16 units from Building A, including the 14 units of the entire top floor and 2 units from the first floor, and the removal of 4 units from Building B." The footprints of both buildings remained the same. The responses to the DEIS comments included in the April 2013 FEIS addressed only the 216-unit plan, not the 196-unit alternative. However, Section 3.0 of the April 2013 FEIS presented a brief analysis of the 196-unit alternative with respect to transportation and parking, building heights, visual impact (including shadows, residential density and sufficiency of neighborhood streetscape improvements. As part of this FEIS submission, the Applicant submitted amended applications for waivers and incentive bonuses.

- June 2013 – Subsequent to the submission of the April 2013 FEIS, the Applicant formally amended its site plan application to reflect a reduction in the number of units from 216 to 196, along with the previously-amended applications for waivers and incentive bonuses (see Appendix W). However, the Applicant did not modify the FEIS that was submitted to the Planning Board to reflect the revised unit count.

The Planning Board fully considered all of the submissions made by the Applicant, all of the comments of the City Planner, the Director of the Building Department and the Planning Board's consultants, as well as the applicable statutory standards for reviewing the April 2013 FEIS and determining is adequacy for filing. By Resolution dated June 4, 2013, the Planning Board, based upon its review and the recommendations of its consultants and in consideration of all of the foregoing matters, determined that the April 2013 FEIS was inadequate for filing. Further, the Planning Board directed its environmental planning and engineering consultants to prepare and finalize the FEIS for filing, as discussed in more detail, below.

As indicated above, this latest version of the FEIS submitted by the Applicant, the April 2013 FEIS, still included the 216-unit plan as the "proposed action," but also introduced a 196-unit *alternative*. From the standpoint of the SEQRA regulations, the introduction of an alternative at this point in the environmental review process is not proper. Moreover, based upon correspondence from the Applicant's attorney, Patrick W. Hoebich, dated June 27, 2013, the applications for site plan approval and incentive density bonuses and waivers, were amended to reflect 196 condominium units. Thus, the information submitted in the April 2013 FEIS did not reflect the pending applications.

Given this project modification, and the fact that, as evidenced above, the Applicant has consistently not provided the information necessary for the Planning Board to objectively assess the potential significant adverse visual impacts or neighborhood character impacts or to evaluate the proposed action's eligibility for various requested density bonuses and waivers, the Planning Board determined that it would perform such analyses and complete the FEIS. As indicated in 6 NYCRR §617.9(a)(5):

> *"(5) Except as provided in subparagraph (i) of this paragraph, the lead agency must prepare or cause to be prepared and must file a final EIS, within 45 calendar days after the close of any hearing or within 60 calendar days after the filing of the draft EIS, whichever occurs later.*
>
> *. . .(ii) The last date for preparation and filing of the final EIS may be extended:*
>
> *(a) if it is determined that additional time is necessary to prepare the statement adequately; or*
>
> *(b) if problems with the proposed action requiring material reconsideration or modification have been identified."*

Moreover, 6 NYCRR §617.9(b)(8) requires that:

> *"(8) A final EIS must consist of: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS."* (emphases added)

In order to properly fulfill its obligations as lead agency and to ensure a complete and adequate SEQRA record, the Planning Board has prepared this FEIS.

As set forth in 6 NYCRR §617.11(d)(5), in order to approve an action, a lead agency (in this case, the Planning Board) must determine, among other things, that:

> *"consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable."*

As part of this FEIS, the Planning Board has reviewed and considered both the 216-unit plan and the 196-unit plan, as the Planning Board's review of the April 2013 FEIS was on-going when the Applicant decided to formally amend its applications to reflect a 196-unit plan. Thus, in order to ensure comprehensive review of all of the submissions made by the Applicant, the Planning Board completed review of the 216-unit plan and has included the analysis thereof in this section of the FEIS.

Based on the analyses set forth below and throughout this FEIS, the Planning Board has determined that both the 216-unit plan and the 196-unit plan, as configured, do not minimize potential significant adverse environmental impacts to the maximum extent practicable, particularly those relating to visual impacts and neighborhood character impacts. In addition, although the City Council is the entity with ultimate authority to grant density incentives, as further discussed below, based on the record before the Planning Board, the proposed action does not appear to meet the criteria for the granting of all requested density incentives. An analysis of visual and neighborhood character impacts and requested density bonuses is presented in the following subsections.

1.2.2 Analysis Of Visual And Neighborhood Character Impacts

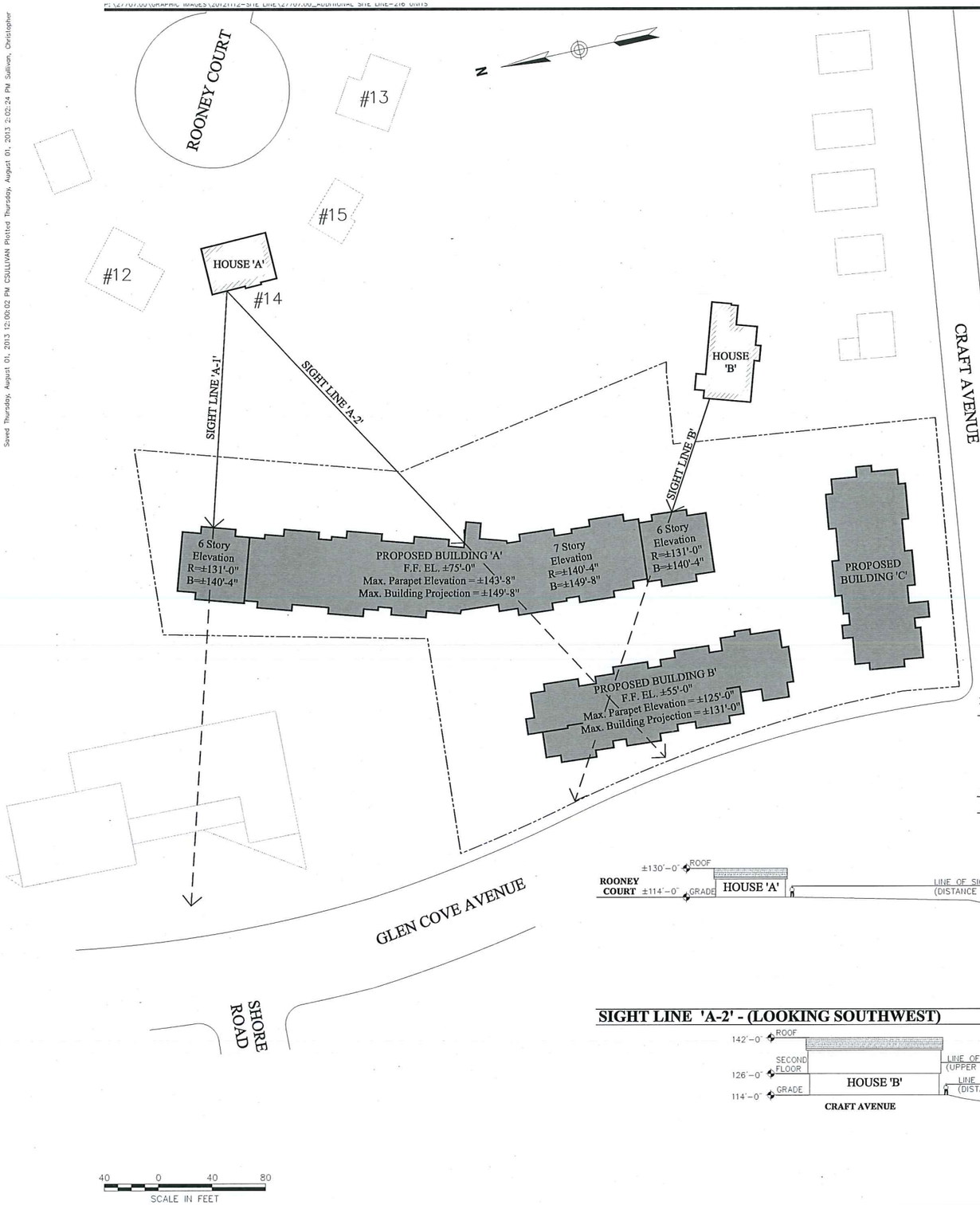
In order to objectively and fully evaluate visual and neighborhood character impacts, the Planning Board has commissioned the preparation of line-of-sight diagrams for both the 216-unit plan and the currently proposed 196-unit plan to supplement the Applicant's photosimulations and line-of-sight/section drawings for each plan, as provided in Appendices F and Q of this FEIS, respectively.

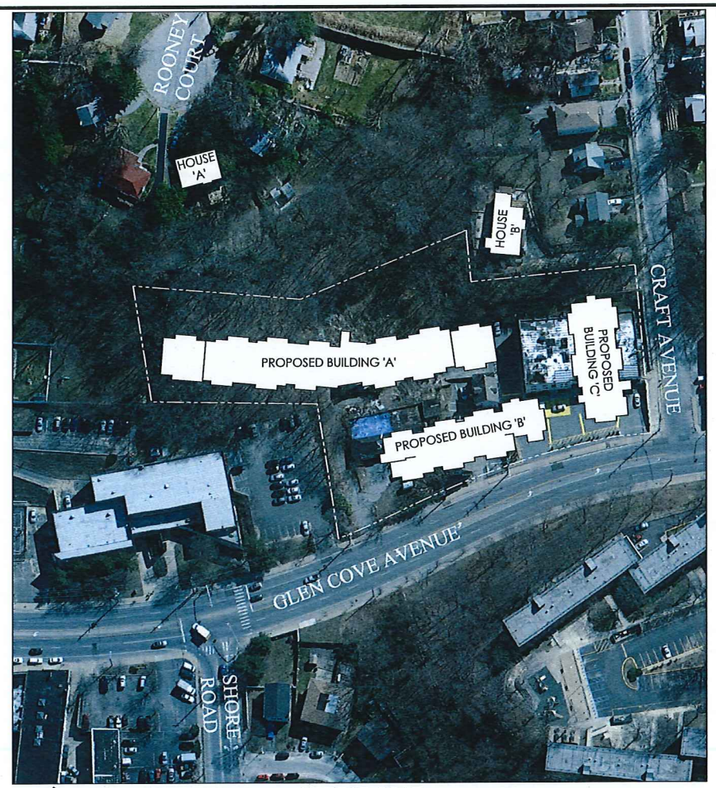
With respect to visual impacts, as evidenced from Figure 1 and Figure 2, which illustrate lines-of-sight from the 216-unit plan and the 196-unit plans, respectively (see Appendix U of this FEIS for large-scale versions of

Figures 1 and 2), residences situated to the east of the proposed residential condominium development would suffer significant adverse visual impacts if the proposed condominium development were constructed under either the 216-unit plan configuration or the 196-unit plan configuration.

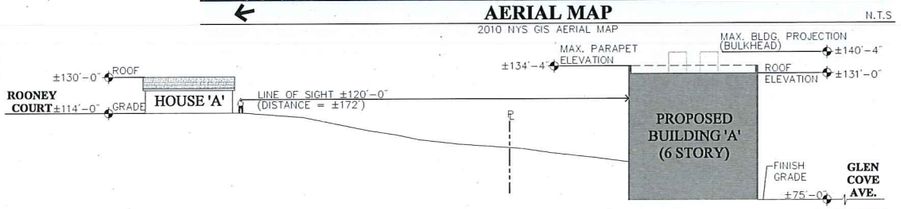
Based upon the Applicant's *Grading and Drainage Plan* (Sheet C07, provided on the disk in Appendix F of this FEIS), the ground floor elevation of the residence on Rooney Court closest to the northern property line of the subject site (designated House A) was estimated to be 114 feet above mean sea level (amsl). The ground floor elevation of the nearest residence located along Craft Avenue (designated as House B) is also approximately 114 feet amsl , based upon spot elevations shown on this plan. At an average height of six feet, a person standing in the yard of either of these houses would have a line-of-sight at approximately elevation 120 feet amsl. At the upper story of Building B, the line of site elevation was estimated at approximately 132 feet amsl. Two different lines-of sight were prepared relative to Building A (Sight Line 'A-1' and Sight Line 'A-2') and one line-of-sight was prepared relative to Building B (Sight Line 'B') (see Figure 1, Figure 2 and Appendix U of this FEIS).

While there is intervening vegetation, the proposed buildings will be in the line-of-sight of and visible to the existing residential neighborhood (along Rooney Court and Craft Avenue) to the east, especially when the leaves are off the trees. While lines-of-sight have not been prepared for every residence along Rooney Court and Craft Avenue, due to the length and mass of Building A, it is evident from review of Figure 1 and Figure 2 that various residences situated to the east of the subject property would experience adverse visual impacts from implementation of the proposed action.

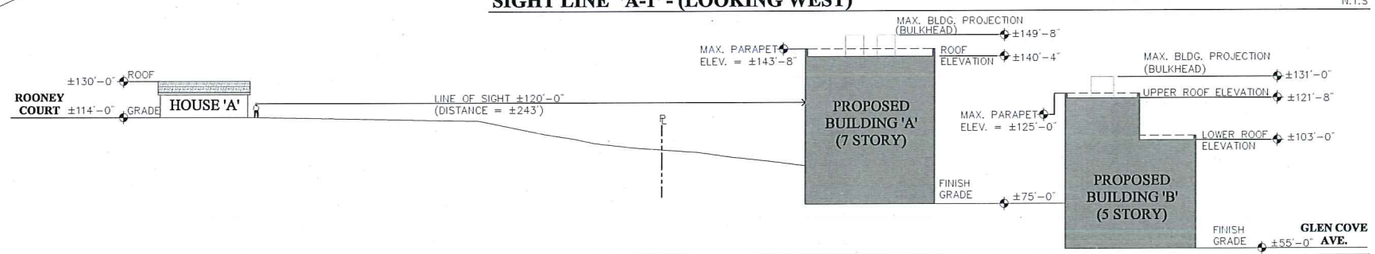




AERIAL MAP N.T.S
2010 NYS GIS AERIAL MAP



SIGHT LINE 'A-1' - (LOOKING WEST) N.T.S



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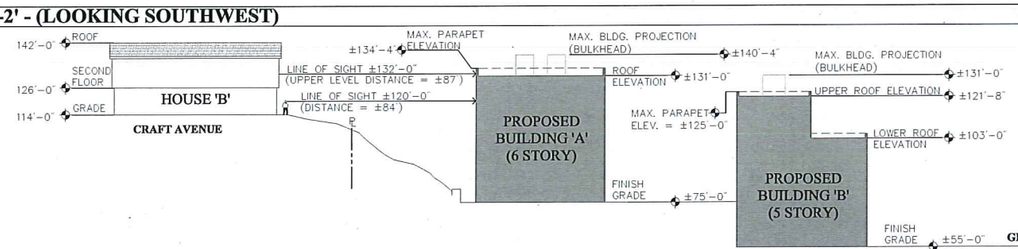

SIGHT LINE 'B' - (LOOKING WEST-NORTHWEST) N.T.S

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References

1. PROPOSED BUILDING LOCATIONS AND ELEVATIONS TAKEN FROM PLANS PROVIDED BY: PS&S ENGINEERING 1305 FRANKLIN AVENUE, SUITE 202 GARDEN CITY, NEW YORK 11530 PHONE: (516) 512-7300 SHEET A-016, DATED: 6/4/12 (Rev. 1)
2. AERIAL MAP PROVIDED IS FROM A 2010 NYS GIS MAP

Legend

R= ROOF

B= BULKHEAD

No.	Revision	Date	Appvd.

Designed by CS | Drawn by CS | Checked by GP
CAD checked by CS | Approved by GP
Scale As Shown | Date July 30, 2013
Project Title

The Villa at Glen Cove

Glen Cove Avenue
Glen Cove, NY
Issued for

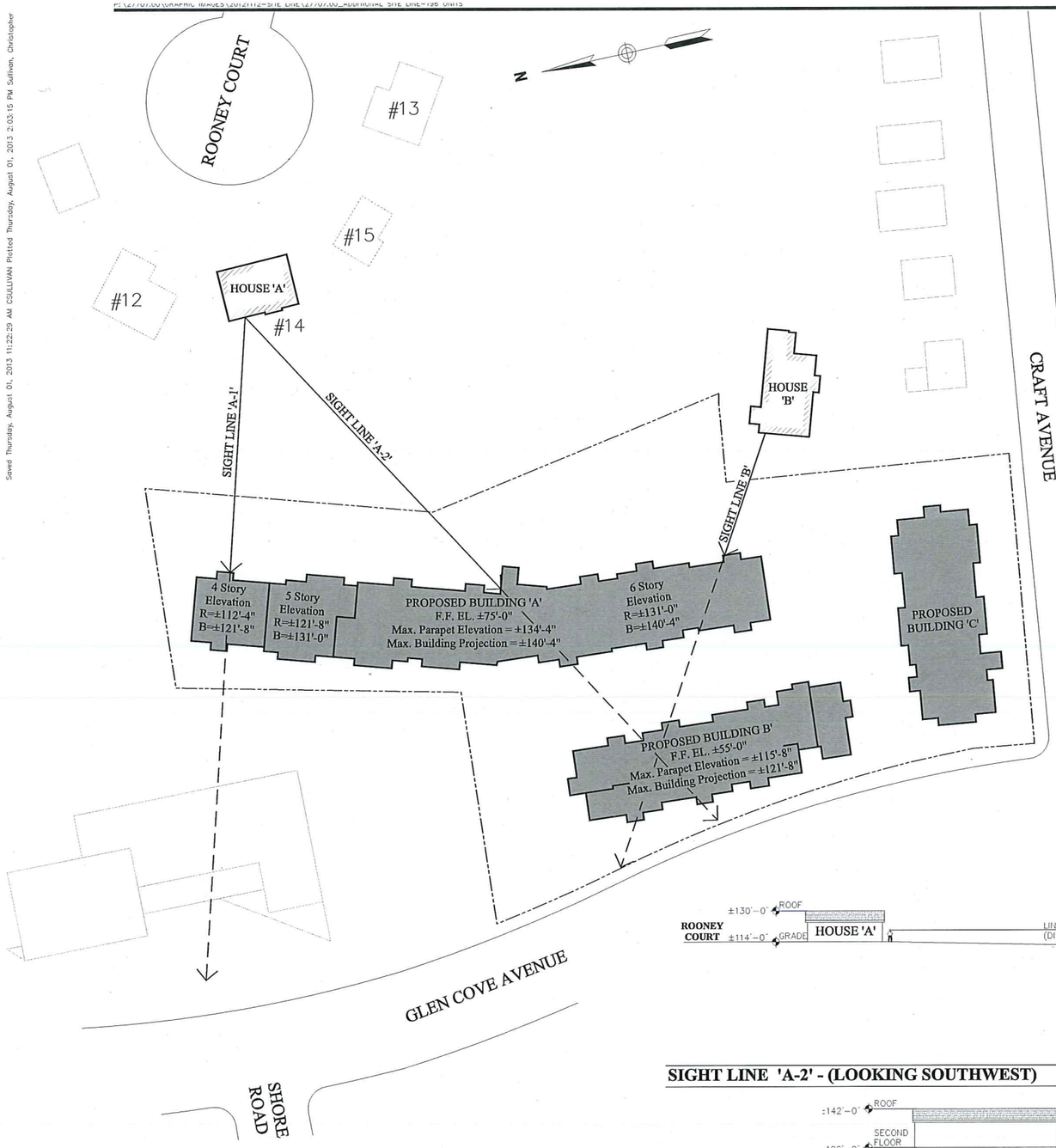
Not Approved for Construction
Drawing Title

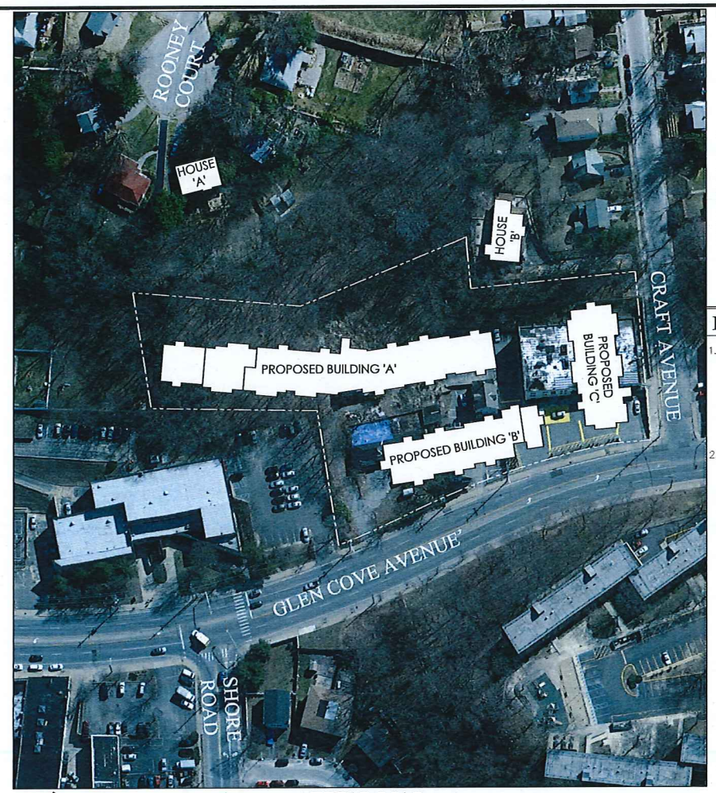
Line-of-Sight Diagram (216-Unit Plan)

Figure 1
Drawing Number

SL-1
Sheet of 1 1

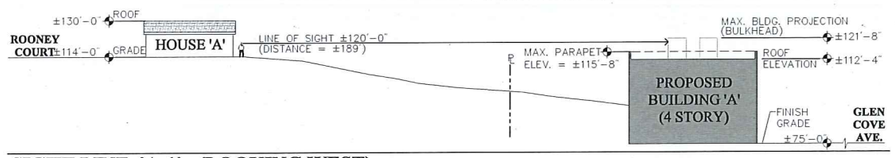
Project Number 27707.00.00



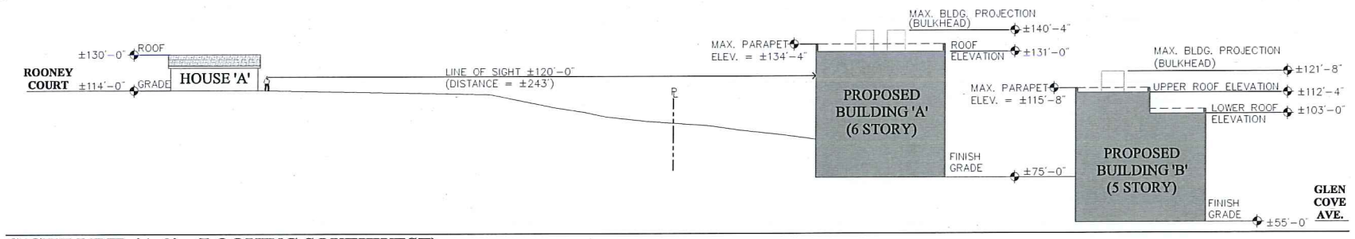


AERIAL MAP N.T.S

2010 NYS GIS AERIAL MAP



SIGHT LINE 'A-1' - (LOOKING WEST) N.T.S



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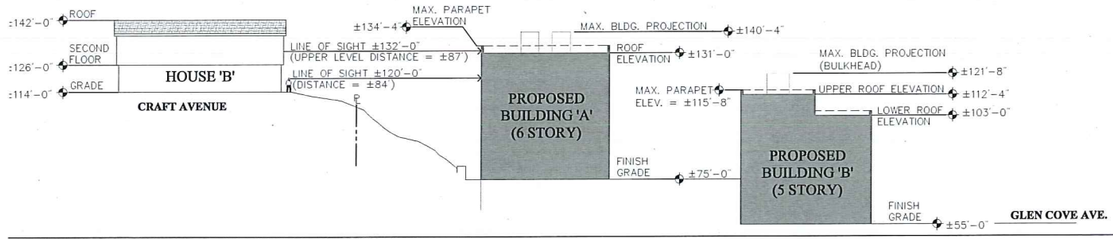

SIGHT LINE 'B' - (LOOKING WEST-NORTHWEST) N.T.S

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References

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   1305 FRANKLIN AVENUE, SUITE 302
   GARDEN CITY, NEW YORK 11530
   PHONE: (516) 512-7300
   SHEET A-016, DATED 2/11/13 (Rev. 3)
2. AERIAL MAP PROVIDED IS FROM A 2010 NYS GIS MAP

Legend

R= ROOF

B= BULKHEAD

No.	Revision	Date	Appvd

Designed by CS | Drawn by CS | Checked by GP
CAD checked by CS | Approved by GP
Scale As Shown | Date July 30, 2013

Project Title

The Villa at Glen Cove

Glen Cove Avenue
Glen Cove, NY

Issued for

Not Approved for Construction

Drawing Title

Line-of-Sight Diagram (196-Unit Plan)

Figure 2
Drawing Number

SL-1

Sheet 1 of 1

Project Number 27707.00.00

Sight-Line Analysis – 216-Unit Plan

As illustrated on Figure 1, for Sight Line A-1, the viewer is standing approximately 172 feet from the rear façade of Building A and 189± feet from the nearest bulkhead (maximum building projection), facing west. On the 216-unit plan, the maximum roof elevation along this line-of-sight is 131 feet amsl, the maximum parapet elevation is 134 feet-4 inches amsl (3 feet-4 inches above the roof), and the maximum building projection is 140 feet-4 inches amsl (or 9 feet-4 inches from the top of the roof).[5] As can be seen on Figure 1, the viewer is looking directly at the back of Building A at just above the fifth floor of the building at that point (with one residential story above). The top of the parapet is approximately 14 feet above the viewer and the top of the bulkhead is approximately 20 feet above the viewer. As depicted on Figure 1 and discussed in Section 2.3.2 of this FEIS, these stair bulkheads are approximately 9 feet-4 inches in height and extend six feet above the top of the parapet. As shown on Sheet A-012 on the disk in Appendix F, there are multiple stair bulkheads associated with the rooftop units on each building, including 12 on Building A. Of these 12, eight are externally connected to each other and two are individual features. These 10 bulkheads are approximately 19 feet-6 inches by 13 feet-6 inches in size (see Sheet A-023 on the disk in Appendix F). The remaining two bulkheads (on the north and south portions of the roof of Building A) serve two rooftop units each and are approximately 18 feet by 24 feet in size. All of these bulkheads are much larger than typical roof projections, such as single air emission stacks or conventional mechanical equipment for apartment buildings.

As shown on Figure 1, for Sight Line A-2, the viewer is standing approximately 243 feet from the rear façade of Building A and 260± feet from the nearest bulkhead (maximum building projection), facing southwest. On the 216-unit plan (see Figure 1), the maximum roof elevation along this line-of-sight is 140 feet-4 inches amsl, the maximum parapet elevation is 143 feet-8 inches amsl, and the maximum building projection is 149 feet-8 inches amsl (or 9 feet-4 inches from the top of the roof).[6] As explained above, there are numerous large stair bulkheads on each of the buildings, including 12 on Building A, and they are not isolated projections, like a single air emission stack (see the disk in Appendix F).

In addition, as depicted on Figure 1, Building B is situated in front of Building A along this sight line. This line-of-sight drawing illustrates that the viewer is also looking directly at the rear of Building A. Since the building is one story taller along this line-of-sight, the viewer would be looking just below the fifth floor of the building at that point (with two residential stories above). The top of the parapet is almost 24 feet above the viewer and the top of the highest bulkhead is almost 30 feet above the viewer. There are eight individual bulkheads of approximately 19 feet-6 inches by 13 feet-6 inches by 9 feet-4 inches in height by situated on Building B, as shown on Sheet A-012 on the disk in Appendix F. These bulkheads are larger than typical building projections on apartment buildings, as explained above.

For Sight Line B, the viewer is standing approximately 84 feet from the rear façade of Building A and 100± feet from the nearest bulkhead (maximum building projection), facing northwest (see Figure 1). On the 216-unit plan, the maximum roof elevation along this line-of-sight is 131 feet amsl, the maximum parapet elevation is 134 feet-4 inches amsl (3 feet-4 inches above the roof), and the maximum building projection is

[5] Building A is six stories in height at this location.
[6] Building A is seven stories in height at this location.

140 feet-4 inches amsl (or 9 feet-4 inches from the top of the roof).[7] In addition, Building B is situated in front of Building A along this line-of-sight. This line-of-sight drawing shows that, at ground level, the viewer in this location is looking directly at the back of Building A near the top of the fifth floor of the building at that point (with one residential story above). The top of the parapet is over 14 feet above the viewer at ground level and the top of the highest bulkhead is just over 20 feet above the viewer. A viewer at the upper story, at approximately 87 feet from the building, would be looking at a point between the top of the roof and a top of the parapet, with the top of the bulkhead extending approximately eight feet above that point.

Sight Line Analysis – 196-Unit Plan

The same analysis was performed for the 196-unit plan contained in the April 2013 FEIS prepared by the Applicant (see Figure 2). For Sight Line A-1, the viewer is standing approximately 172 feet from the rear façade of Building A and 189± feet from the nearest bulkhead (maximum building projection), facing west. On the 196-unit plan, the maximum roof elevation along this sight line is 112 feet-4 inches amsl, the maximum parapet elevation is 115 feet-8 inches amsl (3 feet-4 inches above the roof), and the maximum building projection is 121 feet-8 inches amsl (or 9 feet-4 inches from the top of the roof).[8] This A-1 drawing indicates that along this line-of-sight, the viewer would be looking at the stair bulkheads for the rooftop units, which would extend almost two feet above the viewer's line-of-sight at this point on the roof of this four-story portion of the building. The size and configuration of the stair bulkheads are the same as described in the 216-unit analysis. These stair bulkheads are much larger than typical building projections such as single emission air stacks or conventional mechanical equipment for apartment buildings.

As shown on Figure 2, for Sight Line A-2, the viewer is standing approximately 243 feet from the rear façade of Building A and 260± feet from the nearest bulkhead (maximum building projection), facing southwest. On the 196-unit plan, the maximum roof elevation along this line-of-sight is 131 feet amsl, the maximum parapet elevation is 134 feet-4 inches amsl, and the maximum building projection is 140 feet-4 inches amsl (or 9 feet-4 inches from the top of the roof).[9] In addition, Building B is situated in front of Building A along this sight line. As can be seen from this line-of-sight drawing, since the building is six stories along this line-of-sight, the viewer would be looking directly at the bottom of the sixth (top) floor of the building (with one residential story above). The top of the parapet would be over 14 feet above the viewer and the top of the stair bulkhead would be over 20 feet above the viewer at this point. Further, as described above these bulkheads are much larger than typical building projections.

For Sight Line B, the viewer is standing approximately 84 feet from the rear façade of Building A and 100± feet from the nearest bulkhead (maximum building projection), facing northwest (see Figure 2). On the 196-unit plan, the maximum roof elevation along this line-of-sight is 131 feet amsl, the maximum parapet elevation is 134 feet-4 inches amsl (3 feet-4 inches above the roof), and the maximum building projection is 140 feet-4 inches amsl (or 9 feet-4 inches from the top of the roof).[10] In addition, as shown on Figure 2, Building B is situated in front of Building A along this line-of-sight. This line-of-sight drawing shows that, at

[7] Building A is six stories in height at this location.
[8] Building A is four stories in height at this location.
[9] Building A is six stories in height at this location.
[10] Building A is six stories in height at this location.

ground level, the viewer in this location is looking directly at the back of Building A at near the top of the fifth floor of the building at that point (with one residential story above). The top of the parapet is over 14 feet above the viewer at ground level and the top of the highest bulkhead is just over 20 feet above the viewer. A viewer at the upper story, at approximately 87 feet from the building, would be looking at a point between the top of the roof and a top of the parapet, with the top of the large stair bulkhead extending approximately eight feet above that point.

As can be seen in these line-of-sight diagrams (Figure 1 and Figure 2), while the 196-unit plan (which removes one story from Building A and staggers the height of the roof along Building A, when compared to the 216-unit plan) reduces the visual impact to the closest neighbors from those of the 216-unit plan, the 196-unit plan still creates significant visual impacts, as the neighbors to the east will be looking directly at the large mass at the rear façade of proposed Building A.

In order to address this significant adverse impact, the Applicant has offered to build landscaped berms on the private properties of various residents to the east. The Planning Board does not consider this to be sufficient mitigation for the significant adverse visual impacts that would be created to the neighboring properties to the east. Moreover, as explained in this FEIS and shown on Drawings A-024 in Appendix F (216-unit plan) and Appendix Q (196-unit plan), the landscaped berms were only proposed for three properties on Rooney Court. Specifically, according to the Applicant, "the Project Sponsor proposes to install an offsite landscape buffer for the benefit of Rooney Court residents, as a condition of approval and subject to the consent of Rooney Court property owners…The buffers would screen views of Villa Building A from the back yards and residence windows at 12,14, 15 and…13 Rooney Court." No mitigation was proposed for other properties that would experience significant adverse visual impacts (on Rooney Court or on Craft Avenue).

Community/Neighborhood Character

With respect to community/neighborhood character, based on the record before the Planning Board, it is evident that the massing of the buildings (both for the 216-unit configuration and the 196-unit configuration) does not conform to the established character of this area. While the four-story Glen Cove Housing Authority building across Glen Cove Avenue to the west is relatively large, as is the Glen Cove Boys and Girls Club, most of the existing buildings, especially to the east and north of the subject property, are much smaller in mass and height than the proposed buildings (especially Buildings A and B). As shown in the Photosimulation – View 1 in Appendix Q, the proposed buildings essentially form a wall along the east side of Glen Cove Avenue. While the proposed street trees somewhat interrupt the appearance, the proposed buildings still appear massive, especially since they are situated so close to the roadway, as further discussed below.

In addition to the mass of the building, the setbacks of Buildings B, C, and F along Glen Cove Avenue are approximately 10 feet, 18 feet and 15 feet, respectively, based upon the information provided on Sheet C06 on the disk in Appendix F of this FEIS. In reviewing 30 other buildings located along both sides of Glen Cove Avenue in the vicinity of the subject property, the average setback was measured at approximately 32 feet,

with a range of between approximately 0 feet to 95 feet (see Figure 3).[11] Of the thirty properties examined, only one-third of these (nine of 30) have a setback of 18 feet or less (see Buildings 5, 8, 15, 17, 24 – 26, 28 and 29 on Figure 3). All of these buildings have much less mass than the buildings that are proposed as part of this project. The closest of the larger buildings in this area, the Boys and Girls Club and the Glen Cove Housing Authority development, have minimum setbacks of 27 feet and 30 feet, respectively, as shown on Figure 3. Accordingly, the mass of the proposed buildings and their minimal setback from Glen Cove Avenue do not conform to the character of this area and would result in significant adverse impacts to the neighborhood.

[11] The approximate building setbacks were taken from the building line to the assumed right-of-way. The existing buildings and assumed right-of-way locations shown on Figure 3 are taken from a 2010 New York State Geographic Information Systems (NYS GIS) aerial map. The proposed buildings were overlaid on the aerial photograph based upon the plans contained on the disk in Appendix F of this DEIS.

2010 NYS GIS AERIAL MAP

Proposed Building Setbacks Along Glen Cove Avenue

BUILDING 'B' - ±10' SETBACK

BUILDING 'C' - ±18' SETBACK

BUILDING 'F' - ±15' SETBACK

Existing Building Setbacks Along Glen Cove Avenue

(1) 20' SETBACK	(11) 45' SETBACK	(21) 50' SETBACK
(2) 30' SETBACK	(12) 30' SETBACK	(22) 60' SETBACK
(3) 35' SETBACK	(13) 30' SETBACK	(23) 50' SETBACK
(4) 35' SETBACK	(14) 30' SETBACK	(24) 10' SETBACK
(5) 10' SETBACK	(15) 15' SETBACK	(25) 10' SETBACK
(6) 40' SETBACK	(16) 50' SETBACK	(26) 15' SETBACK
(7) 40' SETBACK	(17) 15' SETBACK	(27) 95' SETBACK
(8) 0' SETBACK	(18) 20' SETBACK	(28) 15' SETBACK
(9) 75' SETBACK	(19) 30' SETBACK	(29) 5' SETBACK
(10) 27' SETBACK	(20) 40' SETBACK	(30) 40' SETBACK

AVERAGE = ±32' SETBACK
RANGE = 0' TO ±95'
NOTE: FROM ASSUMED R.O.W.

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No.	Revision	Date	Appvd.

Designed by CS | Drawn by CS | Checked by GP
CAD checked by CS | Approved by GP
Scale As Shown | Date July 30, 2013

Project Title

The Villa at Glen Cove

Glen Cove Avenue
Glen Cove, NY

Issued for

Not Approved for Construction

Drawing Title

Setback Analysis

Figure 3
Drawing Number

SA-1

Sheet of 1 1

Project Number
27707.00.00

Furthermore, neither the 216-unit plan nor the 196-unit plan provides sufficient landscaping or streetscape improvements to minimize this significant adverse visual environmental impact to the maximum extent practicable. In early versions of the DEIS submitted by the Applicant, in order to soften the appearance of the buildings, the Applicant had originally proposed "green roofs." While still showing "green roofs" on the private rooftop terraces depicted on the photosimulations in later documents, the Applicant removed discussion of this feature from the text. When asked to reconcile this discrepancy, the Applicant indicated that the extent of the "green roofs" would consist of the provision of two potted shrubs for each rooftop unit, and each pot would be two feet in diameter. In addition, faux ivy would be installed on the open air trellises provided on the private rooftop terraces and certain balconies. These measures would not be sufficient to mitigate the significant adverse visual impacts that would result from implementation of the proposed action. Based on the foregoing, the Planning Board finds that both the 216-unit plan and 196-unit plan, as configured, would result in significant adverse visual impacts and to significant adverse impacts to community/neighborhood character. Accordingly, based upon this analyses and the other relevant information contained in the SEQRA record, the Planning Board finds that it is necessary to reduce the heights of the building and provide rooftop vegetation in order to minimize the visual impacts to the areas to the east and north of the subject property. In addition, the Planning Board finds that the setback of Buildings B, C and F of the Villa at Glen Cove must be increased and the proposed landscaping embellished in order to minimize potential significant neighborhood character impacts along Glen Cove Avenue.

1.2.3 Analysis of Density Incentive Bonuses

While the City Council has the ultimate authority over the granting of the requested density bonuses (i.e., 17 units per acre for structured parking, 10 units per acre for streetscape improvements, and three units per acre for certain on-site recreational amenities), the Planning Board, as lead agency for the proposed action, has the responsibility to evaluate the entire proposed action in accordance with SEQRA and its implementing regulations. According to 6 NYCRR §617.11(d), the lead agency, like all other involved agencies, must "weigh and balance relevant environmental impacts with social, economic and other considerations" as well as find that the action "is one that minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable." Therefore, the Planning Board has evaluated the proposed density bonus requests in light of their potential environmental impacts on the neighborhood/community. Further, in accordance with §280-73.3.I(1), the City Council must refer the request for density bonuses to the Planning Board for its recommendation.

With respect to density bonuses, the Zoning Ordinance, at §280-73.3.F, states:

> *"Additional incentives and bonuses. An applicant may apply for an incentive adjustment to the lot area and bulk requirements of this chapter in exchange for one or more of the following incentives. Incentives and bonuses may be combined, but in no case shall the maximum residential density of the site exceed 50 units to the acre. In the event that the permissible density shall include part of a unit, the permissible density shall be rounded.*

(1) *Density bonus for structured parking. In recognition of the detracting character of large expanses of parking and asphalt associated with multifamily development, where an applicant proposes to accommodate at least 75% of the required parking within structured on-site parking, which is located out of substantial public view, the City Council shall increase the maximum residential density by 17 units per acre.*

(2) *Density bonus for streetscape improvements. In recognition of the deteriorated nature of the streetscape in the vicinity of the project site, where an applicant proposes significant improvements to the streetscape within 1/2 mile of the Glen Cove Avenue Redevelopment Incentive Overlay District, which meet the criteria herein, the City Council shall increase the maximum residential density by 10 units per acre. In determining whether or not to grant this density bonus, the City Council shall consider the following:*

(a) The extent and dollar value of off-site improvements to the surrounding streetscape;

(b) The public costs that would otherwise be required to effect the same improvements;

(c) The improvement to the immediate neighborhoods as well as the marketability of the downtown from the proposed improvements.

(3) *Density bonus for on-site recreational amenities. The City Council shall increase the maximum residential density by three units per acre where the following on-site recreational amenities are provided for the future residents of the proposed project. The provision of the following on-site recreational amenities for the purpose of achieving additional site density does not necessarily satisfy the requirements of the applicant to provide parkland or money in lieu thereof as described in General City Law § 27-a, Subdivision 6:*

(a) Fitness center with health equipment;

(b) Swimming pool;

(c) Multipurpose room/center; and

(d) Common area for social events."

As part of the environmental review process, the Applicant has consistently asserted that it is entitled to 50 units per acre,[12] based upon density bonus provisions, which represents 30 units per acre more than the 20-unit maximum residential density (§280-73.3.D(2)) permitted under the RIO-GCA zoning. The Applicant has put forth various arguments to support its request for the density bonuses. For example:

- Page 35 of 44 of the Chapter 2 of the December 2009 DEIS indicates "the proposed zoning text also allows an applicant to apply for one or more incentives…incentives and bonuses may be combined, but in no case shall the maximum density of the site exceed 50 units to the acre…the proposed development would

[12] It should be noted that Glen Cove calculates acres as equivalent to 40,000 square feet (§280-6), not 43,560 square feet. Therefore, the 3.976-acre site is equivalent to 4.33 Glen Cove acres.

meet the 50-unit density per acre limit, as design changes with 216 units on the site meet the 50-unit density limit."

- On page 32 of 44 of Chapter 2 of the May 2010 DEIS, the Applicant indicates "The proposed zoning text allows for additional incentives and density bonuses, over the 20 units per acre allowed regularly…In total, the additional bonuses allow for a density increase of 30 units an acre, for a total of 50 units an acre allowed on a project site…The proposed development includes structured parking underground, new streetscape improvements and on-site recreational amenities, all which adhere to the proposed zoning text and will allow for the permitted density bonuses."

- Pages 2-2 through 2-4 of the June 2012 FEIS discuss the incentive bonuses. Page 2-3 indicates, for example, "[t]he Villa will result in significant streetscape improvements that will positively impact the immediate neighborhood and the corridor leading to the City's downtown." Also, "in the Applicant's opinion, the application for The Villa at Glen Cove meets or exceeds all of the requirements for the density bonuses provided by the Ordinance."

With respect to density bonuses, one of the recommendations included in Chapter 4 of the *2009 Master Plan* is to:

> *"**predicate all development involving incentives and special permits on meeting a checklist of improvements in which the public benefit exceeds the negative traffic and other impacts of additional development.** These standards should include the full range of improvements throughout this Master Plan, each where and as appropriate, and in combination:*
>
> - *Dedication of publicly viewed and / or accessible open space*
> - *Sidewalk and other pedestrian improvements*
> - *Bicycle amenities*
> - *A high measure of landscaping and upgrades along corridors*
> - *Greening of the roadway and parking lots*
> - *Other construction conforming to LEED's sustainability standards (refer to*
> - *Chapter 3)*
> - *Dedication of historic preservation easements*
> - *Adaptive reuse of historic and landmark buildings*
> - *Affordable housing in excess of the prescribed proportion*
> - *Shared parking*
> - *Reduced parking at 1.5 or in some cases 1.0 spaces per unit in connection with*
> - *Transit Oriented Development, Transit Ready Development, and senior housing*
> - *Varied unit sizes, addressing a variety of housing needs*
> - *Homeownership housing opportunities, particularly in connection with workforce*
> - *housing.*
>
> *Also wherever and whenever appropriate, the standards should include related offsite improvements: additional tree planting, nearby roadway or intersection improvements, extension of sidewalks to nearby transit nodes, bus shelters and amenities, etc. Development should be in conformance with proactive City plans, such as those*

> *generated in connection with the Cedar Swamp Road Corridor Study, and the Gateway to the Downtown Revitalization Plan.*[13]" (emphasis added)

Furthermore, while the subject property is just outside the boundaries of the 2008 *Downtown Gateway Revitalization Plan* ("*2008 Gateway Plan*") study area, the streetscape improvements prescribed in this study for Glen Cove Avenue include decoratively-paved sidewalks, decoratively-paved crosswalks, decorative landscaping, medians with landscaping, and street trees and lighting along sidewalks.

In reviewing 1) the general language from the *2009 Master Plan* regarding predicating all development involving incentives on meeting a checklist of improvements in which the public benefit exceeds the negative impacts of additional development, and 2) the proposed improvements prescribed in the *2008 Gateway Plan*, it is obvious that the City of Glen Cove has various expectations with respect to the improvements necessary to secure the density bonuses. This is clearly indicated in an excerpt from the *2009 Master Plan* that directly discusses the area of the subject property.

> *"At the top of the hill, high-density housing is viewed as an appropriate measure to redevelop abandoned commercial properties on the east side of Glen Cove Avenue. High-density housing is considered appropriate here due to its prominent location at a gateway to the Downtown area, currently dominated by a Glen Cove Housing Authority project.* ***A density of up to 50 units to the acre could be considered, contingent on significant public improvements, as well as pedestrian and view-minded design features. These include: a landscaped median for the roadway; on- and off-site landscaping improvements; reduced curb-cuts compared to the present condition; frontage buildings that align and relate to the front sidewalks, not only for design purposes but also to provide 'eyes on the street' for an area considered by many to be characterized by loitering and illegal activities; and varied roof heights and setbacks to disguise the bulk of any buildings on the higher ground to the rear...The intent is to create a handsome new gateway into the Downtown area."*** (emphasis added)

This recommendation was codified in the RIO-GCA zoning district that was adopted in August 2010, especially with respect to density bonuses (1) and (2) of §280-73.3.F, as outlined above.
With respect to the parking density bonus (§280-73.3.F(1)), according to the Zoning Ordinance, if 75 percent of the required parking is located within structured on-site parking, which is located out of substantial public view, then a density bonus of 17 units per acre can be granted. Since all of the proposed parking is within a structure, the proposed project appears to meet this requirement.

With respect to the density bonus for on-site recreational amenities (§280-73.3.F(3)), according to the Zoning Ordinance, if an Applicant provides certain recreational facilities on site, including a fitness center with health equipment, swimming pools, multipurpose room/center and common area for social events, then a density bonus of three units per acre can be granted. Since the Applicant is proposing to provide all of the specified recreational amenities, the Applicant appears to meet this requirement. Thus, the Planning Board does not question the applicant's request for an increase in three units per acre in compliance with §280-73.3.F(3) of the Zoning Ordinance. However, according to this section, the provision of "on-site recreational

[13] The subject property is not located within the 2008 *Downtown Gateway Revitalization Plan* study area; however, it is on the edge of this area and the Applicant, in several versions of the DEIS, discusses the subject property's proximate location to this area.

amenities for the purpose of achieving additional site density does not necessarily satisfy the requirements of the applicant to provide parkland or money in lieu thereof as described in General City Law § 27-a, Subdivision 6."

With respect to the density bonus for streetscape improvements (Section 280-73.3.F(2)), a density bonus of 10 units per acre can be granted. However, according to the Zoning Ordinance, the streetscape improvements should be significant improvements and be situated within ½ mile of the RIO-GCA. Furthermore, these off-site improvements must be monetarily quantified so that the City Council can consider them in light of the public costs that would otherwise be required to effect the same improvements. The City Council also must consider the marketability of the downtown from the proposed improvements.

In the various versions of the FEIS submitted by the Applicant, the proposed streetscape improvements offered for the density bonus are the same as the ones as described for the Waiver of Inclusionary Housing, although, as noted above, the off-site streetscape improvements are the only ones to be considered for granting of the density bonus. The on-site specific streetscape improvements proposed by the Applicant are as follows:

1. Water features at the corner of Craft Avenue and Glen Cove Avenue and Young Avenue and Glen Cove Avenue.

2. Six separate buildings to modulate the structural mass of the new residences and create a neighborhood streetscape experience.
3. Architectural façades with varied textures, articulated with recesses, setbacks, coves and balconies.

4. Garden courtyards along Glen Cove Avenue, Craft Avenue and Ralph Young Avenue.

5. Residence windows facing west that will provide security-enhancing "eyes on the street."

6. Replacement of deteriorated existing commercial properties with residential buildings, to help achieve the RIO-GCA stated objective to "...remove vacant, obsolete, incompatible, underutilized and marginal structures..."

7. Placement of the pool below grade to provide an open landscape area that can be viewed from off site and allow a more casual grade to the existing ridge line.

8. Use of covered parking in structures, rather than surface parking.

9. Installation of security cameras, personnel and lighting to help secure an area that has been, as stated in Subsection A(3) of the RIO-GCA, "historically characterized by loitering and illegal activities."[14]

10. Landscaping improvements designed primarily for the benefit of Villa residents, but which will also enhance the overall appearance of the site within the larger community (i.e., landscaping in the

[14] The specific security systems and program would be established by the homeowners' association after construction.

proposed courtyard plazas, site perimeters and building entrances, some of which will occur on top of the garage deck).

Off-site streetscape improvements to the neighborhood that the Applicant alleges would provide a community benefit include:

1. Stamped concrete located along Craft Avenue, at its intersection with Glen Cove Avenue.[15]

2. 1,384 linear feet of 30-inch wide pavers along the curb line of Glen Cove Avenue, the north and south sides of Craft Avenue along the property frontage and the north side of Young Avenue along the property frontage.

3. Varied landscaping, including 31 street trees along the east and west sides of Glen Cove Avenue, nine street trees along the north and south sides of Craft Avenue, and 10 street trees along the north side of Young Avenue to provide a tree-lined street effect, as well as numerous shrubs and other plantings.

4. Street lighting to include a total of approximately 36 new fixtures along Glen Cove Avenue, Craft Avenue, and Young Avenue.

5. Reduction of stormwater runoff on Glen Cove Avenue resulting from stormwater management improvements on the Villa site, which may make capacity available for other development in the City.

6. Undergrounding of utilities along the east side of Glen Cove Avenue and the north side of Craft Avenue adjacent to the Villa at Glen Cove property.

While some of the streetscape improvements outlined in the *2009 Master Plan* and the *2008 Gateway Plan* (e.g., on- and off-site landscaping improvements; reduced curb-cuts compared to the present condition; buildings that align and relate to the front sidewalks to provide 'eyes on the street'; decoratively-paved sidewalks, decoratively-paved crosswalks; lighting along sidewalks; varied roof heights and setbacks[16]) have been included by the Applicant in the proposed project design, one of the specific items mentioned in both plans is the provision of a landscaped median in Glen Cove Avenue. It should be noted that the initial application for The Villa at Glen Cove included the "boulevarding" of Glen Cove Avenue in the vicinity of the subject property, and the creation of landscaped medians, although this improvement was noted as optional by the Applicant. This optional concept was eliminated by the Applicant in subsequent SEQRA submissions. Furthermore, the provision of a stormwater management system for the proposed development (while reportedly capturing more runoff than required – since the system also captures the runoff from upgradient properties) is not an off-site improvement for which credit should be taken. A stormwater management

[15] Previous versions of the streetscape improvements described in the EIS included the use of brick pavers within Craft Avenue, rather than stamped concrete.

[16] It should be noted that according to the *2009 Master Plan*, the provision of varied roof heights and setbacks was meant "to disguise the bulk of any buildings on the higher ground to the rear."

system must be provided to address stormwater runoff impacts associated with the proposed development, and the City would not be doing stormwater improvements on the subject property, absent the proposed action. Furthermore, as discussed the *Project History* section above, the consultants, as well as the Planning Board have, on a number of occasions, questioned the consideration of such proposed drainage improvement as a streetscape improvement.

In order to address §280-73.3.F(2)(a) and (b), the Applicant provided a proposed monetary quantification of both the on-site and off-site improvements in the April 2013 FEIS that it believes should be considered when evaluating density bonuses for streetscape improvements. A copy of the Applicant's quantification for the 196-unit plan is contained in Appendix S of this FEIS. The Planning Board has conducted an independent analysis of the potential costs associated with both the off-site and on-site improvements (see Appendix V of this FEIS for the analysis prepared by Cameron Engineering Associates), which included the following tasks:

- Verification of unit prices based upon recent Long Island construction experience
- Verification that the items utilized in the streetscape improvements are appropriate for the area
- Determination of whether each line item should apply to on-site versus off-site improvements
- Determination of what the City of Glen Cove would pay to obtain the same amount of benefit

Among other things, Cameron Engineering Associates concluded that various improvements claimed by the Applicant to qualify for density bonuses for streetscape improvements actually do not (see Appendix V of this FEIS). Among other things, Cameron Engineering Associates found that:

- Some of the unit prices for the trees and streetlight foundations required adjustment to conform to current data (2013) for construction projects in Glen Cove and Long Island.
- The stormwater improvements proposed within the subject property do not qualify as "off-site improvements" that would otherwise be undertaken at a cost to the City of Glen Cove.
- The City of Glen Cove would not, absent this development, bury utility wires underground on the segments of Glen Cove Avenue and Craft Avenue in front of the subject property.
- The Applicant inappropriately takes credit for design features that are actually necessary to construct the development at the density proposed (i.e., underground parking and the construction of multiple buildings).

Based upon a review of the information provided by the Applicant (Appendix S) and the analysis prepared by Cameron Engineering Associates (see Appendix V), the Planning Board believes the following off-site streetscape improvements are appropriate to consider when evaluating the density bonus requested by the Applicant:

- Street trees (silver linden, Japanese zelkova, and red maple) and associated materials
- Street landscaping (five-foot-wide grass strip along streets)
- Irrigation system
- Street lights
- Pavers along Craft Avenue, Young Avenue, and Glen Cove Avenue
- Stamped concrete on the Craft Avenue intersection

As indicated in Appendix V, the value of these improvements is approximately $583,210.00.

Additionally, with regard to the provision of on-site improvements, as described above, the Applicant has asserted that it is proposing certain on-site improvements that would improve the streetscape and benefit the community. While this may be the case, there is nothing in the Zoning Ordinance contained in the City Code that specifically permits credit for on-site improvements with respect to the granting of the streetscape density bonus.[17]

As explained in the above discussion, the landscaping and streetscape improvements proposed by the Applicant do not serve to provide a "handsome new Gateway into the Downtown areas" and are not sufficient to mitigate the significant adverse visual and community/neighborhood character impacts that would result from implementation of either the 216-unit plan or the 196-unit plan, as configured.

Based on the foregoing and SEQRA record, the Planning Board has concluded that the off-site streetscape improvements are not sufficient to support a density bonus of 10 units per acre for Streetscape Improvements.

1.2.4 Conclusion

Based upon the extensive information submitted by the Applicant, comments received from involved agencies and interested parties and the evaluations conducted by the Planning Board, after due consideration, the Planning Board has determined that implementation of the proposed action (the 196-unit plan, as currently configured) does not mitigate potential adverse environmental impacts to the maximum extent practicable. In order to minimize documented significant adverse impacts on visual quality and neighborhood character, the Planning Board finds that it is necessary to reduce the height of Building A and/or reduce the mass of the bulkheads and/or other rooftop features and provide additional rooftop vegetation on Buildings A and B in order to minimize the visual impacts to the areas to the east and north of the subject property. In addition, the Planning Board finds that the setback of Buildings B, C and F of the Villa at Glen Cove must be increased and the proposed landscaping at street level embellished in order to minimize potential significant neighborhood character impacts along Glen Cove Avenue.

With respect to density bonuses, based on the record before the Planning Board, and subject to the ultimate review and approval by the City Council (the agency with approval authority over density bonuses), it appears that the Applicant meets the requirements for granting of a 17-unit per acre density bonus for structured parking and a three-unit per acre density bonus for on-site recreational amenities. However, based on the analyses set forth herein, it does not appear that the Applicant meets the requirement for a 10-unit per acre density bonus for streetscape improvements.

[17] The Cameron Engineering Associates assessment also indicated that the on-site improvements that could be considered applicable to the requested Waiver of Inclusionary Housing included two fountains, which total $70,400.00 for on-site improvements (see Appendix V).

2.0

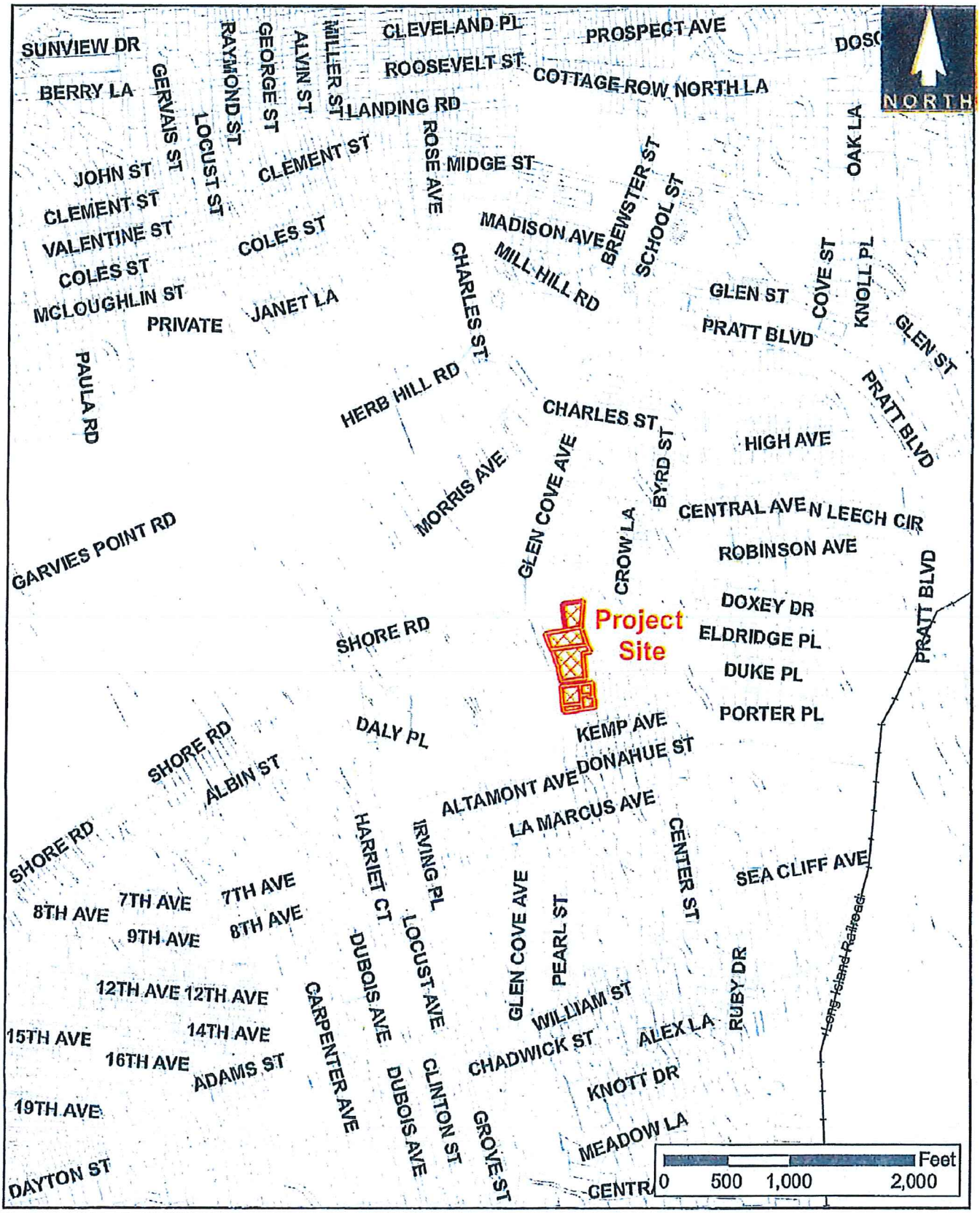
The Villa at Glen Cove Revised 196-Unit Plan

2.1 Overview

The Applicant, Livingston Development Corp. is proposing to construct a new residential development in the City of Glen Cove, New York. The project site is included within the Glen Cove Avenue Redevelopment Incentive Overlay District (RIO-GCA), which was adopted as Ordinance §280-73.3. In accordance with the provisions of the RIO-GCA, the Applicant proposes to demolish existing structures on the project site and construct a new residential development, consisting of six buildings containing condominiums, a health and recreation center, and underground parking. The Applicant is requesting site plan approval for the subject property, as well as a waiver from the City of Glen Cove's Hillside Protection regulations (Ordinance §280-50), a waiver from Inclusionary Housing provisions (Ordinance §280-75) and density bonuses, as permitted under the RIO-GCA.

As explained in Section 1.2.1 of this FEIS entitled *Project History and SEQRA Procedure*, by letter dated June 27, 2013, counsel to the Applicant advised the Planning Board that the subject application was amended, such that the Applicant is now requesting approval of a 196-unit residential condominium community. The proposed development also includes underground parking and supporting amenities for residents of the development, including a pool, fitness center, multi-purpose rooms, a community room, computer center, and landscaped courtyard plazas and terraces.

The proposed project site consists of approximately 3.96 acres (approximately 172,408 square feet) of property located in the City of Glen Cove on the eastern side of Glen Cove Avenue, as shown on Figure 4 and Figure 5.



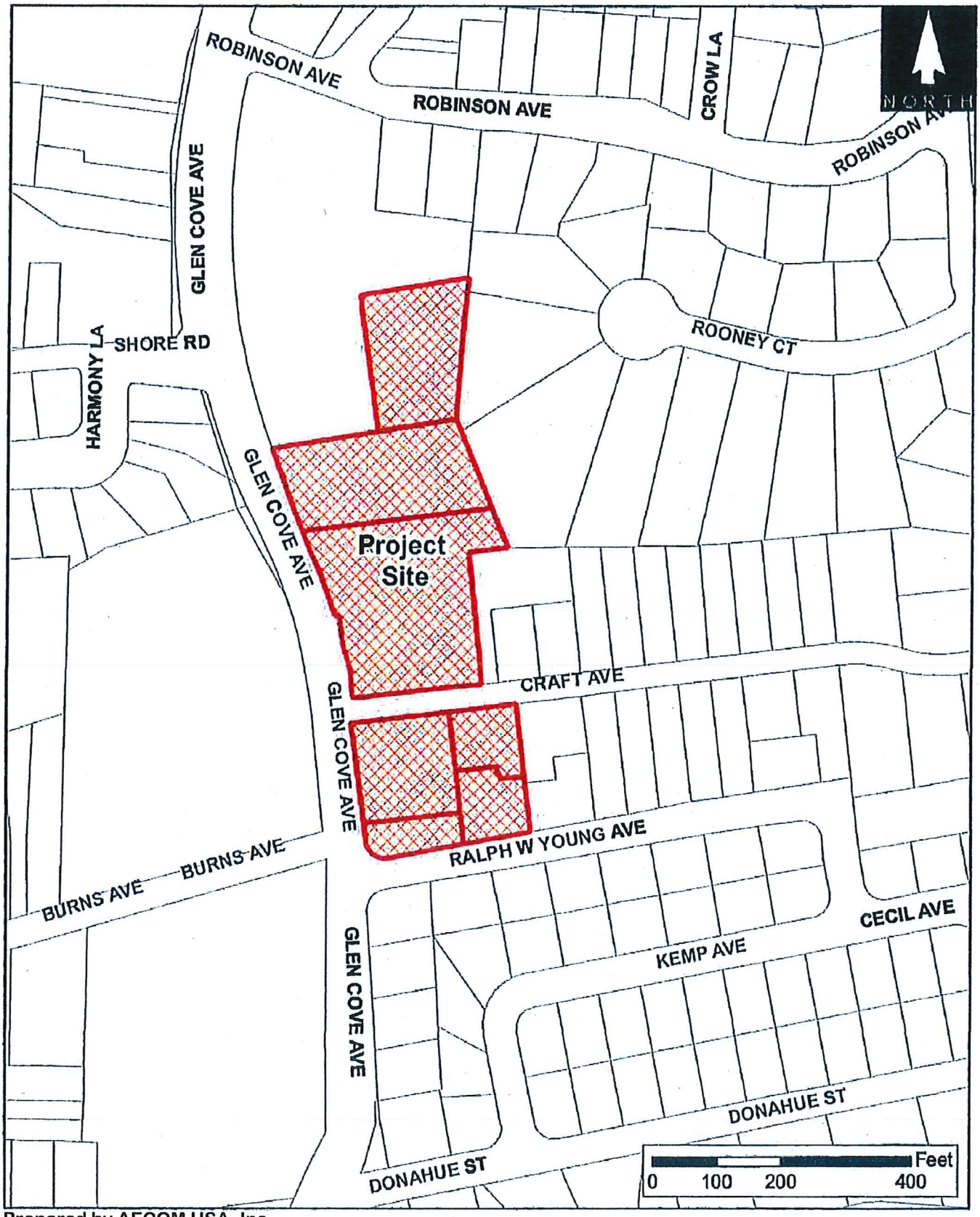
Prepared by AECOM USA, Inc.

The Villa at Glen Cove
Glen Cove, New York

Project Site Location (Overview)

Figure 4

VHB Engineering, Surveying and Landscape Architecture, P.C.



Prepared by AECOM USA, Inc.

The Villa at Glen Cove
Glen Cove, New York

Project Site Location (Close Up)

Figure 5

VHB Engineering, Surveying and Landscape Architecture, P.C.

2.2 Revised Design Elements

Based upon the comments made at the public hearing and received during and after the DEIS comment period, as well as discussions with the City of Glen Cove representatives, the proposed site plan application has been amended by the Applicant since the time of DEIS submission, and has been revised to reflect a reduction in the number of units from 216 to 196. A brief summary of the revisions is presented below, followed by a more detailed analysis of the following topics: transportation and parking; building heights; visual impact (including shadows); residential density; and sufficiency of neighborhood streetscape improvements.

The revised proposed development program includes the following main components:

- 196 new residential units, consisting of three one-bedroom units and 193 two-bedroom units, in six buildings ranging in size from 30,180 square feet (building D) to 123,421 SF square feet (Building A).
- 396 parking spaces, (two parking spaces per dwelling unit provided in underground stacked parking).
- Recreational amenities for building residents, including a fitness center, indoor swimming pool, sauna facilities, multi-purpose rooms, a community room, computer center, landscaped courtyard plazas, terraces, and yards (a total of 85,300 square feet of open space).
- New landscaping in the proposed courtyard plazas, site perimeter and building entrances.
- Roadway improvements, street tree plantings and installation of new street lights along portions of Glen Cove Avenue, Craft Avenue and Young Avenue.
- Reconfiguration of the buildings between the DEIS and FEIS, as shown on the "Comparison of Proposed Buildings to 2010 DEIS Buildings" provided in Appendix F. For example, at the northern end of Villa Building A, the proposed distance to the nearest existing Rooney Court residence is 173'-9," compared to a distance of 145 feet in the DEIS design. Near the southern end of Villa Building A, the proposed distance to the nearest existing residence is 84 feet, compared to a distance of 52 feet in the DEIS design.

The reduction of 20 units from the 216-unit plan presented in the DEIS and the extant 196-unit plan was accomplished by removing 16 units from Building A, including the 14 units of the entire top floor and two units from the first floor, and removing four units from Building B. The footprints of the Villa buildings in the 196-unit plan, including Building A and Building B, would be the same as those of the corresponding buildings in the 216-unit Villa development, as set forth in the DEIS.

Landscaping (in the form of potted shrubs and faux ivy) is proposed for roof terraces and balconies (Appendix F of this FEIS). The lighting for the site has been designed to provide limited upward light to preserve dark sky conditions while providing down lighting for the safety and security of residents on sidewalks and pathways.

The proposed collection of stormwater in dry wells has been refined to reduce runoff from the site. Impervious coverage has been decreased by reducing the building footprint of Building A, increasing landscaped areas and providing pervious paving with the appearance of turf for fire access lanes.

Proposed building heights were decreased between the 216-unit plan and 196-unit plan. Height information for the proposed buildings is provided in Section 2.3.2, below, and the visual impacts associated with these building heights are discussed in Section 2.3.3, below.

2.3 Impact Analysis of 196-Unit Plan

The following section provides an analysis of the issues/areas of concern that would be most impacted by the reduction in the number of units as well as other proposed design revisions.

2.3.1 Transportation and Parking

The following is an evaluation of the transportation and parking characteristics of the 196-unit plan.

Modal Split Analysis

According to the Census Transportation Planning Package (CTPP 2000), 15.7% of Nassau County residents used public transportation to commute to work. These trips are distributed throughout the day and represent residents leaving for work in the morning as well as those leaving home at night. Notwithstanding this, the Applicant used a public transportation rate of 25 percent in its analysis.

The peak time for commuters using public transportation is between 7:00 and 8:00 am. Approximately 30% of commuters using public transportation leave for work during this time period.

Applying the hourly distribution to the overall percentage of trips using public transportation results in peak hourly demand of approximately 7.5 percent (25 percent public transportation x 30 percent commuter trips occurring between 7:00 a.m. and 8:00 a.m. = 7.5%). According to the Applicant, the proposed development is anticipated to generate approximately 72 exiting trips during the morning peak hour. Applying a modal split of 7.5 percent public transportation to the morning peak exiting volume equates to six public transit trips.

City of Glen Cove Commuter/Loop Bus Service Analysis

The Applicant's traffic consultant, Mulryan Engineering, P.C., conducted a review of the existing City of Glen Cove Commuter/Loop bus service. According to the City of Glen Cove Department of Public Works, the bus service travels on two distinct routes. The first route provides commuter access to and from the Long Island Rail Road and local businesses. The first route occurs once in the morning. The second route starts at 9:00 am and ends at 2:45 p.m. traveling to the park, hospital, post office, library, senior center, supermarkets and local shops. The second bus route runs four times a day.

Table 2-1, provided in Appendix N of this FEIS shows the monthly ridership for the past 12 months. Mulryan Engineering, Inc. conducted interviews by telephone on June 1, 2012 with the City of Glen Cove Department of Public Works and the City's bus driver. The bus has a capacity of 24 passengers. The morning commuter bus service typically has three to six passengers, and has a reserve capacity for an additional 18 commuters. The afternoon Commuter/Loop bus service typically has approximately five passengers at any one time. The peak occurs in the afternoon when as many as 10 passengers may be on the bus.

Shuttle Van Service

In an effort to further mitigate potential adverse impacts to the City, as well as to provide a useful amenity to Villa residents, the Applicant proposes to provide a 22-passenger shuttle van. The shuttle van will offer residents of the Villa transportation to the Long Island Rail Road, proposed Ferry and to the downtown area. The shuttle van will be provided as a complimentary service to Villa residents and their visitors and will run throughout the day as needed. It will have approximately the same capacity as the existing City of Glen Cove Commuter/Loop bus service, which operates with a single 24-passenger vehicle. This single vehicle is provided for the entire City of Glen Cove. The Applicant is providing a 22-passenger shuttle service for the sole use of the residents of the proposed development.

The shuttle van service will leave the site three times per hour to accommodate the demand during the peak hours, and will be able to transport residents daily to and from the proposed Ferry, Long Island Rail Road and downtown area. The frequency of operation will allow residents to easily coordinate their schedules with the Long Island Rail Road, Ferry and/or trip to their work locations in the downtown area; accordingly, these residents will not need to use their vehicles in the morning or in the evening, thus reducing the overall number of trips generated by the site during the peak and off-peak hours. The shuttle van schedule will be adjusted to coincide with the travel patterns of the residents to avoid trips with limited ridership.

The shuttle van service help to mitigate the potential increase in parking demand at the area train stations and/or Ferry terminal.

Distribution Analysis

The distribution analysis prepared by the Applicant for the DEIS estimates that approximately 20% of the trips generated by the site will be destined to the Long Island Rail Road. The proposed 196 condominiums will generate a total of 72 exiting trips in the morning peak hour. This represents 14 peak hour trips utilizing the Long Island Railroad. If these residents choose to utilize the shuttle van service, the volume of trips generated by the site will be reduced from 72 to 58 trips during the peak hour. The shuttle van will generate an additional 3 trips creating a total of 61 trips leaving the site during the morning peak.

Parking Generation

The Institute of Transportation Engineers (ITE) has collected parking generation studies of several types of residential developments. The information is contained in the Parking Generation, 4th Edition 2010. This is

often referred to as the Parking Generation Manual and is considered the industry standard for traffic engineering studies.

The proposed development is located outside Manhattan with access to the City via mass transit. Glen Cove is developed with a mix of single family homes, multi-story office and residential buildings. The City provides a comprehensive pedestrian network of sidewalks, crosswalks and pedestrian signals. Under the definitions provided by the ITE, the City of Glen Cove is considered to be a central city (not downtown).

The ITE defines high-rise buildings as those with 5-or more stories. Under this definition the proposed project is defined by ITE as a high-rise apartment building.

The residential parking generation data provided by the ITE is summarized below. The parking data for low/mid-rise apartment buildings (having one to four levels) is also provided for reference as it exhibits similar parking generation characteristics.

Table 1 – Parking Rate Data

Land Use	Range of Parking Generation Rates	Average Peak Parking Generation Rate	85th Percentile Peak Parking Generation Rate
Low/Mid-Rise Apartments in suburban areas with an average of 1.7-bedrooms:	0.59 – 1.94	1.23	1.94
Low/Mid-Rise Apartments in urban areas with an average of 1.9-bedrooms:	0.66 – 2.50	1.20	1.61
18High-Rise Apartments in central cities (not downtown):	1.15 – 1.52	1.37	1.52
Residential Condominium/Townhouse in suburban areas:	1.04 – 1.96	1.38	1.52

The average peak parking demand rate represents the sum of peak parking demand data points for a specific period divided by the number of observations for that period (the mean).

The peak parking data points are also used to establish a regression equation. The ITE regression equation for high-rise apartments is $P = 1.04x + 130$. P represents the number of parked vehicles and x represents the proposed number of units. This equation also contains a constant of 130-parked vehicles. The ITE rate and equation merge when analyzing a complex of 395-units. When the number of proposed units goes below 270 the resulting parking rate calculated by the regression equation exceeds the maximum observed rate of 1.52-parked vehicles per unit. The elevated rate calculated using the regression equation is related to the 130-vehicle constant. The regression equation for residential condominium/townhouse in suburban areas is $P = 1.26x + 9$.

[18] The ITE defines a high-rise building as having 5 or more levels (floors). Central cities (not downtown) are defined as areas outside the downtown area of a larger city. These areas have a greater land use density than suburban sites but substantially less dense than Central Business Districts. The intent of this classification is for the area around large central cities, such as Manhattan, where travel characteristics are likely to be unlike suburban conditions. Suburban areas are defined by the ITE as having limited transit services, less-than-complete pedestrian networks and a predominance of single story buildings.

Using the regression equation provided for high-rise apartments, the proposed 196-unit site would generate 334 parked vehicles with a parking generation rate of 1.70 parked vehicles per unit. This rate exceeds the maximum rate observed in the ITE study data indicating that this rate may exceed the actual demand experienced at the proposed site.

Using the regression equation provided for residential condominium/townhomes, the proposed 196-unit site would generate 256 parked vehicles with a parking generation rate of 1.31 parked vehicles per unit. This regression equation with a smaller constant provides a more consistent result in comparison to the average peak parking rate.

The parking generation data for high-rise apartments in central cities represents sites with an average of 435 units located within three blocks of transit service. The project has an average of 1.98 bedrooms per unit (389 bedrooms/196 units = 1.98). The proposed average number of bedrooms per unit is similar to those included within the ITE data.

The Mulryan Engineering, P.C. analysis of the information provided by the Institute of Transportation Engineers indicates that the subject site will generate between 1.15 and 1.52 parked vehicles per unit. The average peak parking demand is anticipated to be 1.37 parked vehicles per unit.

Based on the accepted industry standards the proposed development is anticipated to generate 269 parked vehicles during peak demand (196 units x 1.37 = 269 peak parking demand). These parked vehicles include residents, visitors and employees of the building. Based on this analysis, the Applicant has indicated that the 396 parking spaces provided are adequate to accommodate the anticipated demand.

According to the analysis prepared by the Applicant, the site will operate with a reserved capacity of 127 available parking spaces during peak parking demand. Although the sites' anticipated parking demand is 1.37 parked vehicles per unit (based on the ITE Parking Generation, 4th Edition 2010) with a minimum of 1.5 parking spaces per unit required per code, the sponsor is providing 2.0 parking spaces per unit.

Proposed Underground Structured Parking - Compliance with § 280-73.3 Glen Cove Avenue Redevelopment Incentive Overlay (RIO-GCA) District

The City of Glen Cove Zoning Ordinance § 280-73.3 Glen Cove Avenue Redevelopment Incentive Overlay (RIO-GCA) District provides, in relevant part, as follows:

> *F. Additional incentives and bonuses. An applicant may apply for an incentive adjustment to the lot area and bulk requirements of this chapter in exchange for one or more of the following incentives. Incentives and bonuses may be combined, but in no case shall the maximum residential density of the site exceed 50 units to the acre. In the event that the permissible density shall include part of a unit, the permissible density shall be rounded.*
>
> > *(1) Density bonus for structured parking. In recognition of the detracting character of large expanses of parking and asphalt associated with multifamily development, where an applicant proposes to accommodate at least 75% of the required parking within structured on-site parking, which is*

> *located out of substantial public view, the City Council shall increase the maximum residential density by 17 units per acre.*

The sub-section contains two requirements for the density bonus, that it: 1) "accommodate at least 75% of the required parking within structured on-site parking" and 2) provide such structured parking "out of substantial public view."

The proposed project conforms to the aforesaid density bonus provision as it provides underground structured parking for each of the 396-proposed parking spaces, thereby exceeding the requirement that 75% of the proposed parking spaces be provided within structured parking. These spaces will be completely out of public view, rather than only "out of substantial public view." Further, the proposed structured parking will minimize "the detracting character of large expanses of parking and asphalt associated with multifamily development" as provided in the ordinance.

In addition to the structured parking being located out of public view, the Applicant has elected to install a vehicle storage system to minimize the footprint of the parking facility. This allows the proposed parking structure to be a fraction of the size of a typical self-park parking garage.

The proposed compact underground parking structure is covered by the proposed building and the landscaped courtyard. The compact nature of the proposed parking structure is facilitated by the vehicle storage system. The ceiling height in the garage is approximately 25 feet. The garage is built into the existing topography to be totally undetectable from the public view.

Similar vehicle storage units are used across the United States to provide a more efficient utilization of land. The vehicle storage units proposed can triple the capacity of a parking space on a given site.

According to information provided by the Applicant, there is an increased demand for vehicle storage units for new and existing developments in urban and suburban areas according to Park Plus, Inc. (manufacturer of the proposed vehicle storage units) and Parking Systems (the valet operator for the proposed project). A company profile and curriculum vitae for both Park Plus, Inc. and Parking Systems is provided in Appendix P. Below is a list of residential locations that have recently installed Park Plus Inc. vehicle storage units.

Recent Park Plus Residential Vehicle Storage Installations (Residential Condominiums, Co-ops, and Apartment Buildings)

New York City

Address	Name	Number of Units
88 Leonard Street	Edison Properties	55
12 East 1st Street	Avalon Bay Properties	35
10 East End Avenue	Manhattan Parking Group	30
627 West 43rd Street	Moinian Properties	53
401 West 110th Street	Avalon Bay Properties	37
247 West 46th Street	SJP Properties	42
Avenue U	Ocean Pkwy Kiska Properties	22

15 Central Park West	Zeckendorf Development	48
99 Wall Street	Moinian Properties	36
236 Livingston Street	Parkview Management	37
400 East 67th Street	Solow Properties	24
325 Gold Street	Avalon Bay Properties	114
1481 Fifth Avenue	Futterman Development	63
839 6th Avenue	MD/Carlisle	63
610 42ND Street	Silverstein Properties	52
1113 York Avenue	Solow Properties	56
133 West 22Nd Street	SHK Parking	36
150 4th Avenue	Iconic Group	37
450 Washington Street	Parker Organization	22
475 Driggs Avenue	WP Developers	8
2148 Broadway	Stahl Realty	42
4469 Broadway	Jackson Development	24
15 William Street	CIM Group	71

Miami, Ft. Lauderdale

Address	Name	Number of Units
1100 South Miami Ave, Miami	Related Group	56
Bay Harbor Isle	St. Regis Condominiums	286
7930 East Drive, North Bay Village	---	24
3051 No. Ocean Beach, Miami Beach	---	61
Miami Beach	Sole South Point	62

Philadelphia

Address	Name	Number of Units
10 Rittenhouse Square	---	55
2040 Market Street	---	77

Providence

Address	Name	Number of Units
85 Dorrance Street	---	10

Vehicle Storage Systems in Suburban Areas

The City of Glen Cove has enacted legislation (§ 280-73.3 Glen Cove Avenue Redevelopment Incentive Overlay (RIO-GCA) District) to overcome the detracting character of large expanses of parking and asphalt associated with multifamily development. The legislation also seeks to minimize the visual impacts of large parking structures. The proposed vehicle storage units in conjunction with the valet service will assist in complying with the goals of the City.

Access to Garage Facility

The vehicle storage system would be operated by valets. Residents would walk along the outside of the development or through a set of indoor corridors to enter the lobby to gain access to their vehicles. As residents can travel inside to obtain their vehicles they can be protected from the weather. Residents on the south side of Craft Avenue can enter and exit the internal corridor system from the doorway located on the south side of Building C.

The Applicant has advised that during the process of purchasing a unit, residents will receive information about the complex, shuttle van and valet parking service. Residents will be required to complete an application including a description of their daily commuting habits. This information will be used by Parking Systems (the valet service) as a starting point in order to position each vehicle within the parking garage. As the valet attendants learn the commuting habits of each resident, vehicles will be arranged accordingly within the garage to facilitate operations during the peak hours. Each unit will have a direct communication connection to the valet kiosk to provide advanced notification to the valet service. This advanced notice will allow the valet service to enter the vehicle into the retrieval system.

Since vehicles will be stored in a covered structure parking facility, the need for snow removal on the site will be limited to the driveway and walkways. The proposed structured parking facility will eliminate the potential adverse effects of snow, ice, rain, hail and falling trees and tree limbs due to weather and other related conditions on vehicles parked on-site.

Parking Facility South of Craft Avenue

A parking lot is proposed below the buildings on the south side of Craft Avenue. This parking lot contains 15 parking spaces including two ADA-accessible parking stalls, which complies with the Americans with Disabilities Act Accessibility Guidelines. This parking lot is provided for temporary short-term parking associated with the buildings on the south side of Craft Avenue. The building staff will monitor the parking lot to ensure that vehicles do not park for extended periods. Residents would be subject to fines for violating building rules related to this lot and vehicles will be towed, if necessary.

Initial Move-In and Stabilization Period

The traffic engineering analysis conducted by the Applicant and included in Appendix D of the May 2010 DEIS, with supplemental information provided in Appendix M of this FEIS, considers future conditions under full occupancy. The analysis looks past the initial move-in period when the occupancy will be minimal, as, according to the Applicant, it will take several months for the buildings to become fully occupied. The valet service, shuttle van service and vehicle storage system will have a stabilization period during the first several months. During this period of stabilization, operations will be fine-tuned and adjusted as necessary. Further adjustments will be made to address increased building occupancy and the travel demands of the residents.

General Operations and Staging

During the unit purchasing process, residents will receive a questionnaire, which will be used to determine the general travel and commuting patterns of each resident. A sample questionnaire is provided in Appendix P of this FEIS. Valets will become familiar with the travel patterns of residents once they have moved into the building. This will allow the valets to stage vehicles in accordance with the travel patterns of the residents during the week and on the weekends.

Each resident will have the ability to contact the garage before leaving his or her unit. While the resident is traveling to the garage, the vehicle will be retrieved and positioned to deliver to the resident. Each unit will have a direct communication connection to the valet kiosk. The Applicant is also proposing a mobile application for use with smart phones and tablets to coordinate with the valet kiosk.

The valet staff working the night shift will relocate vehicles parked during the evening to prepare for the morning commute. This activity will occur during off-peak times when activity is at a minimum. The vehicles will be located in areas according to when the residents who own them typically leave.

If a resident needs to leave unexpectedly (outside of his or her normal travel patterns) the valets will maneuver vehicles within the garage, as necessary. Retrieving a vehicle from the most remote upper tier of a vehicle storage system unit would require that three ground-level vehicles be moved, one additional vehicle from the second tier and then the desired vehicle would be driven to the resident. Moving these vehicles within the garage can be accomplished within approximately five minutes. It will take residents time to travel to the garage so, it is expected that they will not experience any undue delay.

The garage design provides ample outbound stacking. The main area of the garage provides a 240-foot long drive aisle, which is approximately 27 feet wide. The smaller section of the main garage provides a 100-foot drive aisle, which is approximately 20 feet wide.

Queuing and Storage

According to the Applicant, Parking Systems, which is a valet parking provider in the New York area (since 1954) involved in the procurement of management and leasing agreements, and provides operations, maintenance, revenue control, traffic directing and consulting service for over 400 locations throughout New York, New Jersey and Connecticut, .would provide valet service to the proposed site and has assisted in the preparation of the valet parking plan (Sheet A-027, provided in Appendix P of this FEIS). The valet parking plan was developed with input from Mark Baron of Parking Systems and Michael Beck of Park Plus, Inc. Parking Systems has provided valet services at The Wyndham at Garden City and the Plandome Country Club for the past 20 years.

The subject site design provides 127 on-grade parking spaces within the main parking facility.[19] Of the 127 on- grade parking spaces, 119 are located within the first and second rows of the garage. These parking

[19] The three levels provide parking for 381 vehicles in the main garage. The additional 15 spaces are provided under Building F, south of Craft Avenue.

spaces are readily available without the use of the vehicle storage system. The quantity of on-grade parking spaces can handle the peak morning and evening turnover, according to the Applicant. As stated, the valets will use information provided by each resident to position vehicles in the most appropriate position within the garage. The information provided by the residents will be used as a starting point. As the valets become familiar with each resident, vehicles will be positioned to facilitate operations during the peak hours.

Sheet A-026 in Appendix P has been prepared by the Applicant's consultant, Paulus, Sokolowski and Sartor Engineering, P.C. (PS&S), to show the number of on-grade parking spaces within the parking garage. The plan also shows 995-linear feet of storage/queuing area within the parking facility. This area is comprised of three 240-foot long aisles (720 feet), two 100-foot long aisles (200 feet) and a 75-foot shoulder area along the north side of the site driveway (995 feet total storage/queuing). These storage/queuing lanes will be used by the valets to maneuver vehicles into and out of storage system.

A space has been dedicated on the site for the proposed shuttle van. The shuttle van will park in a designated area for residents to load and unload. The shuttle van has the capacity to transport residents to and from the site during the peak hours.

Residential developments typically have traffic flows primarily in a singular direction during the peak hours. Experience at hospital facilities with similar valet services shows that during shift changes, valet service with storage units can accommodate a high level of two-way peak traffic flow. As the peak traffic flow in the morning will be exiting the site and the peak traffic flow in the evening will be entering the site, the operator should have no issues with the occasional vehicle entering the facility in the morning or exiting the site in the evening.

More specifically, during the morning peak hour, under full occupancy, a total of up to 72 exiting vehicle trips are expected to be made. The parking garage provides 127 on-grade parking spaces and the shuttle van has the capacity to transport an additional 66 people (22 passengers times three trips in the morning peak hour). In combination, the on-grade parking and shuttle van have the capacity to accommodate 193 exiting trips in a one hour period (over 2.5 times the anticipated number of trips), without using the vehicle storage system.

The number of on-grade parking spaces is over 150 percent higher than the anticipated peak morning exit volume.

Parking Facility Operations

Depending on demand, valet attendants will deliver vehicles directly to the lobby area or to the storage area along the site driveway.

The valet attendants are expected to utilize the 127 on-grade parking spaces to accommodate the peak entry/exit volume. As the morning commute starts vehicles will be removed from the on-grade parking spaces providing easier access to the vehicles stored on the vehicle storage units.

If a vehicle needs to be retrieved from the vehicle storage unit while a vehicle is parked on-grade, valets will work in teams to maneuver these vehicles. Park Plus (the manufacturer of the proposed units) represents that a vehicle can be lowered in 15 seconds.

Providing a conservative estimate of 60 to 90 seconds per vehicle retrieval, each valet can retrieve 40 to 60 vehicles per hour. Utilizing three valets to retrieve vehicles provides a retrieval capacity of up to 150 vehicles per hour. This is two and one half times the anticipated turnover.

The Applicant is anticipating using a minimum of four valets during the peak hours and a driver for the shuttle van. One of the valets will operate a kiosk. The kiosk attendant will communicate with the residents and instruct the valet operations.

The vehicle storage system will reduce wait time by allowing valets to travel to and from the parking space in a short time.

Turnover Rate

A self-park garage and/or parking lot would require residents to leave their units and travel through the building to the parking structure and then proceed to their vehicles. The valet service allows the residents to communicate with the garage facility prior to leaving their condominiums. As residents travel to the lobby the valet service will retrieve their vehicles from the parking garage.

In the evening, valets will meet residents as they pull into the covered area of the driveway. Residents will then enter the building and go to their condominiums.

Parking in a parking lot or garage would require residents to search for available parking self-park and travel back to the building entrance. The proposed valet service is an amenity that is an integral part of the Villa at Glen Cove. Residents who choose to purchase a unit at the proposed Villa at Glen Cove will make this decision with a full knowledge of the valet service. The parking provided on site is adequate to accommodate the residents, employees and visitors of the proposed development. The valet service will allow residents quick and easy access to their vehicles without the time and effort required to maneuver into and out of parking spaces.

Potential On-Street Parking

Parking is restricted along the site frontage and proximate to the site. As detailed above, the valet service and vehicle storage system will provide efficient movement of vehicles into and out of the site. The shuttle service, which was not included in the analysis contained within the DEIS, will also reduce the number of vehicles entering and exiting the site during the morning and evening peak hours.

The Applicant has asserted that residents will have no reason to park off-site as the proposed structured parking and valet service allows residents to enter or exit their vehicles in proximity to the main lobby.

While the Planning Board anticipates that some residents, visitors, etc. may choose to park on the street, the proposed development is not expected to have a significant adverse impact with respect to on-street parking.

Potential Power Outage and Potential Equipment Failure

The vehicle storage system is fully supported with a generator system designed specifically to provide power to the vehicle storage system in the case of a power outage. (The buildings will also have emergency generator power for lighting, fire alarms, telecommunications, security and ventilation systems.)

Although the entire system is backed up with a generator system, each unit can be manually lowered without electricity with a release handle using hydraulics to control descent of the vehicle.

According to information provided by the Applicant, based upon ITE parking generation data for similar facilities, the proposed parking garage has a reserve capacity of 123 available parking spaces during peak parking demand. As each vehicle storage unit is an individual unit, an equipment failure of one vehicle storage unit can easily be handled due to the excess number of parking spaces provided. Equipment failure of one or multiple units will not create an adverse parking impact as the parking garage provides ample on-site parking to accommodate these conditions until the equipment can be repaired.

Equipment Maintenance

Park Plus Inc., the manufacturer of the vehicle storage units proposed for this project, schedules quarterly visits each year to conduct standard maintenance of the vehicle storage units. These visits are scheduled with building management well in advance to make certain the operation is not affected.

Maintenance of the units occurs during the day when parking turnover is at a minimum. As the site has ample reserve capacity within the parking structure, maintenance of the units will not create an adverse impact.

2.3.2 Building Heights

Proposed building heights of the 196-unit plan are within the limits defined by the RIO-GCA (see §280-73.3.D(8)). The building height requirement is an average of 50 feet for all buildings as measured from existing grade at the four corners of each building. Additionally, within 25 feet of the property line, no part of any building can be more than 50 feet above existing grade (and five stories). No part of any building shall be more than 75 feet above existing grade. Stair towers, mechanical equipment and other nonhabitable space may extend no more than 10 feet above the maximum height requirement. In this case, the maximum stair bulkhead height above the roof is 9 feet-4 inches.

Height information for the proposed buildings included in the 196-unit plan is provided in the following table.

Table 2 – Building Heights for 196-Unit Plan

Building	Maximum Stories	Average Roof Height*	Maximum Roof Height*	Maximum Height of Building (Including Stair Bulkheads)
A	6	40' – 8"	65' – 0"	74' – 4"
B	5	42' – 6"	52' – 4"	61' – 8"
C	5	39' – 0"	38' – 0"	47' – 4"
D	5	40' – 0"	63' – 0"	72' – 4"
E	5	40' – 0"	70' – 4"	79' – 8"
F	5	42' – 0"	51' – 8"	61' – 0"

*From existing grade (see Response to Comment C-6). Measurement does not include the parapet. However, parapets are not excepted from the measurement of building height.

Table 3 provides a comparison of the building heights, stories and unit distribution for the 216-unit plan and the 196-unit plan for Building A and Building B. The heights of Buildings C, D, E and F did not change with the Applicant's reduction of units from 216 to 196.

Table 3 – Comparison of Building Heights, Unit Square Footage and Distribution (Buildings A and B) for the 216-Unit and 196-Unit Plans

Building/Parameter	216-Unit Plan	196-Unit Plan
Building A – Stories (maximum)	7 stories	6 stories
Building A – Average Height from Existing Grade**	50 feet	40 feet – 8 in
Building A – Maximum Height at Finished Grade	74 ft – 4 in	65 ft – 0 in
Building A – Reported Elevation at Highest Point on Roof	140 ft – 4 in	131 ft – 0 in
Building A – Elevation at Top of Highest Parapet***	143 ft – 8 in	134 ft – 4 in
Building A – Units/SF	90 / (145,907 SF)	74 / (123,421 SF)
Building A – Units per Floor	13±	12±
Building B – Stories (maximum)	5 stories	5 stories
Building B – Average Height from Existing Grade**	48 feet	42 feet – 6 in
Building B – Maximum Height at Finished Grade	61 ft – 8 in	52 ft – 4 in
Building B – Reported Elevation at Highest Point on Roof	121 ft – 8 in	112 ft – 4 in
Building B – Elevation at Top of Highest Parapet***	125 ft – 0 in	115 ft – 8 in
Building B – Units	33 / (50,899 SF)	29 / (46,196 SF)
Building B – Units per Floor	7±	6±

*No changes are proposed in Buildings C, D, E and F.
**Measured by the Applicant.
***The parapet is 3 feet – 4 inches above the roof.

2.3.3 Visual and Neighborhood/Community Character Impact

As explained in Section 1.2.2 of this FEIS, in order to objectively and fully evaluate visual and neighborhood character impacts for amended (196-unit) plan submitted by the Applicant, the Planning Board commissioned the preparation of line-of-sight diagrams to supplement the Applicant's photosimulations and line-of-sight/section drawings for each plan, as provided in Appendix Q of this FEIS.

Based upon the Grading and Drainage Plan (Sheet C07) provided on the disk in Appendix F of this FEIS, the ground floor elevation of the residence on Rooney Court closest to the northern property line of the subject site (designated House A) was estimated to be 114 feet above mean sea level (amsl). The ground floor elevation of the nearest residence located along Craft Avenue (designated as House B) is also approximately 114 amsl feet, based upon spot elevations shown on this plan. At an average height of six feet, a person standing in the yard of either of these houses would have a line-of-sight at approximately elevation 120 feet amsl. At the upper story of Building B, the line of site elevation was estimated at approximately 132 feet amsl. Two different lines-of sight were prepared relative to Building A (Sight Line 'A-1' and Sight Line 'A-2') and one line-of-sight was prepared relative to Building B (Sight Line 'B') (see Figure 2 and Appendix U).

With respect to the 196-unit plan, as shown on Figure 2, the A-1 drawing indicates that along this line-of-sight, the viewer, who is standing approximately 172 feet from the rear façade of Building A and 189± feet from the nearest bulkhead, would be looking at the stair bulkheads for the rooftop units, which would extend almost two feet above the viewer's line-of-sight at that point on the roof of this four-story portion of the building. As noted in Section 1.2.2, the stair bulkheads are much larger than typical building projections such as single emission air stacks or conventional mechanical equipment for apartment buildings.

As can be seen from the A-2 line-of-sight drawing in Figure 2, since Building A in the 196-unit plan is six stories along this line-of-sight, the viewer, who is standing approximately 243 feet from the rear façade of Building A and 260± feet from the nearest bulkhead, would be looking directly at the bottom of the sixth (top) floor of the building (with one residential story above). The top of the parapet would be over 14 feet above the viewer and the top of the stair bulkhead would be over 20 feet above the viewer at this point. As noted above these bulkheads are much larger than typical building projections.

With respect to Sight Line B for the 196-unit plan (see Figure 2), this line-of-sight drawing shows that, at ground level, the viewer in this location (who is standing approximately 84 feet from the rear façade of the building) is looking directly at the back of Building A at near the top of the fifth floor of the building at that point (with one residential story above). The top of the parapet is over 14 feet above the viewer at ground level and the top of the highest bulkhead is just over 20 feet above the viewer. A viewer at the upper story, at approximately 87 feet from the building, would be looking at a point between the top of the roof and a top of the parapet, with the top of the large stair bulkhead extending approximately eight feet above that point.

As explained in Section 1.2.2 and illustrated in the line-of-sight diagrams, while the 196-unit plan (which removes one story from Building A and staggers the height of the roof along Building A, when compared to the 216-unit plan) reduces the visual impact to the closest neighbors from those of the 216-unit plan, the 196-unit plan still results in significant visual impacts, as the neighbors to the east will be looking directly at the large mass at the rear façade of proposed Building A.

In order to address this significant adverse impact, the Applicant has offered to build landscaped berms on the private properties of various residents to the east. The Planning Board does not consider this to be sufficient mitigation for the significant adverse visual impacts that would be created to the neighboring properties to the east. Moreover, as explained in this FEIS and shown on Drawings A-024 in Appendix F (216-unit plan) and Appendix Q (196-unit plan), the landscaped berms were only proposed for three properties on Rooney Court. No mitigation was proposed for other properties that would experience significant adverse visual impacts (on Rooney Court or on Craft Avenue). See Section 1.2.2 of this FEIS for additional discussion of visual impacts associated with the proposed development.

A shadow study of the 196-unit plan has demonstrated there will be minimal shadow impact on neighboring residences from the proposed buildings. Seven shadow diagrams for the 196-unit plan are provided in Appendix Q of this FEIS.

The seven shadow impact diagrams for the 196-unit plan were produced from an Autodesk Revit Architecture 2012 3D model. The diagrams illustrate shadow impacts at different times of day and different seasons of the year. It should be noted that the average height above finished grade on the east sides of Buildings C, D, and E is 28′ – 6″. Therefore the impact of the proposed development is similar to a two- or three-story structure.

The Summer Solstice 8:00 a.m. diagram shows that the only summer early morning offsite shadow impact would be to the southeastern corner of the Boys & Girls Club building. On the Villa site at that time, the eastern façade of Building B would be in the shadow of Building A, and the eastern façade of Building F would be in the shadows of Building D and Building E.

The Summer Solstice 4:00 p.m. diagram shows that the only summer late afternoon shadow impact from Villa buildings would be to the northwestern corner of a residential building that fronts on Young Avenue. On the Villa site at that time, the western facades of Building D and Building E would be in the shadow of Building F.

The Vernal Equinox/Autumnal Equinox 8:00 a.m. diagram shows that the only spring/fall early morning offsite shadow impact would be to the southern half of the Boys & Girls Club building. In addition, the frontage of the Glen Cove Housing Authority property on the west side of Glen Cove Avenue would also be in shadow at this time. However, neither these residential buildings nor other off-site residences would be in the shadows of Villa buildings then. On the Villa site at that time, much of the eastern façade of Building B would be in the shadow of Building A, and the eastern façade of Building F would be in the shadows of Building D and Building E.

The Vernal Equinox/Autumnal Equinox 4:00 p.m. diagram shows that the spring/fall late afternoon shadow impact would be to the northwestern corner of a residence that fronts on Young Avenue, as well as its backyard and the yard of a house on Craft Avenue. On the Villa site at that time, the northern half of the western façade of Building A would be in the shadow of Building B and the western facades of Building D and Building E would be in the shadow of Building F.

The Winter Solstice 8:00 a.m. diagram shows that the entire Boys & Girls Club building would be in the winter early morning shadow of Building A. However, this shadow lasts less than one hour. The shadow of Building F would reach to the base of the Glen Cove Housing Authority (Mason Drive Development)

residential buildings west of Glen Cove Avenue at that time, but would not cast the entire eastern façade of that building in shadow. On the Villa site at that time, almost all of the eastern façade of Building B would be in the shadows of Building A and Building C, Building C would be in the shadow of Building D, and the eastern façade of Building F would be in the shadows of Building D and Building E.

The Winter Solstice 12:00 p.m. diagram shows that there would be no shadow impact to offsite buildings at midday in winter. On the Villa site at that time, the southern façades of Building A and Building B would be in the shadow of Building C, the southern façade of building C would be in the shadows of Building D and Building F, and the southern facade of Building D and the northeastern corner of Building F would be in the shadow of Building E.

The Winter Solstice 4:00 p.m. diagram shows that winter late afternoon shadow impacts to off-site buildings would be limited to the shadow of Building D touching the yard and the base of the southwestern corner of a residence that fronts on Craft Avenue, and the shadow of Building E touching the yards and the base of the western façade of a building midway between Craft Avenue and Young Avenue. On the Villa site at that time, much of the western façade of Building A would be in the shadow of Building B, the southern façade of Building A would be in the shadow of Building C, the southern façade of Building C would be in the shadow of Building F, the southern façade of Building D would be in the shadow of Building E and the western facade of Building D would be in the shadow of Building F.

The greatest shadow impacts from the 196-unit plan would fall on the Glen Cove Boys & Girls Club property, a non-residential use. Nevertheless, the Glen Cove Boys & Girls Club has issued a letter of support for the Villa at Glen Cove dated January 2, 2012. The letter is provided as Appendix R of this FEIS.

According to the diagrams in Appendix Q, the impact of shadowing and loss of light from the 196-unit proposed development is non-existent for the residences on Robinson Avenue and Rooney Court, and minimal for the residences west of Glen Cove Avenue. As described above, while a limited number of properties will be impacted by shadows cast by the proposed buildings during a limited time period, the overall shadow impact from the proposed development on off-site residential development is minimal.

As discussed in Section 1.2.2 of this FEIS, with respect to community/neighborhood character, based on the record before the Planning Board, it is evident that the massing of the buildings does not conform to the established character of this area. While the four-story Glen Cove Housing Authority building across Glen Cove Avenue to the west is relatively large, as is the Glen Cove Boys and Girls Club, most of the existing buildings, especially to the east and north of the subject property, are much smaller in mass and height than the proposed buildings (especially Buildings A and B). As shown in the Photosimulation – View 1 in Appendix Q, the proposed buildings essentially form a wall along the east side of Glen Cove Avenue. While the proposed street trees somewhat interrupt the appearance, the proposed buildings still appear massive, especially since they are situated so close to the roadway, as further discussed below.

In addition to the mass of the building, the setbacks of Buildings B, C, and F along Glen Cove Avenue are approximately 10 feet, 18 feet and 15 feet, respectively, based upon the information provided on Sheet C06 on the disk in Appendix F of this FEIS. In reviewing 30 other buildings located along both sides of Glen Cove Avenue in the vicinity of the subject property, the average setback was measured at approximately 32 feet, with a range of between approximately 0 feet to 95 feet (see Figure 3 of Section 1.2.2 of this FEIS). Based upon

the foregoing, the mass of the proposed buildings and their minimal setback from Glen Cove Avenue do not conform to the character of this area and would result in significant adverse impacts to the neighborhood.

2.3.4 Residential Density and Density Bonuses

Over the course of the environmental review process, the Applicant has presented its position relative to the requested 30 units per acre in density bonuses: 17 units per acre for structured on-site parking; 10 units per acre for streetscape improvements; and three units per acre for recreational amenities, which would yield a residential density of 50 units per 40,000 square feet. As currently proposed by the Applicant, 196 units on 3.96 standard acres would yield a residential density of 45.5 units per acre (based upon 40,000 SF per acre).

As discussed in Section 1.2.3, with respect to the requested density bonus of 17 units per acre for structured on-site parking, since all of the proposed parking is within a structure, the proposed project appears to meet the requirements of §280-73.3.F(1) of the Zoning Ordinance. Also, with respect to the requested density bonus of three units per acre for the recreational amenities, the proposed development appears to meet this requirement and the Planning Board does not question the applicant's request for an increase in three units per acre in compliance with §280-73.3.F(3) of the Zoning Ordinance.

As discussed in Section 1.2.3 and as summarized below, the Planning Board has questioned the sufficiency of the Applicant's proposed streetscape improvements with respect to the granting of the requested neighborhood streetscape density bonus of 10 units per acre, in accordance with §280-73.3.F(2) of the Zoning Ordinance (see Sections 1.2.3 and 2.3.5 for a detailed discussion of this density bonus).

2.3.5 Neighborhood Streetscape Improvements

The purpose and intent of the RIO-GCA is to improve the character of the area, redevelop deteriorated properties, remove blighted conditions, and "ensure an attractive entryway into the City of Glen Cove downtown from adjacent communities." Pursuant to §280-73.3.F(2) of the RIO-GCA, a density bonus of up to 10 units per 40,000 square feet is permitted where an applicant proposes significant improvements to the streetscape within one-half mile of the zoning district. Furthermore, these off-site improvements must be monetarily quantified so that the City Council can consider them in light of the public costs that would otherwise be required to effect the same improvements. The City Council also must consider the marketability of the downtown from the proposed improvements.

As indicated in Section 1.2.3, in the various versions of the FEIS submitted by the Applicant, the proposed streetscape improvements offered for the density bonus are the same as the ones as described for the Waiver of Inclusionary Housing, although, as previously noted, the off-site streetscape improvements are the only ones that the Code identifies as relevant to the granting of the density bonus.

Off-site streetscape improvements to the neighborhood that the Applicant asserts would provide a community benefit include:

1. Stamped concrete per the Street Improvements Plan (Sheet C03) in Appendix F of this FEIS located along Craft Avenue, at its intersection with Glen Cove Avenue.

2. Per the Street Improvements Plan (Sheet C03) in Appendix F of this FEIS, 1,384 linear feet of 30-inch wide pavers along the curb line of both the east and west sides of Glen Cove Avenue in the vicinity of the property frontage, on the north and south sides of Craft Avenue along the property frontage, and the north side of Young Avenue along the property frontage.

3. Varied landscaping, including 31 street trees along the east and west sides of Glen Cove Avenue, nine street trees along the north and south sides of Craft Avenue, and 10 street trees along the north side of Young Avenue to provide a tree-lined street effect, as well as numerous shrubs and other plantings.

4. Street lighting to include a total of 36 new fixtures along Glen Cove Avenue, Craft Avenue, and Young Avenue, as shown on the Street Improvement Plan (Sheet C03) in Appendix F of this FEIS.

5. Reduction of stormwater runoff on Glen Cove Avenue resulting from stormwater management improvements on the Villa site, which may make capacity available for other development in the City.

6. Undergrounding of utilities along the east side of Glen Cove Avenue and the north side of Craft Avenue adjacent to the Villa at Glen Cove property.

The *2009 Master Plan* provides recommendations for the types of improvements that should be associated with the granting of density bonuses. As noted in Section 1.2.3, this plan is specific with respect to subject property and its surrounding area, indicating that a density of up to 50 units per acre may be considered if significant public improvements are provided. The *2008 Gateway Plan* also discusses recommended public improvements. Based upon review of these two plans, it is obvious that the City of Glen Cove has specific expectations with respect to the improvements necessary to secure the density bonuses.

Section 1.2.3 notes that while some of the streetscape improvements outlined in the *2009 Master Plan* and the *2008 Gateway Plan* have been included by the Applicant in the proposed project design, others have not been included. In addition, based upon the Planning Board's review, some of the streetscape improvements referenced by the Applicant are not eligible for density bonuses (see the following discussion).

In order to address §280-73.3.F(2)(a) and (b) of the Zoning Ordinance with respect to the granting of the density bonus for streetscape improvements, the Applicant provided a proposed monetary quantification of both the on-site and off-site improvements in the April 2013 FEIS that it believes should be considered when evaluating density bonuses for streetscape improvements. A copy of the Applicant's quantification for the 196-unit plan is contained in Appendix S of this FEIS. The Planning Board has conducted an independent analysis of the potential costs associated with the off-site improvements (see Appendix V of this FEIS for the analysis prepared by Cameron Engineering Associates).

Based upon a review of the information provided by the Applicant (Appendix S) and the analysis prepared by Cameron Engineering Associates (see Appendix V), the Planning Board believes the following off-site streetscape improvements are appropriate to consider when evaluating the density bonus requested by the Applicant:

- Street trees (silver linden, Japanese zelkova, and red maple) and associated materials
- Street landscaping (five-foot-wide grass strip along streets)
- Irrigation system
- Street lights
- Pavers along Craft Avenue, Young Avenue, and Glen Cove Avenue
- Stamped concrete on the Craft Avenue intersection

As indicated in Appendix V, the value of these improvements, as calculated by the Cameron Engineering Associates (as consultant to the Planning Board) is approximately $583,210.00.

The streetscape improvements, aside from those directly related to the granting of a density bonus of 10 units per acre, are meant to improve the visual quality of properties within the RIO-GCA. While the proposed project would remove the blighted conditions in the area, the proposed development would create significant massing very close to area roadways, particularly on Glen Cove Avenue, and would significantly impact views from residences along Rooney Court and Craft Avenue. Therefore, it is clear from the analysis presented herein that the proposed development would result in a significant adverse visual impact.

As previously explained herein and in Section 1.2.3, while the Applicant is proposing on-site and off-site landscaping and streetscape improvements, same are not sufficient to mitigate the significant adverse visual and community/neighborhood character impacts that would result from implementation of the 196-unit plan, as currently configured.

Based on the record before the Planning Board, the landscaping and streetscape improvements proposed by the Applicant are not sufficient to mitigate the significant adverse visual and community/neighborhood character impacts that would result from implementation of the 196-unit plan, as currently configured, and are also not sufficient to support a density bonus of 10 units per acre for Streetscape Improvements.

Therefore, in order to minimize documented significant adverse impacts on visual quality and neighborhood character, the Planning Board finds that it is necessary to reduce the height of Building A and/or reduce the mass of the bulkheads and/or other rooftop features and provide additional rooftop vegetation on Buildings A and B in order to minimize the visual impacts to the areas to the east and north of the subject property. In addition, the Planning Board finds that the setback of Buildings B, C and F of the Villa at Glen Cove must be increased and the proposed landscaping embellished in order to minimize potential significant neighborhood character impacts along Glen Cove Avenue.

2.4 Year 2016 Completion

Based on information provided by the Applicant, construction of the proposed 196-unit development would occur within one phase, with completion and occupancy in the Year 2016.

The DEIS analyzed completion and occupancy in the Year 2012. Due to various circumstances, including amendments to the site plan documents in response to comments on the DEIS, the project will not be completed within the originally estimated time frame.

According to the Applicant, the traffic analysis contained in the DEIS provides an extremely conservative estimate of the ambient background traffic growth at the study intersections. The DEIS uses a growth rate of 1.5 percent to calculate the ambient growth of the traffic volumes observed at the study intersections during the turning movement counts.

This inflated growth rate was applied to the existing traffic volumes along with the traffic generated by several other planned projects. Of note, traffic volumes associated with both the Lee Gray Apartments and the Glen Cove Mansion were included as background developments in the DEIS traffic analysis for the proposed project. The combination of the ambient traffic growth and trips generated by the other projects was used to calculate the 2012 No Action Traffic Volumes and the 2016 Cumulative Traffic Volumes. (Cumulative 2016 Action Analysis was also prepared for 8 of the 16 study intersections).

The City's Consultant has confirmed that the historical growth rate for this area is 0.5 percent per year.

The delay of the project build year from 2012 to 2016 would not result in any change in the conclusions regarding the potential for adverse impacts. Furthermore, the Applicant has proposed to reduce number of units of the proposed project by 20, and the traffic study evaluated the greater number of units. Moreover, there are no new relevant development projects in the vicinity that have not been considered in the previous traffic analysis.

2.5 Required Public Actions and Approvals

In addition to the SEQRA process, the following public actions and approvals would be required for The Villa at Glen Cove:

- Site plan approval from the City of Glen Cove Planning Board(§280-15)
- Waiver of the Hillside Protection provisions of the City Code from the City of Glen Cove City Council (§280-50)
- Waiver of the Inclusionary Housing Requirements of the City Code from the City of Glen Cove City Council (§280-75)
- Approval of density bonuses in accordance with the provisions of the RIO-GCA from the City of Glen Cove City Council (§280-73.3)
- Approval of construction drawings as compliant with the City Code and the New York State Uniform Fire Prevention and Building Code by the City of Glen Cove Building Department (§111-9)
- Approval of proposed water connections by the Glen Cove Department of Public Works
- Approval of water supply and sewer connection design by the Nassau County Department of Health
- Approval of drainage facilities and curb cuts by the Nassau County Department of Public Works

- Review and recommendation by the Nassau County Planning Commission pursuant to New York State General Municipal Law (§ 239-m)
- Approval of construction drawings by the Nassau County Fire Marshal
- Approval of the Condominium Offering Plan by the office of the New York State Attorney General
- SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-10-001) by New York State Department of Environmental Conservation

3.0

Responses to Comments

Responses to each of the written comments on the DEIS and those comments made during the DEIS public comment period are presented in this section of the FEIS. The numbering of comments and responses corresponds to the numbering in the annotated original comment documents provided in Appendix A and Appendix B.

Comment No. C-1:

The FEIS should discuss how the recent adoption of the Glen Cove Avenue Redevelopment Incentive Overlay (GCA-RIO) *[sic]* district (§280-73.3 of the City Code) affects the proposed action. This discussion should include any new or revised requirements, including the requirement to submit applications for waivers of the affordable (inclusionary) housing requirement (added to the City Code in August) and the hillside protection ordinance as well as the requirements to submit an application for incentive bonuses. This section should also describe the new inclusionary housing requirements (§280-75 of the City Code) and how the proposed action will comply with same or, if a waiver is requested, how same complies with the waiver criteria. The status of submission of all required applications/waivers should also be discussed.

Response to Comment No. C-1:

The Glen Cove Avenue Redevelopment Incentive Overlay (RIO-GCA) District section of the City Code was adopted on August 24, 2010 (City of Glen Cove, 2010). The legislation permits certain properties along Glen Cove Avenue, including the project area, to be developed with multiple dwellings, condominiums and townhouses subject to its provisions. Among the stated purposes of the RIO-GCA are the following:

> *The purpose of this district is to permit and encourage the redevelopment of vacant and/or deteriorated commercial, industrial and residential properties along certain portions of the Glen Cove Avenue corridor in a manner that will improve the character of the nearby environs which include established neighborhoods and significant quantities of affordable subsidized housing; remove vacant, obsolete, incompatible, underutilized and marginal structures which are poorly maintained and present opportunities for illegal activities and have a blighting influence on the surrounding area; ensure an attractive entryway into the City of Glen Cove downtown from adjacent communities; and to promote additional housing opportunities which do not currently exist in this area [§280-73.3.A(1)].*

The legislation permits the redevelopment of the subject area with up to 50 units to the acre contingent upon the provision of certain incentive bonuses (amenities), as provided in the legislation. The RIO-GCA [at §280-73.3E(1)] also establishes criteria for the waiver of the affordable housing set aside provisions of the City Code. At §280-73.3E(2), the RIO-GCA establishes criteria for the waiver of hillside protection provisions of the City Code. At §280-73.3F, the RIO-GCA establishes criteria for the granting of incentive density bonuses. As provided by the legislation, the Applicant has prepared an application for the density incentives and waivers which will be submitted simultaneously with the revised Site Plan documents. As a result of the adoption of the RIO-GCA, the proposed action herein is for site plan approval and for approval of the application for incentive density bonuses and waivers; an application for a zone change is no longer part of the action. The remainder of this response addresses the application for incentive bonuses and waivers from the affordable housing and hillside protection provisions of the City's Zoning Ordinance.

Incentive Bonuses

§280-73.3.F of the RIO-GCA provides as follows.

> *F. Additional incentives and bonuses. An applicant may apply for an incentive adjustment to the lot area and bulk requirements of this chapter in exchange for one or more of the following incentives. Incentives and bonuses may be combined, but in no case shall the maximum residential density of the site exceed 50 units to the acre. In the event that the permissible density shall include part of a unit, the permissible density shall be rounded.*
>
> > *(1) Density bonus for structured parking. In recognition of the detracting character of large expanses of parking and asphalt associated with multifamily development, where an applicant proposes to accommodate at least 75% of the required parking within structured on-site parking, which is located out of substantial public view, the City Council shall increase the maximum residential density by 17 units per acre.*
> >
> > *(2) Density bonus for streetscape improvements. In recognition of the deteriorated nature of the streetscape in the vicinity of the project site, where an applicant proposes significant improvements to the streetscape within 1/2 mile of the Glen Cove Avenue Redevelopment Incentive Overlay District, which meet the criteria herein, the City Council shall increase the maximum residential density by 10 units per acre. In determining whether or not to grant this density bonus, the City Council shall consider the following:*
> > >
> > > *(a) The extent and dollar value of off-site improvements to the surrounding streetscape;*
> > >
> > > *(b) The public costs that would otherwise be required to effect the same improvements;*
> > >
> > > *(c) The improvement to the immediate neighborhoods as well as the marketability of the downtown from the proposed improvements.*
> >
> > *(3) Density bonus for on-site recreational amenities. The City Council shall increase the maximum residential density by three units per acre where the following on-site recreational amenities are provided for the future residents of the proposed project. The provision of the following on-site recreational amenities for the purpose of achieving additional site density does not necessarily satisfy the requirements of the applicant to provide parkland or money in lieu thereof as described in General City Law § 27-a, Subdivision 6:*

(a) Fitness center with health equipment;

(b) Swimming pool;

(c) Multipurpose room/center; and

(d) Common area for social events;

Concerning Subsection F (1), "Density bonus for structured parking," in recognition of the detracting character of large expanses of parking and asphalt associated with multi-family development, the provision states that where an applicant proposes to accommodate at least 75 percent of the required parking within structured, on-site parking, which is located outside of substantial public view, the City Council shall increase the maximum residential density by 17 units per acre. All of the Villa parking spaces are located within on-site, below-ground, structured parking, which would exceed the requirement for granting of the density bonus. Also, since 100 percent structured parking exceeds the 75 percent requirement set forth in the Ordinance, the additional structured parking is a "further consideration of community benefit or amenities beyond those identified herein being provided by the project" pursuant to §280-73.3.H(3) of the Ordinance, according to the Applicant.

Concerning Subsection F (2), "Density bonus for streetscape improvements," a density bonus for streetscape improvements is also permitted in recognition of the deteriorated nature of the streetscape in the vicinity of the project site. Where an applicant proposes significant improvements to the streetscape within one-half mile of the zoning district, the City Council shall increase the maximum residential density by 10 units per acre.

As indicated in Section 1.2.3 and the visual and neighborhood character analysis in Section 2.3.3 above, based on the record before the Planning Board, the landscaping and streetscape improvements proposed by the Applicant are not sufficient to mitigate the significant adverse visual and community/neighborhood character impacts that would result from implementation of the 196-unit plan, as currently configured, and are also not sufficient to support a density bonus of 10 units per acre for Streetscape Improvements.

Concerning Subsection F (3), "Density bonus for on-site recreational amenities," all of the identified amenities (fitness center, swimming pool, multi-purpose room and common area for social events) will be provided at The Villa at Glen Cove.

In summary, as discussed in Sections 1.2.3 and 2.3.4 of this FEIS, the Applicant has requested a total of 30 units per acre in density bonuses: 17 units for structured on-site parking; 10 units for streetscape improvements; and 3 units for recreational amenities. When added to the 20 units per acre permitted as-of-right for the site pursuant to the RIO-GCA, the Applicant has requested a total permitted residential density of 50 units per acre.

Based upon the foregoing and the analysis provided in Sections 1.2.3 and 2.3.5 of this FEIS, it appears that the Applicant meets the requirements for granting of a 17-unit per acre density bonus for structured parking and the three-unit per acre density bonus for on-site recreational amenities. However, based on the SEQRA record and the analysis provided in this FEIS, the Planning Board has concluded that the off-site streetscape

improvements are not sufficient to support the density bonus of 10 units per acre for Streetscape Improvements.

Waivers

Waiver of Inclusionary Housing

As permitted as part of the RIO-GCA District, an applicant is allowed to apply for a "waiver of affordable housing." The specific legislation in the City regarding the provision of affordable housing is found in §280-75, Inclusionary housing requirement." According to the Inclusionary Housing legislation, any residential subdivision must comply with the following provisions, absent a waiver:

> *§280-75.D. Requirements*
>
> *(1) Any site plan for applicable residential structures must provide adequate covenants and restrictions limiting occupancy, sale and resale of residential units as follows:*
>
> *(a) 10% of units (but no fewer than one unit) to families with incomes no greater than 80% of area median income (AMI); or*
>
> *(b) 15% of units (but no fewer than one unit) to families with incomes no greater than 100% of area median income (AMI); or*
>
> *(c) 20% of units (but no fewer than one unit) to families with incomes no greater than 130% of area median income (AMI).*

The text of the Inclusionary Housing legislation is presented in its entirety as Appendix E of this FEIS. The proposed action includes 196 units. Thus, applying subsection (a), above, the Applicant would be required to provide 20 units (ten percent of 196 units). The proposed action is subject to the provisions of the Inclusionary Housing legislation, as it consists primarily of residential structures, and the Applicant is seeking a waiver of the provisions of the Inclusionary Housing legislation.

Under the RIO-GCA, the waiver of the Inclusionary Housing section of the City Code, which was adopted on August 24, 2010, is addressed in the RIO-GCA at §280-73.3.E(1) as follows.

> *(1) Waiver of affordable housing. The City Council may waive any requirement by the City of Glen Cove for the set-aside of affordable housing where adequate on-site and off-site improvements to the neighborhood are made, which enhance the quality of life of affordable-housing residents in the neighborhood, including, without limitation, landscaping improvements, mass transit improvements, façade improvements, and lighting and security improvements. The City Council shall determine that there is approximate equivalence between potential affordable housing lost or gained or that the City has or will take reasonable action to compensate for any negative impact upon the availability or potential development of affordable housing caused by the provisions of this section. In determining whether to waive affordable housing requirements, the City Council shall consider the following criteria in determining equivalence:*
>
> *(a) The type(s) of on- and off-site neighborhood improvements proposed by the applicant; and*

> *(b) The manner and program followed by the applicant in relocating existing tenants of any affordable residences, which may have resided at the site prior to the applicant's purchase of all or a portion of the minimum lot area. The number of affordable-housing residences in the neighborhood, which would benefit from the on- and off-site neighborhood improvements being proposed by the applicant shall be at least five times the number of affordable housing units which would otherwise be required under the Zoning Ordinance.*

In order to meet the requirements of §280-73.3.E(1)(a),the Applicant has proposed various on-site and off-site improvements, as detailed in Sections 1.2.3 and 2.3.5 of this FEIS. Also, while not a direct benefit to those living in affordable units, the Applicant will operate a 22-passenger shuttle bus serving Villa residents, which the Applicant asserts may minimize demand on the City of Glen Cove Commuter/Loop Bus during peak periods, thereby potentially allowing other community members (including those within affordable units) more seats on the City's Commuter and Loop Bus.

The on-site and off-site improvements that are proposed by the Applicant are discussed in Sections 1.2.3 and 2.3.5 of this FEIS. Also, as previously noted, a "Color Site Plan" and a "Street Improvement Plan" that show the proposed on-site and off-site improvements are provided in Appendix F and the disk in Appendix F of this FEIS. A detailed Landscape Plans is included in on Sheet C09 on the disk in Appendix F of this DEIS.

With respect to meeting the requirements of §280-73.3(E)(1)(b), upon acquiring the project site consisting of seven lots, and in anticipation of redevelopment of the properties, the Applicant indicated that it has given careful consideration to the manner and method of relocating existing residential and commercial tenants, and expended or forgave significant monies in this process. A detailed description of the residential and commercial tenant relocation program is provided in Appendix G (Manner and Program of Tenant Relocation) of this FEIS.

When the period of planning for the Villa continued beyond the duration anticipated, the Applicant leased the vacant residential and commercial spaces to new tenants. However, the Applicant has indicated that all of the existing residential leases at the Villa site are month-to-month agreements, and each lease includes the rider provided as Appendix H of this FEIS. Each residential tenant has been made aware of the proposed redevelopment of the property and has agreed to relocate upon 30 days' notice. Similarly, all commercial tenancies have month-to-month or short-term leases, and have been made aware of the proposed redevelopment. Therefore, no involuntary relocation will result from the redevelopment of the Villa site.

Also, as noted above, with respect to §280-73.3(E)(1)(b) of the City Code, in seeking a waiver of inclusionary housing, the improvements that are proposed must benefit five times the number of affordable units that are "required" within the development. In this case, as described above, since the proposed action includes 196 units, ten percent (or 20 units) would be required, and five times 20 units is 100 units, which would need to benefit from the proposed improvements.

Based on information collected by the Applicant from staff at the Glen Cove Community Development Agency (CDA) and from records review at the Glen Cove Building Department, affordable housing in the vicinity of the Villa site comprising the "significant quantities" referenced in the RIO-GCA includes:

- Mason Drive Development (Glen Cove Gardens), consisting of approximately 100 low-income housing units, located directly west of the Villa site across Glen Cove Avenue, on the north side of Burns Avenue, under the jurisdiction of the Glen Cove Housing Authority (GCHA).

- Kennedy Heights Development, consisting of 48 low-income housing units, located on the west side of Glen Cove Avenue and south of Burns Avenue, under the jurisdiction of the GCHA.

- Approximately ten two-story attached residences located west of Burns Avenue at Glen Cove Avenue, which are owner-occupied and were developed under the jurisdiction of the Glen Cove CDA.

- Approximately 32 apartments, located on the north side of Donahue Street at 167 Glen Cove Avenue, consisting of many lower income Section 8 tenants administered by the Nassau County Section 8 Housing office.

- Approximately 20 single-family homes located along Harmony Lane, situated north of the Villa site, and approximately 23 single-family homes along Kemp Avenue, situated south of the Villa site, which were acquired through governmental subsidy programs and developed under the jurisdiction of the Glen Cove CDA.

Thus, there are 233 affordable units in the vicinity of the proposed Villa at Glen Cove development, including 148 units in the immediate area.

Overall, in seeking a waiver of the Inclusionary Housing provisions of the Zoning Ordinance pursuant to the provisions of §280-75.D(a), the Applicant has included both on- and off-site neighborhood improvements to the design of The Villa at Glen Cove that the Applicant has asserted will benefit no fewer than 100 nearby affordable housing units. Also, as noted above, with respect to §280-73.3(E)(1)(b) of the City Code, 100 units would need to receive the benefits. The affordable housing units that are located closest to the subject property and that the Applicant asserts would most directly benefit from the streetscape improvements are at the Mason Drive Development, consisting of approximately 100 low-income housing units, located directly west of the Villa site across Glen Cove Avenue, on the north side of Burns Avenue, and at the Kennedy Heights Development, consisting of 48 low-income housing units, located on the west side of Glen Cove Avenue on the south side of Burns Avenue. The Applicant has asserted that the total of 148 units at Mason Drive and Kennedy Heights that would benefit from the improvements exceeds the 100-unit requirement that result from the Inclusionary Housing calculation.

Waiver of Hillside Protection Provisions

The RIO-GCA recognizes that "...it is necessary to provide incentives and relief in order to capture density from the steeply sloping areas of the site."

Therefore, the Applicant is seeking a waiver of the provisions of §280-52, *Preservation of steep hillsides*, under §280-73.3.E.(2) of the Zoning Ordinance. In response to comments on the DEIS, the design of the proposed project has been revised by the Applicant. This redesign has created more space between the buildings and the slopes at the eastern perimeter of the site, and has reduced the extent of the waiver request compared to what would have been requested based upon the design included in the DEIS. The criteria to be considered by the City Council in determining whether to waive the hillside protection provisions are set forth below.

§280-73.3.E.(2) Waiver of hillside protection provisions. In recognition of the topography of the RIO-GCA District, the fact that the majority of the area is already developed and contains man-made steep slopes and retaining walls, and the density requirements necessary to incentivize redevelopment of this location, the City Council shall waive the hillside protection provisions of the Zoning Ordinance, subject to the applicant satisfying the following criteria:

(a) The application of best management practices and their ability to mitigate impacts from stormwater runoff;
(b) The employment of engineering practices in stabilizing soils and man-made slopes;
(c) The ability of foundations and engineered walls to safely develop the site without impacting surrounding real property or roadways;
(d) The ability to secure the site and its walls and steep slopes in a way that insures the safety of future residents and other persons;
(e) The manner in which the project adapts to the terrain and its resulting appearance.

The engineering and architectural practices proposed by the Applicant as justification for granting such a waiver, based upon criteria "a" through "e" follow.

(a) The Villa at Glen Cove design includes stormwater management practices to minimize on-site and off-site stormwater runoff impacts. Currently, there are no stormwater drainage structures installed on the site to facilitate the collection of stormwater and the prevention of stormwater runoff from leaving the property. During a storm event, the runoff sheet flows off the property directly into the municipal system located within Glen Cove Avenue.

The proposed improvements will provide a stormwater collection system (drywells) to collect the runoff and prevent any runoff from leaving the property. A waiver from the Nassau County Department of Public Works (NCDPW) requirement to detain runoff from eight-inch to five-inch rainfall events will be requested as part of the site plan application. Therefore, the stormwater system has been designed to handle a five-inch rainfall event. This five-inch on-site storage volume equates to approximately 55,400 cubic feet of storage or approximately 414,390 gallons of water. The plan for the proposed on-site and off-site stormwater management, shown on the revised Grading and Drainage Plan for the 196-unit plan provided on the disk in Appendix F of this FEIS involves collecting the stormwater using inlets and catch basins, routing the collected stormwater to a system of dry wells throughout the site, and routing runoff from rainfall in excess of five inches away from the proposed development to the stormwater systems underneath Craft, Young and Glen Cove Avenues.

Stormwater from five-inch or lesser storms will be retained on-site. Site designs for a five-inch rainfall storm include drywells that can accommodate all stormwater runoff from the project site. Catch basins are proposed to provide a positive drainage overflow if the system completely fills during a severe storm event. This design method is typical of the NCDPW. As shown on the revised Grading and Drainage Plan for the 196-unit plan provided on the disk in Appendix F of this FEIS, the site grading routes overflow runoff (on-site stormwater runoff exceeding a five-inch storm and runoff from off-site areas upstream) away from the proposed structures and toward driveway outfall locations that will discharge into the public street and subsequently into the storm sewer system while minimizing the flow of runoff across the main entrance to the Villa.

The drywells empty into the surrounding soil, recharging the groundwater and allowing the wells to continue to collect additional rainfall. The drywells within the underground garage area maintain a minimum 20-foot separation from each other. They also maintain a minimum 20-foot distance from the perimeter of the building foundation. In addition, the structural system and related columns and foundations have been designed to account for the impact of drywells and stormwater within the drywells in accordance with applicable codes and recommendations. The proposed action provides an improvement over existing stormwater reaching Glen Cove Avenue from both the 3.96±-acre site and the 7.61± acres of existing uphill residential development by diverting stormwater runoff before it reaches Craft, Young and Glen Cove Avenues. As a result of the proposed action, the Applicant has indicated that the stormwater impact on Glen Cove Avenue and the related NCDPW stormwater collection system would be decreased compared to current conditions, providing, a stormwater management benefit to the existing stormwater collection system.

(b) The proposed action includes engineering practices to stabilize soils and manmade slopes. The project site currently consists of steeper slopes in certain sections of the site, such as along the rear of the property (eastern side), with an approximate 70-foot grade difference across the entire project site, from north to south and west to east. The existing on-site grades have a minimum slope of 2.6 percent and include on-site retaining walls.

Proposed grades would be relatively flat (two percent slopes) around the proposed buildings and would generally drain toward area inlets. Where existing grades are steep, grade differences would be accommodated within landscaped areas by the installation of new stepped retaining walls with planter terraces. As part of the proposed action, the existing on-site retaining walls along the eastern edge of the property will be removed and replaced with new retaining walls, shown on the revised Grading and Drainage Plan for the 196-unit plan provided on the disk in Appendix F of this FEIS.

The revised 196-unit design reduces the total visible surface area of retaining walls on the site from the 52,000 SF as proposed for the DEIS design to 16,700 SF. The tallest proposed retaining wall is located east of Building A, with a maximum height of 33 feet, extending for approximately 130 linear feet. An Erosion and Sediment Control (ESC) Plan has been prepared to stabilize soils and engineered slopes (see the disk in Appendix F).

(c) Proposed retaining walls will secure steep slopes to ensure the stability of the project site as well as adjacent residential parcels located east (uphill) of the site and adjacent roadway areas. Implementation of the ESC plan will stabilize soils and engineered slopes.

(d) Retaining walls designed by licensed professionals are proposed to secure steep slopes, to ensure the safety of proposed Villa at Glen Cove residents as well as the residents of adjoining properties.

(e) The project has been designed to provide parking structures in steep slope areas, which the Applicant has indicated adapts to the terrain. Also, six separate residential buildings are proposed at varying heights and elevations to fit into the existing topography.

Comment No. C-2:

The FEIS should include all relevant plans, and all plans should contain correct and appropriate scales and up to date information, which reflects the latest City Code and the proposed action's consistency therewith.

Response to Comment No. C-2:

Architectural and site plans for the 196-unit plan are provided in digital format in Appendix F. The plans have been prepared at scales appropriate to illustrate the proposed Villa at Glen Cove design clearly and to allow review of the plans for consistency with City Code requirements by City of Glen Cove representatives.

Comment No. C-3:

The DEIS contains inconsistencies in the discussion of proposed hours of construction on the subject property and whether or not such hours comply with City Code requirements. The FEIS should clearly state the permitted hours of construction of the City, and whether or not the proposed hours of construction conform to City Code requirements.

Response to Comment No. C-3:

Hours of construction are regulated in two subsections of Chapter 196 (Noise) of the City Code as follows.

> *§196-4.H. Pile drivers, hammers and heavy construction equipment. The operation between the hours of 6:00 p.m. and 7:00 a.m. on weekdays and all day Saturday, Sunday and holidays of any pile drivers, steam shovels, pneumatic hammer, derrick, hoist or any heavy construction equipment, the use of which is attended by loud or unusual noise, is prohibited except in the case of an emergency and then only with a permit for three days from the Building Department Administrator, which permit may be renewed for a period of three days or less while the emergency continues.*
>
> *§196-4.O. Construction, alterations or demolition of buildings. Any erection, excavation, alterations or demolition of any building which is attended by loud and unusual noise is prohibited between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, Saturdays and all day Sundays and holidays except in the case of an urgent necessity in the interest of public safety, and then only with a permit for three days from the Building Department Administrator, which permit may be renewed for a period of three days or less while the emergency continues.*

The Applicant proposes the following hours of construction in compliance with the requirements of the City of Glen Cove Noise Ordinance (Chapter 196).

- Operation of hammers and heavy construction equipment that produces loud or unusual noise between the hours of 7:00 a.m. and 6:00 p.m. on weekdays only.
- All other demolition and construction activities between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.
- No demolition or construction activities on Sundays or holidays.

Comment No. C-4:

The DEIS states that construction would commence in late summer 2010. The FEIS should include an updated project schedule.

Response to Comment No. C-4:

The Applicant has provided an updated construction schedule that identifies project milestones and task durations as Appendix I of this FEIS.

Comment No. C-5:

The FEIS should provide an updated list of "Required Permits and Approvals" that reflect recent City Code changes. Also, the specific approvals required from the New York State Department of Environmental Conservation ("NYSDEC") should be identified.

Response to Comment No. C-5:

As set forth in Section 2.5 of this FEIS, the permits, approvals and certifications anticipated to be required for the proposed action are as follows:

- Site plan approval from the City of Glen Cove Planning Board(§280-15)
- Waiver of the Hillside Protection provisions of the City Code from the City of Glen Cove City Council (§280-50)
- Waiver of the Inclusionary Housing Requirements of the City Code from the City of Glen Cove City Council (§280-75)
- Approval of density bonuses in accordance with the provisions of the RIO-GCA from the City of Glen Cove City Council (§280-73.3)
- Approval of construction drawings as compliant with the City Code and the New York State Uniform Fire Prevention and Building Code by the City of Glen Cove Building Department (§111-9)
- Approval of proposed water connections by the Glen Cove Department of Public Works
- Approval of water supply and sewer connection design by the Nassau County Department of Health
- Approval of drainage facilities and curb cuts by the Nassau County Department of Public Works
- Review and recommendation by the Nassau County Planning Commission pursuant to New York State General Municipal Law (§ 239-m)
- Approval of construction drawings by the Nassau County Fire Marshal

- Approval of the Condominium Offering Plan by the office of the New York State Attorney General
- SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-10-001) by New York State Department of Environmental Conservation

Comment No. C-6:

The DEIS is unclear regarding building height. In one section, the DEIS indicates that height is "the average height of each building throughout the rest of the site as measured from the four corners of a building from the existing natural grade..." and not to exceed 50 feet in height. However, Plan A-2.001 shows a 100±-foot change in elevation from Glen Cove Avenue to the top of Building "A." As such, additional discussion is required in the FEIS with respect to the height of the buildings, based upon the significant grade change from Glen Cove Avenue to the top of Building "A."

Response to Comment No. C-6:

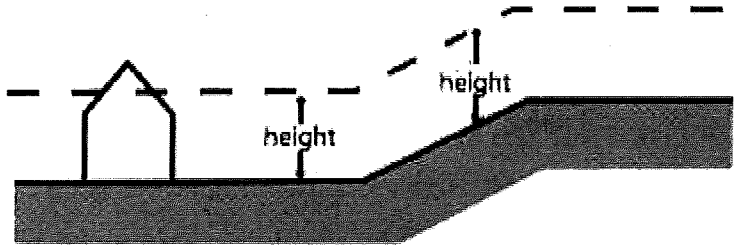
Maximum building heights for the Glen Cove Avenue Redevelopment Incentive Overlay (RIO-GCA) District are set forth in §280-73.3.D(8), as follows.

> *(8) Maximum height: five stories, and in no event greater than 50 feet measured in accordance with §280-45Q of this chapter, within 25 feet of any property line abutting Glen Cove Avenue, and within 20 feet of any property line abutting any other street. Due to the difficulty of measuring height on the steeply sloping lot, the average height of each building throughout the rest of the site as measured from the four corners of a building from the existing natural grade shall not exceed 50 feet, and no building shall exceed 75 feet in height at its highest point. Stair towers, mechanical equipment and other nonhabitable projections shall not exceed the maximum height permitted by this section by more than 10 feet, and, excepting stair towers, shall be set back from the outermost front façade of a building by a minimum of 10 feet. The City Council in authorizing the use shall establish additional height restrictions as necessary to mitigate any potential visual or scenic impacts. Height restrictions shall take into account the design of the project, including architectural measures to reduce the appearance of height and bulk, including structural articulation, architectural design features such as terracing, and the use of landscaping as part of the design of rooftops. An applicant for site plan approval shall submit with the application elevations prepared by a licensed professional engineer or surveyor showing the height of the proposed buildings in relation to the existing natural grade.*

Furthermore, §280-45.Q. of the City Code, which is identified in the RIO-GCA height restriction as being applicable within 25 feet of any property line abutting Glen Cove Avenue or within 20 feet of any property line abutting any other street, sets forth the following height restriction.

> *Q. Height.*
>
> *[Added 5-8-2007; amended 8-28-2007; 8-24-2010]*
>
> *(1) The maximum height of a structure shall be measured vertically from the existing grade to an imaginary plane located the allowed number of feet above and parallel to the finished grade (see diagram below illustrating application of this plane to a structure with a peaked roof). For peaked roofs, height shall be measured to the midpoint of the roof. No portion of a peaked roof below the midpoint shall extend above the imaginary plane. For*

flat and mansard roofs, height shall be measured to the top of the roof. No portion of a flat or mansard roof shall extend above the imaginary plane.



(2) No structure shall exceed the maximum height in each district except as set forth in § 280-33. Additionally, all buildings must adhere to the construction requirements relevant to proposed heights as required by the New York State Uniform Fire Prevention and Building Code.

(3) To discourage site regrading as a means of unreasonably increasing the permissible building height, one point of the finished floor elevation of a residential single- or two-family residence must be within two feet of natural predisturbance grade at the same horizontal location and at no point shall the first-floor elevation be more than 10 feet above the natural predisturbance grade.

Building height elevations and numbers of stories of proposed Villa buildings A through F are described in Section 2.3.2 and Table 2 of this FEIS.

Comment No. C-7:

The DEIS indicates that the proposed waiver of affordable housing is based on the applicant's provision of on- and off-site improvements to the neighborhood "that will help enhance the quality of life, including landscaping improvements on the site and along area roads, facade improvements..." The FEIS must clearly: demonstrate how the improvements proposed, especially landscaping and amenities on the interior of the proposed project site and available to residents of the proposed development only, benefit the neighborhood. The FEIS must present a clear discussion of proposed on-site and off-site improvements to the neighborhood that would enhance the quality of life for adjacent affordable housing development(s), so that their adequacy, as a basis for the waiver, can be assessed.

Response to Comment No. C-7:

On-site and off-site improvements that are proposed by the Applicant to enhance the quality of life of affordable housing residents in the neighborhood are identified in the Response to Comment C-1 above. These improvements coincide with the proposed off-site streetscape improvements proposed to obtain the 10 unit per acre density bonus for streetscape improvements.

Comment No. C-8:

The DEIS indicates that there would not be significant adverse impacts to the hillside and also states that no mitigation is warranted with respect to slopes. However, the DEIS identifies significant cut from the hillside, and acknowledges that the applicant requires a waiver of the City's Hillside Protection ordinance. The FEIS must specifically evaluate the impacts resulting from this cut and identify and assess the effectiveness of the proposed mitigation measures, based upon the criteria set forth in the GCA-RIO [sic] for such waiver.

Response to Comment No. C-8:

See Response to Comment C-1.

Comment No. C-9:

The proposed buttressed retaining walls on the eastern side of the property, some of which are 30 feet tall, vary in width from 12-to-22-feet (as shown on sheets S401 and S402 in the DEIS) with an area of only 25 feet to the property line. This would appear to create a "gully" effect along the eastern property line. The FEIS should address the relationship of the nearest off-site properties to the proposed retaining wall and buildings.

Response to Comment No. C-9:

The redesign of the project in response to comments includes substantial reduction of the length and height of retaining walls on the eastern side of the property to address the balancing of the maximization of open space and use of landscaping, in accordance with §280-73.3.I(2)(a) of the Zoning Ordinance. The site has been proposed by the Applicant to be totally regraded to allow a more natural flow of topography, with less retaining wall area, more natural light and landscaping features. The regrading results in 42,000 cubic yards of excavation compared to the 85,000 cubic yards of excavation in the DEIS design. The majority of the retaining walls have been removed and replaced with landscaped berms. The swimming pool building has been relocated to under the east side of Building A, which, according to the Applicant, reduces the height of the hillside to allow a more natural fall of the grading and landscape. This has created a smaller retaining wall and reduced disturbance to hillside steep slopes.

The plan entitled "Comparison of Proposed Buildings to 2010 DEIS Buildings" provided in Appendix F of this FEIS shows the proposed distances between the Villa buildings and the property line to the east, as submitted by the Applicant. It should be noted that the footprints of the 216-unit and 196-unit plans presented in the FEIS are identical. Near the northern end of Villa Building A, the proposed distance to the property line is 50 feet, compared to a distance of 26 feet in the DEIS design. Near the middle of Building A, the proposed distance to the property line is 55 feet, compared to a distance of 27 feet in the DEIS design. At the southern end of Building A, the proposed distance to the property line is 54 feet, compared to the DEIS design distance from the Pool House to the property line of approximately 30 feet. Distances between Villa Buildings C, D and E and the property line to the east are similar to the distances in the DEIS design.

Comment No. C-10:

As requested in prior comments relating to the completeness of the DEIS, the accepted DEIS includes environmental site assessments ("ESAs"). The Phase I ESA prepared by Merritt Engineering identified issues

related to 1) the historic use (circa 1955 though at least 2008) of the property as an auto body (collision) repair shop; 2) two on-site above-ground storage tanks ("ASTs"); and 3) a former hydraulic vehicle lift. A Limited Phase II Subsurface Investigation was conducted by Odelphi Environmental, Inc. ("Odelphi") to evaluate environmental concerns identified in the Phase I ESA report. Odelphi drilled four soil borings (SB-1 through SB-4) at the site. Borings SB-1 and SB-2, located within the building and proximate to the former hydraulic lift, were each drilled to depths of four feet below grade. One soil sample was collected from each of the two borings for analysis of Spills Technology and Remediation Series ("STARS") list semi-volatile organic compounds ("SVOCs") by Method 8270. Boring SB-3, located within the paved area south of the building and adjacent to the existing AST, was drilled to a depth of ten feet below grade. One soil sample was collected from this boring for analysis of volatile organic compounds ("VOCs") by Method 8260 (New Jersey VOCs+10 list) and STARS list SVOCs. The NJ VOCs+10 list is comparable to the STARS VOC list. Boring SB-4, located within an area of patched asphalt north of the building, was drilled to a depth of four feet below grade. One soil sample was collected from this boring for analysis of STARS list SVOCs.

There are no regulatory requirements (i.e., laboratory analysis methods) specific to site investigation in New York State and Nassau County, except for those related to petroleum storage tanks and underground injection control ("UIC") structures. Given the nature of the property's use, the Nassau County Department of Health ("NCDH") (an involved agency) protocols for site investigation would typically require the sampling for chlorinated solvents to evaluate potential impacts related to auto body repair operations. Of Odelphi's four sample locations, only SB-4 appears to specifically address historic site operations. No samples were analyzed for VOCs (to evaluate the potential existence of petroleum or chlorinated solvents) from this location, and no other samples were collected/analyzed for VOCs indicative of chlorinated solvents at the site. The potential presence of VOCs, specifically chlorinated solvents, represents a risk to site workers and future site occupants. As such, sampling for chlorinated solvents should be conducted.

Hydraulic lifts and associated hydraulic oil reservoir tanks have the potential for the presence of PCBs. Samples (SB-1 and SB-2) collected by Odelphi proximate to the former hydraulic lift were only analyzed for SVOCs, and should be analyzed for PCBs as well.

Sample SB-3 collected proximate to the AST was correctly analyzed for VOCs and SVOCs, although it is unclear as to why the sample was collected from a depth of ten feet below grade and not immediately below the pavement, if the purpose was to evaluate potential spills or releases from the AST. Impacts related to the lift and AST (if any) can be dealt with during construction as suggested in the DEIS.

These issues should be addressed in the FEIS, and the FEIS should present a protocol for the additional testing specified herein, a protocol for conducting any potential mitigation that may be required, and a procedure for addressing any environmental issues that may not have been previously identified but may be encountered during construction.

Response to Comment No. C-10:

A letter dated April 6, 2011 from Odelphi Environmental, Inc. is provided as Appendix J of this FEIS. The Applicant will conduct the requested soil analyses during the demolition phase of construction and will submit the analysis results to the NCDH prior to the issuance of a building permit by the City of Glen Cove.

Specifically, regardless of pre- or post-demolition, prior to construction, each of the four previous soil sampling locations (i.e., S1, S2, S3 and S4) will be re-sampled. At a minimum, one soil sample will be collected from the following depths and analyzed for the following parameters: S1 to be collected at four feet below grade surface (bgs) and analyzed for Target Compound List (TCL) VOCs plus methyl tert-butyl ether (MTBE) using USEPA Method 8260 and PCBs using USEPA Method 8082; S2 to be collected at four feet bgs and analyzed for TCL VOCs plus MTBE using USEPA Method 8260 and PCBs using USEPA Method 8082; S3 to be collected at two feet bgs and analyzed for TCL VOCs plus MTBE using USEPA Method 8260 and NYSDEC STARS SVOCs using USEPA method 8270; and S4 to be collected at four feet bgs and analyzed for TCL VOCs plus MTBE using USEPA Method 8260 and NYSDEC STARS SVOCs using USEPA Method 8270.

Comment No. C-10A:

The document identifies that Benzopyrene was detected at levels above NYSDEC established soil criteria. However, there is no discussion of properly mitigating this condition as part of the proposed action.

Response to Comment No. C-10A:

Benzopyrene is a volatile organic compound (VOC), and, therefore, is included among the parameters of the sampling described in the Response to Comment C-10.

Comment No. C-11:

The DEIS discusses mitigation measures for potential noise impacts resulting from the installation of soldier piles during the sheeting and shoring process, and states that "pre- auguring of holes for piles **may** (emphasis added) be performed to accelerate the schedule and decrease the noise generating duration." Elsewhere the DEIS states, in a discussion relative to potential vibration impacts states *[sic]*, "...the pre-augering of soldier piles in close proximity to the adjacent homes **will** (emphasis added) occur..." The FEIS should confirm whether pre-augering of holes will occur.

Response to Comment No. C-11:

The soldier piles, lagging and whalers included in the construction process will not be permanent structural features, but rather temporary wooden structures to retain soil while structural footings and foundation walls are built. The soldier piles will not be driven, but instead will be positioned in holes that have been pre-augered to the depth of the footing base. Then the soldier piles will be pushed into their final position using a loader bucket. Thus, pre-augering of holes will occur with respect to the installation of soldier piles.

Comment No. C-12:

The *Vibration* section of the DEIS states that the "closest neighboring property is approximately 50 feet from the eastern portion of the foundation wall... "According to Sheet A-Z.001 (and numerous others) contained in the DEIS, the setback for Building "A" is shown as 25 feet from the eastern property line. This difference is significant since vibration impacts can be felt at 25 feet (as stated on Page 24 of 24 of the DEIS). Therefore, the FEIS must clarify this issue.

Response to Comment No. C-12:

As indicated on the revised plans included on the disk in Appendix F of this FEIS, the proposed minimum distances between the eastern side of the buildings and the closest neighboring residences are:

- 84'-0" from Building A (at north side of Craft Avenue)
- 68'-7" from Building C
- 31'-2" from Building D
- 25'-3" from Building E

The potential for vibration impacts to affect adjoining residences will be minimized by the pre-augering described in the Response to Comment C-11 above.

Comment No. C-13:

The FEIS should definitively present the overall amount of pervious and impervious areas, as well as the change from the existing conditions.

Response to Comment No. C-13:

The extent of existing and proposed pervious and impervious areas is presented in the following table.

Table 4 – Pervious and Impervious Areas

	Existing Condition		Post-development Condition (196-unit Plan)	
	Area in S.F.	Area %	Area in S.F.	Area %
Northern Part				
Pervious	66,102	53.96	64,377	52.56
Impervious	56,400	46.04	58,125	47.44
Southern Part				
Pervious	27,778	55.66	29,199	58.51
Impervious	22,128	44.34	20,707	41.49
Total Site				
Pervious	93,880	54.50	93,576	54.28
Impervious	78,528	45.50	78,832	45.72

Comment No. C-14:

The DEIS indicates that the "roof of the proposed building would be in line with the roofs of those existing detached residences located directly east of the project site..." The DEIS also indicates that any potential visual impacts from this area would be seasonal water views. However, if the proposed building and the existing residences have the same roof height, the bulk/mass of the building will block light and all views of the water, regardless of the season. This must be evaluated in the FEIS.

Response to Comment No. C-14:

As discussed in detail in Section 1.2.2 and summarized in Section 2.3.3 of this FEIS, in order to objectively and fully evaluate visual impacts, the Planning Board has commissioned the preparation of line-of-sight diagrams for both the 216-unit plan and the currently proposed 196-unit plan to supplement the Applicant's photosimulations and line-of-sight/section drawings for each plan, as provided in Appendices F and Q of this FEIS, respectively.

Based upon the analysis provided in Sections 1.2.2 and 2.3.3 of this FEIS, it is apparent that the 196-unit plan, as configured, would result in significant adverse visual impacts and significant adverse impacts to community/neighborhood character. Therefore, after due consideration, the Planning Board has determined that implementation of the proposed action (the 196-unit plan, as currently configured) does not mitigate potential adverse environmental impacts to the maximum extent practicable. In order to minimize documented significant adverse impacts on visual quality and neighborhood character, the Planning Board finds that it is necessary to reduce the height of Building A and/or reduce the mass of the bulkheads and/or other rooftop features and provide additional rooftop vegetation on Buildings A and B in order to minimize the visual impacts to the areas to the east and north of the subject property. In addition, the Planning Board finds that the setback of Buildings B, C and F of the Villa at Glen Cove must be increased and the proposed landscaping embellished in order to minimize potential significant neighborhood character impacts along Glen Cove Avenue.

Comment No. C-15:

There is an inconsistency in the DEIS regarding roof gardens and deck plantings. In some places the DEIS indicates that there will be roof gardens, while in other places, the DEIS indicates that no rooftop vegetation would be included as part of the proposed action. The issue of whether roof gardens and/or deck plantings would be included in the proposed action should be clarified in the FEIS, as it affects the visual analysis.

Response to Comment No. C-15:

The plan revisions made in response to comments on the DEIS include the provision of two potted shrubs for each rooftop unit. Each pot will have a two-foot diameter. Faux ivy will be installed on the open air trellises provided on rooftops and certain balconies. The shrubs and hanging ivy are proposed to enhance the appearance of the Villa buildings.

Based upon the analysis provided in Section 1.2.2, these measures would not be sufficient to mitigate the significant adverse visual impacts that would result from implementation of the proposed action. Therefore, the Planning Board finds that it is necessary to provide additional rooftop vegetation on Buildings A and B in order to minimize the visual impacts to the areas to the east and north of the subject property.

Comment No. C-16:

The *Visual Resources* section of the DEIS discusses the graphic illustrations (i.e., Figures 8-3.1-8-3.5) prepared to show what the proposed project would look like after completion. It should be noted that existing utility poles, overhead wires and even a traffic light have been eliminated from the graphic illustrations (although 8-3.5b still has the "stump" of a utility pole visible). There is also a uniform depiction of

rooftop vegetation/plantings despite the fact that other sections of the DEIS indicate that "the Applicant/Project Sponsor is not planning to include any rooftop vegetation as part of the proposed action..." The FEIS must contain accurate photosimulations. While the removal of features, such as utility poles, from the photosimulations may enable the reader to see the building better, they do not accurately portray the future visual conditions. The FEIS must include accurate simulations that address post-development conditions (what receptors will actually see upon implementation of the proposed action, and should consider any rooftop installations, such as HVAC systems).

Response to Comment No. C-16:

Five new photosimulations of the post-development 196-unit plan conditions are included in Appendix Q of this FEIS. These revised photosimulations illustrate the utilities and overhead wires (where they are proposed to remain), and well as the traffic light mentioned in the comment. The proposed vegetation shown on the photosimulations on the rooftops and balconies now reflect the actual vegetation proposed by the Applicant (i.e., potted plants and faux ivy on trellises).

Comment No. C-17:

The DEIS indicates that "[a]lthough the building would contain seven-stories, the building would range in height up to 52-feet tall, as measured from the mean grade of the property line boundaries. The roof of the proposed building would be in line with the roofs of those existing detached residences located directly east of the project site, which are set on top of the hill that extends eastward up Craft Avenue... "The DEIS also indicates that any potential visual impacts from this area would be seasonal views of the water. Plans AS.001 and C701.00 in the DEIS appear to indicate that the roof of Building "A" would be at least 10 feet taller than the standard two-story house to the east, which is approximately 25 feet tall. The reference to potential seasonal water views of the houses to the east is also questionable, as daylight through trees, deciduous or evergreen would be eliminated entirely with the new mass of a building to the west. The FEIS should accurately address these impacts (i.e., will certain homes that currently have a water view no longer have a water view upon implementation of the proposed action? will *[sic]* certain homes be looking directly at the rooftop of the proposed building?).

Response to Comment No. C-17:

The heights of the proposed buildings are addressed in Table 2 and Table 3 and in Section 2.3.2 of this FEIS. Also see Section 1.2.2, Section 2.3.3 and Response to Comment C-14 for an analysis of the visual impacts to area residences. As concluded in Sections 1.2.2 and 2.3.3 and in Response to Comment C-14, the 196-unit plan creates significant visual impacts, as the neighbors to the east will be looking directly at either the large mass at the rear façade or the stair bulkheads of proposed Building A.

Therefore, in order to minimize significant adverse impacts on visual quality and neighborhood character, the Planning Board finds that it is necessary to reduce the height of Building A and/or reduce the mass of the bulkheads and/or other rooftop features and provide additional rooftop vegetation on Buildings A and B in order to minimize the visual impacts to the areas to the east and north of the subject property.

Comment No. C-18:

Although a grading plan and four grading detail plans are provided in the DEIS (Sheets C601.00 and C651.00 - C654.00), there is no detail plan for Building "A". Due to the proximity of the retaining walls along the eastern side of the property line to Building "A," it is unclear how proposed landscaping will survive much less mitigate potential adverse visual impacts. The FEIS must address these issues and the feasibility of survival of the proposed landscaping.

Response to Comment No. C-18:

Proposed site grading between Building A and the eastern property line is shown on the revised Grading and Drainage Plan provided on the disk in Appendix F of this FEIS. The proposed distance between Building A and the closest neighboring residence is 84 feet, according to the "Comparison of Proposed Buildings to 2010 DEIS Buildings" in Appendix F and the Site Alignment Plan (Sheet C06) on the disk in Appendix F of this FEIS. The increased space between Building A and the slope to its east, compared to the DEIS design, will allow late morning and early afternoon sun to reach the vegetation proposed east of Building A during the growing season, thereby increasing the likelihood of planting success as compared to the plan included in the DEIS. In addition, plant species that are well-adapted to the site conditions were selected for the revised landscaping plan. A detailed landscape plan including a plant list is included among the drawings in the Villa site plan application (see the Landscape Plan [Sheet C09] on the disk in Appendix F). Also, see Response C-9.

However, based upon the analysis provided in this FEIS, and after due consideration, the Planning Board has determined that implementation of the proposed action (the 196-unit plan, as currently configured) does not mitigate potential adverse visual impacts to the maximum extent practicable. Thus, in order to minimize documented significant adverse impacts on visual quality and neighborhood character, the Planning Board finds that, among other things, the proposed landscaping must be embellished in order to minimize potential significant neighborhood character impacts along Glen Cove Avenue.

Comment No. C-19:

The DEIS states that "the majority of each housing unit [sic] would contain individual HVAC units." The FEIS must confirm the source of HVAC for the buildings and the noise and visual impacts related thereto (e.g., should the housing units not contain an individual HVAC unit, would HVAC be placed on the rooftops, and would such placement result in adverse visual and/or noise impacts to nearby residences?). If, in fact each unit has a separate HVAC unit, the cumulative impacts of all of the individual HVAC units as well as any proposed rooftop units must be evaluated. Moreover, any buffering and/or screening of any proposed rooftop units must be presented in the FEIS.

Response to Comment No. C-19:

According to the manufacturer's data provided in Appendix K of this FEIS, the individual HVAC units specified for the proposed residences (Mitsubishi Model MXZ-4B36NA) operate in the heating mode at a tested sound level of 57 dBA at a distance of 1 meter. The manufacturer's data also identifies a sound level at 50 feet (not tested, but calculated using the inverse square law) of 34 dBA.

Based upon the 216-unit plan (the Applicant did not prepare a new analysis for the 196-unit plan as the number of individual HVAC units would not increase for fewer units, and may actually decrease), the Applicant advised that a total of 45 individual HVAC units would be located on balconies at building A that face eastward. The Building B and Building F balconies that face the east are either obstructed by other site buildings or are over 150 feet from the property line. As shown on the "Comparison of Proposed Buildings to 2010 DEIS Buildings" provided in Appendix F of this FEIS, the balconies nearest the eastern property line of the site are 50 feet from that property line and approximately 67 feet to 145 feet from existing residences.

Sound pressure calculations presented in Appendix K, prepared by the Applicant, demonstrate that the cumulative sound effect of the individual HVAC units would not exceed the 50 dBA sound level limit at any off-site residential or public property set forth at §196-12 of the City Code. It is further anticipated that the Villa buildings will function as sound barriers that reduce the amount of traffic noise from Glen Cove Avenue that reaches the residential properties east of the Villa site, compared to the existing condition.

HVAC units for common interior spaces including the building arrival areas will be located on the western half of each building roof. To deflect the transmission of sound in the direction of residences located off site and to the east, the rooftop HVAC units will be located west of and will be screened by elevator penthouses and other structures on the building roofs.

Comment No. C-20:

The FEIS should explain if and how the as-of-right alternative would change based upon the recently adopted overlay zoning district for the site, and compare the impacts of same to the impacts of the proposed action. Also, the analysis of this alternative in the DEIS mentions the steep slopes and assumes that those portions of the property would not be developed under the as-of-right alternative. However, given the percentage of the overall property with slopes provided in the analysis earlier in the DEIS, this is unlikely. Thus this statement should be clarified or revised, as appropriate.

Response to Comment No. C-20:

The as-of-right alternative described in Chapter 15 of the DEIS identifies development that could occur on the Villa site in accordance with the zoning regulations for the underlying B-2, R-4 and R-5 districts. The evaluation in Chapter 15 of the DEIS concludes that 94,395 square feet of commercial floor area and 20 residential units could be introduced or remain as-of-right on the project site. All of the commercial space would be developed on Block 244, Lot 55, a developed parcel that includes only a small area of steep slopes in its southeastern corner. The DEIS design does not include development of Block 244, Lot 66, a property located north of Lot 55 and east of the Glen Cove Boys and Girls Club property that includes steep topography. The DEIS design treatment of Lot 55 and Lot 66 explains the statement in the DEIS that steep slopes would be avoided.

The as-of-right evaluation in the DEIS (Chapter 15) notes that although no significant adverse land use or zoning impacts would result from the implementation of the as-of-right alternative, doing so would not achieve the City's *2009 Master Plan* objectives for the neighborhood that includes the Villa at Glen Cove site. Review of the *2009 Master Plan* indicates that the "Neighborhood" objective that would not be met by the as-of-right alternative's preponderance of commercial space and primarily two-family residential units is to "Accommodate a diverse population by providing a variety of housing options, in terms of type and

affordability." The "Connections" objective of the *2009 Master Plan* that would not be met by the as-of-right alternative's combination of strip commercial space and two-family residences is to "Improve the appearance of Glen Cove's gateways and corridors, including selective development in commercial corridors."

The maximum permitted residential density in the RIO-GCA zoning district is 20 units per acre. Under the hillside protection provisions, 25 percent of the Villa site would be unavailable for development due to the presence of steep slopes. The RIO-GCA as-of-right residential calculation would therefore be [0.75 x 4.31 Glen Cove acres] x 20 residential units per acre = 65 residential units. Absent an incentive density bonus for structured parking, the as-of-right RIO-GCA alternative would include surface parking, resulting in an adverse visual effect on views of the site from Glen Cove Avenue.

The Applicant asserts that a 65-unit Villa project would not provide an adequate return on investment to be a viable development, and the Villa at Glen Cove would not be constructed. Therefore, the as-of-right, 65-unit development would not meet the RIO-GCA objective of "capturing density from the steeply sloping areas of the site" to "eliminate existing blight, blighting influences and incompatible uses."

The following table summarizes the as-of-right alternatives for the underlying zoning and the RIO-GCA overlay base zoning, and the proposed Villa at Glen Cove alternative.

Table 5 – As-of-Right Alternatives Comparison
172,408 Square Foot Villa at Glen Cove Site

Alternative	Developable Area after Application of Hillside Protection Provisions	Developable Area after Application of Lot Coverage Limitations	Commercial Floor Area	Number of Residential Units	Residential Density in Units per Acre*
Underlying B and R Zoning	129,306 s.f. (75 % of total)	129,036 s.f.	94,395 s.f.	20	4.6
RIO-GCA Villa without Bonuses or Waivers	129,306 s.f. (75 % of total)	129,036 s.f.	Minimal Area Incidental to Exclusive Residential Use	65	15.1
Proposed Villa with Bonuses and Waivers	172,408 s.f. (with Bonuses and Waiver)	172,408 s.f.	None	196	45.5

*Glen Cove acre is equivalent to 40,000 square feet.

Comment No. C-21:

The DEIS presents a Redistributed Density Alternative, but does not indicate the mechanism for the achievement of a 12-story and a 13-story building, which are not currently permitted by the City of Glen Cove. The FEIS must explain the procedure to achieve the redistributed density alternative under the GCA-RIO.

Response to Comment No. C-21:

The mechanism for authorization of building heights at Villa at Glen Cove in excess of the heights permitted by the City Code would be an area variance that would have to be requested and granted by the City of Glen Cove Board of Appeals pursuant to the requirements and procedures of §280-28.B[(2)] and §280-28.C (Article VII Board of Appeals).

Comment No. C-22:

Page 1-10 - Another principal entry is the Cedar Swamp Road/Glen Street corridor, which is currently undergoing streetscape improvements. With regard to the Glen Cove Avenue gateway, it should be noted that Nassau County has designed proposed improvements for Glen Cove Avenue at Sea Cliff Avenue. Have additional improvements been designed for the area near to *[sic]* the proposed project site? Will the project sponsor be incorporating or proposing any design changes for the roadway in the vicinity of the project site, especially given the incentive bonuses being requested?

Response to Comment No. C-22:

Mr. Lowell Wolf, a planner for the Nassau County Planning Department, was contacted by telephone by the Applicant's representatives on January 18, 2011 to inquire about any planned improvements along Glen Cove Avenue near the project site. According to Mr. Wolf, there are no major improvements currently planned along Glen Cove Avenue near the Villa at Glen Cove site, only resurfacing and other minor roadway work. No roadway geometry changes are planned. Such work would not affect the traffic analyses for the Villa, and the Applicant is not proposing any geometry changes to the roadway in the vicinity of the project site. As part of the proposed action, the Applicant is proposing roadway work consisting of rehabilitation of sidewalks and crosswalks, new landscaping and lighting along roadways, and new curbs and curb cuts along Glen Cove, Craft and Young Avenues.

Streetscape improvements proposed for both sides of Glen Cove Avenue in the vicinity of the project site are shown on the revised Street Improvement Plan (Sheet C03) provided in Appendix F and on the disk in Appendix F of this FEIS. The Applicant's justification for an incentive density bonus related to streetscape improvements and the Planning Board's analysis are addressed in Sections 1.2.3. and 2.3.5 and the Response to Comment C-1 of this FEIS.

Comment No. C-23:

Page 2-16 – The list of permitted and special permit uses for the B-2 zoning district has changed since the acceptance of the DEIS as complete. Mixed-uses are now permitted along the Cedar Swamp Road corridor of the B-2 zoning district. This has no effect on the impacts of the proposed project.

Response to Comment No. C-23:

The comment is noted. The permitted principal uses in the B-2 Peripheral Commercial District, most recently amended on March 13, 2011, are identified in §280-66.B of the City Code. Special uses are identified in §280-66.F of the City Code.

Comment No. C-24:

Page 2-20 – The Hillside Protection provisions were amended following the acceptance of the DEIS as complete. The deductions mandated under the provisions must now only be applied pre-construction.

Response to Comment No. C-24:

The Applicant acknowledges the changes in the Hillside Protection provisions. See Response C-1, which describes the measures proposed in response to the criteria for waiver of the Hillside Protection provisions.

Comment No. C-25:

The application for Lee Gray Apartments has been withdrawn. The Glen Cove Mansion has not formally applied for the 50 townhouses, and it is unlikely that the proposal will be constructed by the end of 2012.

Response to Comment No. C-25:

The Lee Gray Court application for 66 townhouses was not approved. The City approved the sale and renovation of the 38 units in 19 two-family structures. Since the time that the subject comment was issued, the Glen Cove Mansion subdivision application has been approved and may permit future construction of up to 40 residential units. The Lee Gray (at a density greater than that ultimately approved) and the Glen Cove Mansion developments were both included in the No-Action traffic analysis in the DEIS for certain intersections. Therefore, the application and approval status for those developments does not affect the Villa at Glen Cove impact analysis.

Comment No. C-26:

Page 2-32 – With regard to the density bonus for streetscape improvements, it should be noted that the City Council will be considering the value to the City of the proposed streetscape improvements in deciding whether or not to authorize this density bonus. That is, the City will be determining whether new sidewalks and crosswalks add enough value to the area to allow an additional 10 units per acre. We imagine the City may want to consider what work is already proposed by the County for this corridor. We note that the Master Plan specifically described a landscaped median, reduced curb cuts and on- and off-site landscaping as being appropriate reasons for additional density in this location. The project sponsor should detail what is more specifically being done to provide these types of improvements as part of density bonus considerations.

Response to Comment No. C-26:

See Sections 1.2.3 and 2.3.5, as well as Response to Comment C-1 of this FEIS.

Comment No. C-27:

Page 2-33 – It is the opinion of the project sponsor that the walls and engineering practices employed are adequate to meet the requirements for waiver of hillside protection provisions. However, ultimately it will be the decision of the City Council based on the input from the City's reviewing engineer. A better description of the reasons why the project sponsor believes that the proposal complies with waiver requirements follows shortly after these more generalized statements.

Response to Comment No. C-27:

As described in the Response to Comment C-9, the height and face area of the retaining walls at the eastern perimeter of the Villa site have been substantially reduced in comparison to the DEIS design, due to the relocation of the buildings on the site (see the "Comparison of Proposed Buildings to 2010 DEIS Buildings" drawing in Appendix F of this FEIS). Criteria for the granting of a waiver from the Hillside Protection provisions of the City Code are identified in the Response to Comment C-1, along with the Applicant's proposed descriptions of the relevant Villa engineering and design approaches.

Comment No. C-28:

Page 2-33 – There is no height requirement related to 150 feet above mean sea level.

Response to Comment No. C-28:

The height limitations of the City Code relevant to the Villa at Glen Cove are set forth in the RIO-GCA at §280-73.3.D(8). Building height is also addressed in the Response to Comment C-6 and Section 2.3.2 of this FEIS.

Comment No. C-29:

Page 2-34 – The project sponsor concludes here that the proposed development includes adequate on-site and off-site improvements to waive affordable housing. However, this determination is not for the project sponsor to make. The project sponsor should detail the type of neighborhood improvements they are offering and document that they will benefit five times the number of units they are requesting waiver from (5 x 22 units = 110 affordable units available to persons making less than 80% of median income). The codes specifically cites the types of neighborhood improvements that the City is looking for in determining whether to waive the affordable housing requirements, which include without limitation, "landscaping improvements, mass transit improvements, facade improvements, and lighting and security improvements." Additionally, the project sponsor should describe any measures the project sponsor may have taken in relocating any existing tenants of affordable unit (affordable to 80% of AMI) which may have resided or currently reside at the site, as this is also a consideration that the City Council must include.

Response to Comment No. C-29:

As described in the Response to Comment C-1, the Applicant is seeking approval for a waiver of the Inclusionary Housing provisions of the City Code from the Glen Cove City Council, in accordance with the provisions of the RIO-GCA.

According to §280-73.3.E(1) of the City Code,

> *"the City Council shall determine that there is approximate equivalence between potential affordable housing lost or gained or that the City has or will take reasonable action to compensate for any negative impact upon the availability or potential development of affordable housing caused by the provisions of this section. In determining whether to waive affordable housing requirements, the City Council shall consider the following criteria in determining equivalence:*
>
> *(a) The type(s) of on- and off-site neighborhood improvements proposed by the applicant*
>
> *(b) The manner and program followed by the applicant in relocating existing tenants of any affordable residences, which may have resided at the site prior to the applicant's purchase of all or a portion of the minimum lot area. The number of affordable-housing residences in the neighborhood, which would benefit from the on- and off-site neighborhood improvements being proposed by the applicant shall be at least five times the number of affordable-housing units which would otherwise be required under the Zoning Ordinance."*

As discussed in Response to Comment C-1, in seeking a waiver of the Inclusionary Housing provisions of the City Code pursuant to the provisions of §280-75.D(a), the Applicant has proposed on-site and off-site neighborhood improvements as part of The Villa at Glen Cove that the Applicant indicates would benefit more than the 100 nearby affordable housing units that result from applying the waiver calculation (10 percent of 196 = 20 units x 5 = 100 units, as noted above), which is provided in the Waiver of Inclusionary Housing subsection of the Response to Comment C-1. The specific on-site and off-site improvements proposed by the Applicant are also described in Section 1.2.3 of this FEIS.

The manner and program followed by the Applicant in the relocation of existing tenants from the Villa site is addressed in the Responses to Comment C-1 and Comment C-33 and Appendix G of this FEIS.

Comment No. C-30:

Page 2-40 – The downtown is not generally considered the uses along Pratt Boulevard. It is generally considered the frontage of Glen, School and Bridge Streets.

Response to Comment No. C-30:

The description of the downtown is noted. The Applicant has indicated in the DEIS and in various responses in this FEIS (e.g., Response C-36) that the proposed Villa at Glen Cove streetscape improvements have been designed to enhance Glen Cove Avenue as a gateway to the downtown area, in accordance with Chapter 4 of the *2009 Master Plan.*

Comment No. C-31:

Page 2-41 – Although we believe that the proposed development has been well-designed with consideration to incorporating the topography of the site into the design of the buildings, we cannot agree with categorizations that the proposed development, "limits development and excavation of the project site to the greatest extent practicable away from the steep slope areas, particularly at the northeast corner of the site." The steepest slopes are located centrally in the parcels south of Craft Avenue and along east side of the area north of Craft Avenue. Clearly, there have not been attempts to avoid these slopes, but rather to incorporate

these slopes as opportunities to provide underground parking. The location of the steepest slopes also clearly cannot be characterized as being located in the "northeastern portion of the project site."

Response to Comment No. C-31:

The Villa at Glen Cove is proposed to be built into the slopes of its site. The Applicant has indicated that sloping sites are particularly well suited to developments that include structured parking in the lower levels of buildings. As shown on the plan entitled "Comparison of Proposed Buildings to 2010 DEIS Buildings" provided in Appendix F of this FEIS, the buildings have been moved away from the eastern property line compared with the design presented in the DEIS.

The northeastern part of the Villa site is proposed on Block 244, Lot 66, located east of the Boys and Girls Club property. Although Lot 66 does not contain the steepest slopes on the Villa site as measured by gradient, of the parcels that make up the Villa site, Lot 66 contains the greatest amount of steep topography measured as a proportion of total surface area.

Comment No. C-32:

Page 2-43 – With adoption of the RIO-GCA by the City as part of the recent code amendments, much of the discussion here is moot. However, in response to the argument made here regarding the compatibility of density, we note that the base density of the RIO-GCA (20 units per acre) is directly compatible with the density of the Housing Authority buildings across the street. It is only through the provisions of incentives, notably structured parking, streetscape improvements and on-site recreation, that the density cited as being permissible in the B-1, one-half mile to the north would be appropriate here. This bonus density requires an additional finding of the City Council that the benefits being sought are achieved by the project sponsor's proposal, and that with such a finding, the proposed development will be compatible with public policy (such as Master Plan objectives) and zoning.

Response to Comment No. C-32:

The comment is noted. The Applicant has indicated that the two Avalon residential developments identified as examples of higher density in the DEIS are located at least one half mile from the Villa at Glen Cove site. Nevertheless, the Avalon developments, as well as other development in the City, demonstrate that density greater than that proposed for the Villa at Glen Cove exists in the City of Glen Cove. The proposed density of the Villa at Glen Cove is less than that of Avalon South on Pratt Boulevard, at approximately 72 units per acre, and Avalon North on Glen Street, at approximately 83 units per acre (see Appendix O of this FEIS). Further, at the Villa at Glen Cove, such density is distributed over six separate residential buildings. Another consideration in the comparison of the densities of the Avalon developments with the density of the proposed Villa at Glen Cove is that both Avalon developments have above-ground parking. If above-ground parking were included in the Villa rather than the proposed below-grade parking (which would allow a density bonus of an additional 17 units per acre), the density of the Villa would be 33 units per acre, as described in the density calculations presented in Appendix O of this FEIS.

The Villa at Glen Cove, at a density of 45.5 units per acre (if all density bonuses are granted), would be denser than the Glen Cove Housing Authority development opposite it on the western side of Glen Cove Avenue, which is approximately 20 units per acre. However, in accordance with the *2009 Master Plan*, the City Council

has recognized the appropriateness of up to 50 units per acre to encourage the redevelopment of this area of Glen Cove, subject to specific design features as provided in the RIO-GCA, as discussed in Sections 1.2.3 and 2.3.5 of this FEIS.

As discussed in Sections 1.2.3. 2.3.4 and 2.3.5, as well as Responses to Comments C-1 and C-26 of this FEIS, while the Applicant has requested a total of 30 units per acre in density bonuses: 17 units for structured on-site parking; 10 units for streetscape improvements; and three units for recreational amenities, it appears that the Applicant meets the requirements for granting of a 17-unit per acre density bonus for structured parking and a three-unit per acre density bonus for on-site recreational amenities. However, based on the SEQRA record and the analysis provided in this FEIS, the Planning Board has concluded that the off-site streetscape improvements are not sufficient to support the density bonus of 10 units per acre for Streetscape Improvements.

Comment No. C-33:

Page 3-1 – We do not understand why displacement must be involuntary and thus a negative impact. The project sponsor may utilize incentives or other measures to have existing residents and tenants voluntarily leave. Further in addition to displacement, additional demographic impacts include direct population increase and indirect population increase.

Response to Comment No. C-33:

Upon acquiring the project site consisting of seven lots, and in anticipation of redevelopment of the properties, the Applicant indicated that it gave careful consideration to the manner and method of relocating existing residential and commercial tenants, and expended or forgave significant monies in this process. A detailed description of the residential and commercial tenant relocation program is provided in Appendix G (Manner and Program of Tenant Relocation) of this FEIS.

When the period of planning for the Villa continued beyond the duration anticipated, the Applicant advised that it leased the vacant residential and commercial spaces to new tenants. According to the Applicant, all of the existing residential leases at the Villa site are month-to-month agreements, and each lease includes the rider provided as Appendix H of this FEIS. Each residential tenant has been made aware of the proposed redevelopment of the property and has agreed to relocate upon 30 days' notice. Similarly, all commercial tenancies have month-to-month or short-term leases, and have been made aware of the proposed redevelopment. Therefore, no involuntary relocation will result from the redevelopment of the Villa site.

The anticipated direct gross population increase attributable to The Villa at Glen Cove (for the 216 units proposed in the DEIS) was 406 persons, using multipliers compiled and published by Rutgers University (Burchell et al., 2006). The estimate in the DEIS was calculated using a multiplier of 1.77 for each of the five proposed one-bedroom units and a multiplier of 1.88 for each of the 211 proposed two-bedroom units, and rounding the total upward to the nearest whole person. Estimation of the projected population for the currently-proposed 196-unit plan containing three one-bedroom units and 193 two-bedroom units using the same multipliers yields a population of 369 after rounding upward to the nearest whole number.

The Applicant has indicated that Villa employees, including parking valets and maintenance personnel, are expected to be drawn from the existing population of Glen Cove and its immediate vicinity, and, therefore, are not anticipated to result in indirect population increase from employment-related relocation to Glen Cove.

Comment No. C-34:

Page 3-1 – The descriptions of the three bulleted conditions that are raised for consideration are never addressed. Our suggestions regarding these three questions are:

1. There will be a significant alteration of the demographic and economic profile of the area. That is to say that the area is currently marked by greater concentrations of minority race and ethnicity and lower incomes. The proposed action will likely increase incomes and reduce the concentration of minority race and ethnicity in this particular area, and bring the area closer to City averages for income and diversity.

2. There are no significant employers at the site.

3. The proposed development would be markedly different from the existing surrounding areas in terms of quality of construction and appearance. There is no basis to believe that this proposal would lead to indirect displacement of residents or businesses. The sizable residential multifamily development across the street is owned and operated by the Glen Cove Housing Authority, for the express purpose of providing affordable housing. The availability of this housing for low-income individuals is assured. If the project is approved, the surrounding neighborhood would still remain available to low-income families.

Response to Comment No. C-34:

As shown through the analyses presented in Chapter 5 of the May 2010 DEIS, the proposed action would not result in any significant direct or indirect impacts to the socioeconomic or demographic profile of the surrounding study area that can be characterized as adverse.

There will be a significant alteration of the demographic and economic profile of the area. The area is currently marked by greater concentrations of lower-income persons. The proposed action will likely increase incomes and reduce the concentration of lower-income persons in this particular area, and bring the area closer to City averages for income and diversity.

There are no significant employers at the site. Therefore, displacement of substantial numbers of employees would not result from redevelopment of the site.

The proposed development would be markedly different from the existing surrounding areas in terms of quality of construction and appearance, and the Applicant has indicated that this proposal would not lead to indirect displacement of residents and businesses. The sizable residential multifamily development across the street is owned and operated by the City of Glen Cove Housing Authority, for the express purpose of providing affordable housing. The availability of this housing for low-income individuals is assured. If the project is approved, the housing in the surrounding neighborhood would still remain available to low-income families.

Comment No. C-35:

Page 4-18 – Again, statements that the steepest slopes are at the northeast corner of the site conflict with more accurate statements that the steepest slopes are on the eastern side of both the southern and northern tracts. Additionally, there has been no effort to avoid disturbance of these slopes.

Response to Comment No. C-35:

The Applicant acknowledges that steep slopes occur along the eastern side of five of the seven tax lots comprising the Villa at Glen Cove site. The proposed relationship of the Villa buildings to the slopes on the site is described in the Response to Comment C-1, which describes the site engineering and architectural practices included in the Villa design with regard to hillside protection, and the Response to Comment C-31, which indicates that The Villa at Glen Cove is proposed to be built into the slopes of the site.

Comment No. C-36:

Page 4-21 – The DEIS states that mitigation measures to topography and soils are not warranted, and then goes on to list three pages of mitigations that should be incorporated. In writing the FEIS, the Lead Agency will need to carefully review the document to establish a list of potential significant adverse impacts and the mitigations that the project sponsor is proposing, which are often described or considered in the DEIS as part of the project description. We suggest that mitigation is an element of the project that the project sponsor would not propose if there was not a chance of an impact. For example, the sprinklering of the buildings, incorporation of erosion control measures, significant street tree plantings, are all described as part of the project description, but are actually mitigations. It will be important to identify these potential impacts and mitigation in any Findings to Approve that the Lead Agency may consider so that the appropriate agencies can subsequently require them and incorporate them as conditions to approval should the project be approved. We ultimately defer to VHB on these matters as they are providing SEQRA guidance.

Response to Comment No. C-36:

The comment is noted. All land development in Glen Cove is subject to the performance and design criteria for stormwater management and erosion and sediment control set forth at §237-13 (Technical standards) of the City Code. In implementing the Soil Erosion and Sediment Control Plan (see Sheet C13 on the disk in Appendix F) for the Villa, the Applicant will adhere to City regulations that require the minimization of erosion and sedimentation.

The fire prevention measures the Applicant will incorporate into the Villa at Glen Cove buildings, including the installation of sprinklers, have the objective of minimizing the potential for fires to occur at the site pursuant to the provisions of Chapter 147 (Fire Prevention) of the City Code as well as applicable Nassau County and New York State regulations.

The Applicant proposes street tree plantings and new pedestrian-scale lighting in the public right-of-way on both sides of Glen Cove Avenue to enhance the aesthetic quality of Glen Cove Avenue as a gateway to downtown Glen Cove pursuant to the provisions of §280-73.3A(3) of the RIO-GCA District regulations.

Comment No. C-37:

Page 7-15 – The Sea Cliff Station is also located in the City of Glen Cove, just south of the Glen Street Station, and may be the most likely station for use by residents of the proposed development.

Response to Comment No. C-37:

As shown in Figure 7-7 of the accepted DEIS, site-generated vehicle trips are assigned to both the Sea Cliff LIRR Station (near Glen Keith Road) and the Glen Street LIRR Station.

Comment No. C-38:

Page 7-50 – The statement that 10% of the vehicular trips would be bound for the LIRR railroad station does not agree with figure [sic] 7-7. Figure 7-7 shows approximately 20% of vehicular trips being station bound, 10% to each of the Glen Street and Sea Cliff Stations. Regardless of whether it is 10% or 20%, this would appear to be the project sponsor's best guess as there is no rationale for this assignment. The suitability of the proposed units for young professionals would lead us to believe that there may be a higher percentage of persons seeking to use the transit stops (than 10%). This coupled with the valet parking system, which adds time and a planning step for vehicular trips) [sic] would lead me to believe that the proposal may significantly impact the commuter loop bus. What is the existing capacity and utilization of the commuter loop bus system? What level of usage can be anticipated from the proposed project, and would this result in significant additional expenditures, including potential capital expenditures for investment of an additional vehicle? Has the project sponsor considered a jitney to be operated by the HOA or under contract with the HOA?

Response to Comment No. C-38:

See Section 2.3.1 of this FEIS for an analysis of the transportation and parking impacts associated with the 196-unit plan. This section provides a modal split analysis, and discusses the City's 24-seat Commuter and Loop Bus services as well as the Applicant's proposal to provide a 22-seat shuttle van for use by Villa residents. The proposed shuttle will operate three times per hour during the peak hours taking residents to and from the railroad stations, ferry terminal and downtown. The shuttle van schedule will be adjusted to coincide with the travel patterns of the residents to avoid trips with limited ridership.

Overall, the shuttle van service will eliminate potential adverse impacts to the Commuter and Loop Bus services, and mitigate the potential increase in parking demand at the area train stations and/or ferry terminal.

Comment No. C-39:

Chapter 8 – The proposed project is clearly a visual improvement to the streetscape in the vicinity of the project site. One large component of this is the undergrounding of utilities. Is the project sponsor proposing to underground all pole-mounted utilities in the vicinity of the project?

Response to Comment No. C-39:

All pole-mounted utilities that adjoin the Villa site on the eastern side of Glen Cove Avenue and the northern side of Craft Avenue will be reinstalled underground as part of the project, at the expense of the Applicant.

Comment No. C-40:

Figure 8.3-4b – The view of the building would be increased at this intersection during leaf-off months. We continue to believe that this view has the greatest potential for impact given the height of the "mid-rise" building. We question whether this building is adequately articulated to reduce the appearance of bulk. Perhaps a rendering without the trees could be provided based on the work that was already performed?

Response to Comment No. C-40:

A photosimulation of the post-development view looking east along Shore Road (View 4) at its intersection with Glen Cove Avenue is presented for the proposed 196-unit plan in Appendix Q of this FEIS. See Section 1.2.2 for a discussion of visual and neighborhood character impact.

Comment No. C-41:

Figure 8-3-5b – It appears from this view that much of the northern exposure of building B will be blank facade? Are there additional opportunities for windows or architectural detail on this exposure? Again, it is difficult to tell as a leaf-on rendering was provided.

Response to Comment No. C-41:

The articulation of the façade and the windows on Building B are more clearly illustrated on the View 5 Photosimulation in Appendix Q of this FEIS.

Comment No. C-42:

The lot areas given do not add up directly to the total 173,172 s.f. area.

Response to Comment No. C-42:

The areas of the seven lots that comprise the site of the proposed Villa at Glen Cove have been computed by the land surveying firm Bladykas & Panetta. The total area of the site is 172,407.9 square feet,[20] which is equal to 3.96 standard acres or 4.31 builder's (City of Glen Cove) acres.[21] The area calculations are presented in detail in Appendix L herein.

[20] The site area was previously noted as 173,172 square feet (3.976 acres) in the DEIS. The site area was recalculated in the FEIS.
[20] Based upon an acre being equivalent to 40,000 square feet.

Comment No. C-43:

Construction Impacts – Page 31: Construction timeline needs to be updated.

Response to Comment No. C-43:

A revised construction schedule that identifies project milestones and task durations is provided as Appendix I of this FEIS.

Comment No. C-44:

Page 35 of 40: Clarify that the insulation described in the second sentence of the first paragraph is the same insulating blue board discussed elsewhere in the document.

Response to Comment No. C-44:

The terms "insulation," "noise insulating blue board" and "rigid insulation/sound absorption material" found on Page 35 of 40 in the DEIS Executive Summary and elsewhere in the DEIS all refer to a rigid Styrofoam insulation board.

Comment No. C-45:

Pages 36 and 38 of 40: Page 36 indicates work hours of 7:00 am to 5:00 pm. Page 38 indicates work hours of 7:00 am to 6:00 pm. Please correct work times to be consistent throughout DEIS and compliant with requirements of City Code.

Response to Comment No. C-45:

Proposed construction work hours are addressed in the Response to Comment C-3 of this FEIS.

Comment No. C-46:

Page 31 refers to "field counts of vehicles entering and leaving the site during weekday AM and PM peak hours." These field counts should be included.

Response to Comment No. C-46:

Requested field counts showing the documentation of vehicles recorded entering and leaving the site during the weekday a.m. and p.m. peak hours are included in Appendix M of this FEIS.

Comment No. C-47:

Footnote 3 on Page 17 indicates that the City of Glen Cove's DPW may combine the separate Commuter Bus and Loop Bus services. Page 28 and 52 indicate that significant changes are not expected in the next two years. This apparent discrepancy should be resolved, such as with the statement that consolidation will not lead to reduction of scheduled trips.

Response to Comment No. C-47:

According to the City of Glen Cove's website, "the City of Glen Cove operates two separate bus services: a Commuter Bus, which serves the main industrial campus of the City of Glen Cove for morning and late afternoon runs, and the Loop Bus, which circles the City of Glen Cove during the day." See Section 2.3.1 and Response to Comment C-38 for additional information and Appendix N for the bus schedules.

Comment No. C-48:

Regarding parking, the document should discuss space reservations, visitor vs. resident parking, and general operational characteristics (e.g., will all drivers need to wait for an attendant?) of the motorized spaces.

Response to Comment No. C-48:

The proposed structured parking is operated as a fully valet service. Residents and visitors will not directly interact with the vehicle storage system within the internal garage facility. Valet service will be provided 365 days a year 24 hours per day for both residents and visitors. See also Section 2.3.1, which provides a detailed description of the proposed parking operation.

Comment No. C-49:

The following comments pertain to the signal warrant analysis (in the text and Appendix D11) at the intersections of Glen Cove Avenue with Craft Avenue and the proposed site driveway: Specify why Warrants 3 through 8 do not apply. There is adequate data to discuss, for example, that there are not enough pedestrians, there is no school crossing, and these roads are not all "major routes," to respectively dismiss Warrants 4, 5 and 8.

Response to Comment No. C-49:

The warrant analysis conducted as part of the proposed action's study is a "planning-level" analysis based on projected Future Action conditions. The Applicant has indicated that the application of certain warrant criteria is not appropriate given the inherent difficulty in forecasting such specific travel behaviors under future conditions.

The following is a summary of the Applicant's rationale for not including MUTCD Warrants #4 through #9 in the traffic study:

- As part of Warrant #4 (Pedestrian Volume warrant), the 2009 MUTCD states that:

  The Pedestrian Volume signal warrant shall not be applied at locations where the distance to the nearest traffic signal or STOP sign controlling the street that pedestrians desire to cross is less than 300 feet, unless the proposed traffic control signal will not restrict the progressive movement of traffic.

- The provision is intended to avoid new traffic signal installations at locations that are within a reasonable walking distance (i.e., 300 feet) of an existing signalized intersection where pedestrians already have an opportunity to cross the roadway-unless the operation of the new traffic signal can be carefully coordinated

with existing traffic signals in such a manner that the flow of traffic along the roadway is not impeded. The Craft Avenue/Glen Cove Avenue intersection is only 190 feet north of existing traffic signal at Burns Avenue/Glen Cove Avenue, and the proposed Villa site-access driveway is only 250 feet south of the existing traffic signal at Shore Road/Glen Cove Avenue. The Applicant has opined that both are within reasonable walking distances to accommodate safe pedestrian crossings of Glen Cove Avenue, and under the 300-foot minimum spacing distance referenced in the MUTCD criteria.

- In the MUTCD, Warrant #6 (Coordinated Signal System warrant) states that "The Coordinated Signal System warrant should not be applied where the resultant spacing of traffic control signals would be less than 1,000 feet." As described previously, the Craft Avenue/Glen Cove Avenue intersection is only 190 feet north of the existing traffic signal at Shore Road/Glen Cove Avenue, less than the required 1,000 feet. Furthermore, it should be noted that Warrant #6 is intended to be applied in locations where the signal is "needed in order to maintain proper platooning of vehicles." This is a very specific type of traffic application that is not a consideration at either of the locations where signal warrants were investigated as part of this study. Therefore, the Applicant has opined that Warrant #6 did not need to be examined as part of the Villa traffic study.

- Warrant #7 (Crash Experience warrant) is intended to address intersection locations where a documented crash history shows the need to consider installing a traffic signal as a measure to improve the overall safety of the intersection. However, the important to note the meeting Warrant #7 requires that *"Adequate trial of alternatives with satisfactory observance and enforcement has failed to reduce the crash frequency."* In essence, Warrant #7 is intended to address existing high-crash intersection locations that have been both the subject if a detailed engineering study and have already experienced trial safety measures (other than a traffic signal) that have failed to result in a reduction in crashes. Therefore, the Applicant has opined that Warrant #7 did not need to be examined as part of the Villa traffic study.

- Warrant #8 (Roadway Network warrant) is intended for locations where a traffic signal installation would be "justified to encourage concentration and organization of traffic flow on a roadway network." Warrant #8 requires that *both* of the intersecting roadways can be classified as a "major route," which is defined as a roadway having one or more of the following characteristics:

    - It is part of the street or highway system that serves as the principal network for through traffic flow.
    - It includes rural or suburban highways outside, entering, or traversing a city.
    - It appears as a major route on an official plan, such as a major street plan in an urban area traffic and transportation study.

  Although Glen Cove Avenue meets the criteria for the "major route" the intersecting roadways (i.e., Craft Avenue and proposed Villas site-access driveway) cannot be classified as "major route" according to the criteria above. Therefore, the Applicant has opined that Warrant #8 did not need to be examined as part of the Villas traffic study.

- Warrant #9 (intersection Near a Grade Crossing) is intended for application at STOP or YIELD sign-controlled intersections near an at-grade railroad crossing. Because the site is not near a crossing, the

Applicant has opined that Warrant #9 does not apply and was the not examined as part of the Villas traffic study.

Comment No. C-50:

Explain why the peak hour volumes "Intersection Turning Movement Volumes" do not match the Build volumes analyzed in the DEIS.

Response to Comment No. C-50:

The Applicant has advised that the peak hour intersection turning movement volumes presented (in the deemed complete DEIS) in Figures 7-10A and 7-10B match those presented in the report Appendix D10: the weekday AM and PM 2012 Action TRAFFIX outputs. The volumes shown in Appendix D3: "Summary of Traffic Volumes Table" differs by one (1) vehicle per hour for the southbound through movement of Glen Cove Avenue and Craft Avenue during the weekday AM and PM peak hours, due to rounding the calculations to the nearest vehicle in the table. The difference does not affect the results of the signal warrant analysis or conclusions that were drawn.

Comment No. C-51:

Explain the methodology for calculation Warrants 1 and 2. It appears as though the peak hour volumes were multiplied by 77% and 90% to calculate the 8th and 4th highest hours, respectively, but this is not explained in the document. Moreover since traffic was counted for four hours to determine the peak hours for the DEIS Traffic Study, the actual four-hour counts should be used to calculate Warrant 2 (Four Hour Volume) instead of a 90% factor applied to a one-hour volume.

Response to Comment No. C-51:

Warrant #1 (Eight-Hour Vehicular Volume warrant) is intended to be applied at the locations where a traffic signal should be considered for installation because, for eight hours of the day, either:

A. The volume of intersecting traffic from both roadways is very high.
B. The traffic volume on the major street is so heavy that intersecting minor street traffic suffers excessive delay or conflict in entering or crossing the major street.

In examining the conditions, Warrant #1 considers volumes that occur during the eight highest hours of the day. In other words, the warrant computations are intended to account for the condition where high traffic volumes persist at the intersection for an extended period (namely eight hours) of the day. The calculation methodology for Warrant #1 is based on comparing the required "major street" and "minor street" warrant volumes, as shown below in Table 6 (Table 4C-1 of the 2009 MUTCD) to the corresponding major street and minor street traffic volumes that occur during the eight highest hours of the day.

In the warrant computations for the project, the traffic volumes occurring during eight highest hours of the day are simply expressed as a percentage of the traffic volumes during the overall peak hour during the entire day (i.e., the PM peak hour) for the computation process. Specifically, a factor of 77 percent was applied to the peak hour volumes to reflect that the volumes during the eight highest hours of the day are no

less than 77 percent of the peak volumes. This 77 percent factor was calculated based on 24-hour Automatic Traffic Recorder (ATR) counts of vehicles traveling in both directions along Glen Cove Avenue between Craft Avenue and Shore Road (i.e., past the proposed site). These eight-hour volumes were then compared to the warrant volumes in Table 4C-1 using a spreadsheet (see Table 6).

Table 6 – Warrant 1, Eight-Hour Vehicular Volume

Table 4C-1. Warrant 1, Eight-Hour Vehicular Volume

Condition A—Minimum Vehicular Volume

Number of lanes for moving traffic on each approach		Vehicles per hour on major street (total of both approaches)				Vehicles per hour on higher-volume minor-street approach (one direction only)			
Major Street	Minor Street	100%[a]	80%[b]	70%[c]	56%[d]	100%[a]	80%[b]	70%[c]	56%[d]
1	1	500	400	350	280	150	120	105	84
2 or more	1	600	480	420	336	150	120	105	84
2 or more	2 or more	600	480	420	336	200	160	140	112
1	2 or more	500	400	350	280	200	160	140	112

Condition B—Interruption of Continuous Traffic

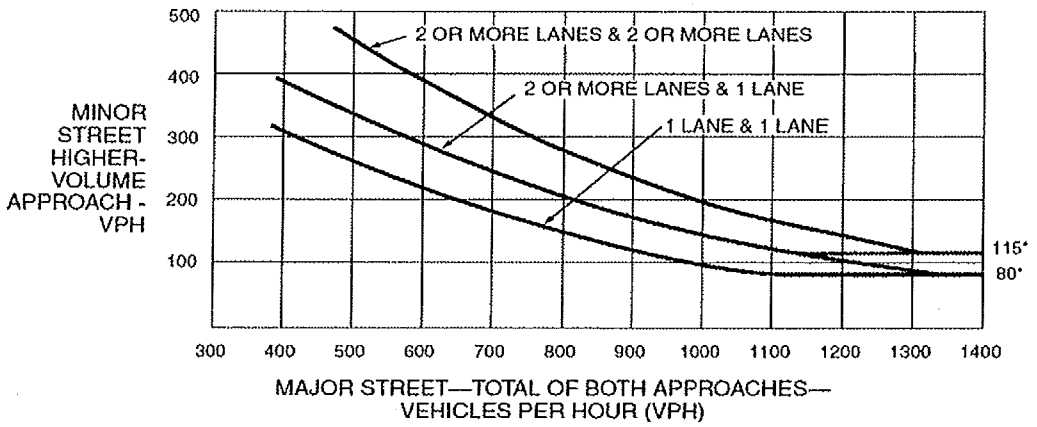
Number of lanes for moving traffic on each approach		Vehicles per hour on major street (total of both approaches)				Vehicles per hour on higher-volume minor-street approach (one direction only)			
Major Street	Minor Street	100%[a]	80%[b]	70%[c]	56%[d]	100%[a]	80%[b]	70%[c]	56%[d]
1	1	750	600	525	420	75	60	53	42
2 or more	1	900	720	630	504	75	60	53	42
2 or more	2 or more	900	720	630	504	100	80	70	56
1	2 or more	750	600	525	420	100	80	70	56

[a] Basic minimum hourly volume
[b] Used for combination of Conditions A and B after adequate trial of other remedial measures
[c] May be used when the major-street speed exceeds 40 mph or in an isolated community with a population of less than 10,000
[d] May be used for combination of Conditions A and B after adequate trial of other remedial measures when the major-street speed exceeds 40 mph or in an isolated community with a population of less than 10,000

Source: Federal Highway Administration, *Manual on Uniform Traffic Control Devices*, December 2009, p. 438.

Figure 6 – Warrant 2, Four-Hour Vehicular Volume

Figure 4C-1. Warrant 2, Four-Hour Vehicular Volume



*Note: 115 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 80 vph applies as the lower threshold volume for a minor-street approach with one lane.

Source: Federal Highway Administration, *Manual on Uniform Traffic Control Devices*, December 2009, p. 440.

Comment No. C-52:

The signal warrant analysis should reflect the 2009 MUTCD (the footnote refers to the obsolete 2003 version).

Response to Comment No. C-52:

Warrants #1, #2, and #3–which were analyzed as part of the Villas traffic study–remain the same in the 2009 MUTCD as the 2003 version. The 2009 version of the MUTCD did add a ninth warrant (Warrant #9: Intersection Near a Grade Crossing) to the original eight warrants in the 2003 MUTCD. However, as described in Response to Comment C-49, Warrant #9 does not apply. Aside from the lack of a reference to Warrant #9, which does not apply, the computations in the signal warrant analyses for the Villa traffic study reflect those required by the 2009 MUTCD.

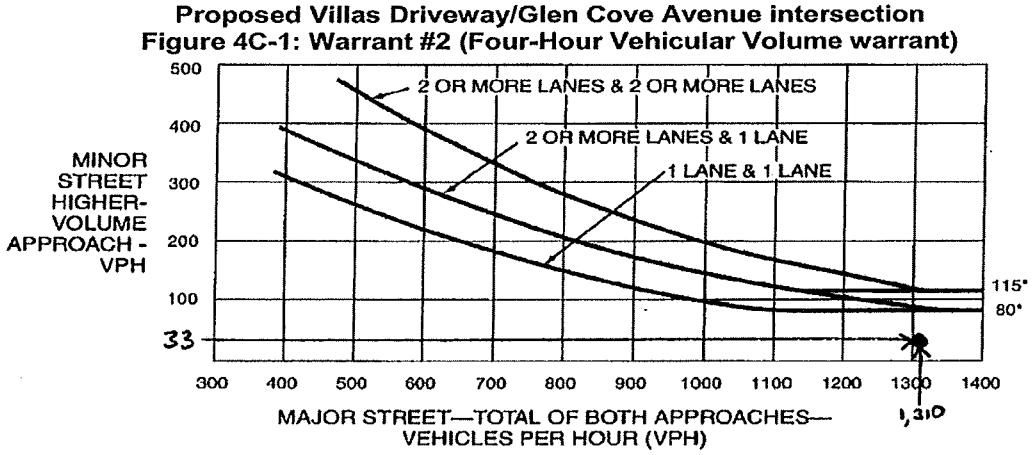
Comment No. C-53:

The calculation for Warrant 2 and for Warrant 3 Condition B should be expanded to better reflect the MUTCD required volumes. The required volumes are not static, but are plotted lines representing combinations of major and minor approach volumes; the projected volume plotted points should fall above these plotted lines to meet the warrants. The document should simply show the Figures 4C-1 and 4C-2 and show that the projected Build volumes fall short.

Response to Comment No. C-53:

Warrant #2 (Four-Hour Vehicular warrant) and Condition "B" of Warrant #3 (Peak Hour warrant) use the warrant threshold curves shown in Figures 4C-1 and 4C-3, respectively, of the 2009 MUTCD. As requested, the corresponding major street and minor street traffic volumes at both of the intersections examined as part of the warrant analysis have been plotted on Figures 4C-1 and Figures 4C-3, as shown below in Figure 7 through Figure 10.

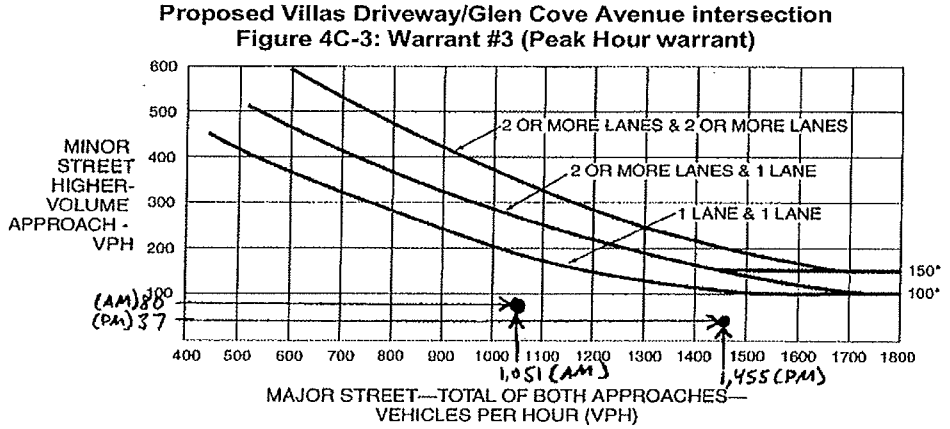
Figure 7 – Proposed Villas Driveway/Glen Cove Avenue Intersection



*Note: 115 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 80 vph applies as the lower threshold volume for a minor-street approach with one lane.

Source: Federal Highway Administration, *Manual on Uniform Traffic Control Devices*, December 2009, p. 440.

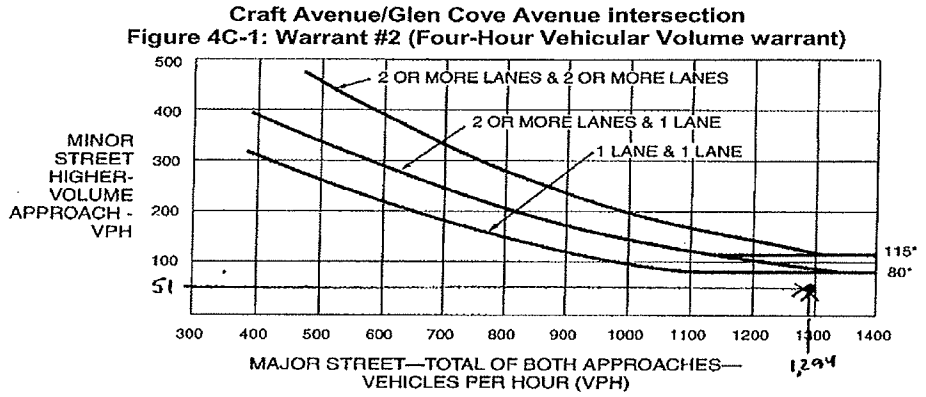
Figure 8 – Proposed Villas Driveway/Glen Cove Avenue Intersection



*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

Source: Federal Highway Administration, *Manual on Uniform Traffic Control Devices*, December 2009, p. 441.

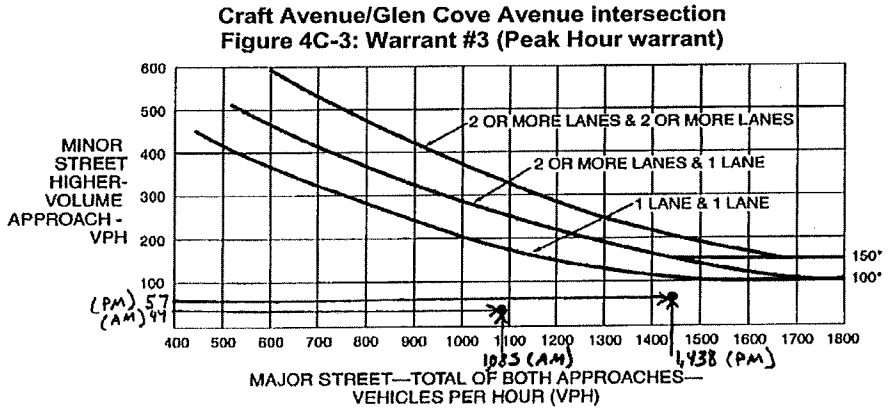
Figure 9 – Craft Avenue/Glen Cove Avenue Intersection



*Note: 115 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 80 vph applies as the lower threshold volume for a minor-street approach with one lane.

Source: Federal Highway Administration, *Manual on Uniform Traffic Control Devices*, December 2009, p. 440.

Figure 10 – Craft Avenue/Glen Cove Avenue Intersection



*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

Source: Federal Highway Administration, *Manual on Uniform Traffic Control Devices*, December 2009, p. 441.

As shown in the figures, the plotted points representing the intersections of the major and minor street volumes all fall below the corresponding warrant threshold curves. Therefore, both Warrants #2 and #3 are not met.

Comment No. C-54:

The Capture Criteria for Condition #2 (Increase in traffic volumes) should refer to the change of the "New Villa traffic" and not the "Net New Villa traffic" because the existing trips to be removed are already removed from the base 2012 No Action condition (Figure 12-1).

Response to Comment No. C-54:

The language under "Capture Screening Criteria" #2 should say "a 10 percent or more increase in new Villa traffic on affected roadways for the Build or ETC conditions."

Comment No. C-55:

The DEIS construction vehicle calculations do not all add directly. The Appendix O "Trucks per day" table (dated July 2009) should coordinate the actual months (a January 2011 start is feasible, a July 2010 start is not), and the July 2010 number of "20 demolition trucks" cannot yield a total of "16" trucks.

Response to Comment No. C-55:

A revised construction schedule that identifies project milestones and task durations is provided as Appendix I of this FEIS. A revised "Trucks per Day" table is included in Appendix C of this FEIS.

Comment No. C-56:

The numbers in Table 13-3 and 13-4 (excerpted below) should include corresponding volumes used to calculate the Existing and No build volumes on Glen Cove Avenue.

Roadway Length	Existing Conditions		No-Action Conditions	
	AM Peak Period	PM Peak Period	AM Peak Period	PM Peak Period
Glen Cove Ave. between Shore Rd. and Craft Ave.	906	1,239	1,031	1,388
Glen Cove Ave. between Craft Ave. and Young Ave.	903	1,246	1,027	1,395

Response to Comment No. C-56

The requested information is provided below within the revised tables below.

Table 7 – Future No-Action Conditions Traffic County Summary for Noise

Roadway Length	Existing Conditions		No-Action Conditions	
	AM Peak Period	PM Peak Period	AM Peak Period	PM Peak Period
Glen Cove Ave between Shore Rd. and Craft Ave.	906 (443 + 10 + 20 + 433)	1,239 (564 + 7 + 34 + 634)	1,040 (520 + 11 + 21 + 488)	1,386 (716 + 36 + 7 + 627)
Glen Cove Ave. between Craft Ave. and Young Ave.	903 (397 + 38 + 17 + 4 + 447)	1,246 (522 + 40 + 11 + 15 + 658)	1,036 (471 + 40 + 18 + 503 + 4)	1,393 (582 + 42 + 12 + 16 + 741)

Notes: No-Action projection counts rounded to the nearest whole numbers.
Traffic counts presented in table represent applicable combined turning movements (right-, left- and thru movements) departing/leaving selected intersections.

Table 8 – Future Action Conditions Traffic County Summary for Noise

Roadway Length	No-Action Conditions		Net New Site Generated Traffic*		% Increase Over No-Action	
	AM Peak Period	PM Peak Period	AM Peak Period	PM Peak Period	AM Peak Period	PM Peak Period
Glen Cove Ave between Shore Rd. and Craft Ave.	1,040 (520 + 11 + 21 + 488)	1,386 (716 + 36 + 7 + 627)	51	55	4.9%	4.0%
Glen Cove Ave. between Craft Ave. and Young Ave.	1,036 (471 + 40 + 18 + 503 + 4)	1,393 (582 + 42 + 12 + 16 + 741)	51	55	4.9%	3.9%

Notes: No-Action and Action projection counts rounded to the nearest whole numbers.
Traffic counts presented in table represent applicable combined turning movements (right-, left- and thru-movements) departing/leaving selected intersections.
* See Table 7-5 from Chapter 7 (of the DEIS).

Comment No. C-57:

The Appendix O SWPPP construction sequence schedule has dates beginning in 2007. Dates should be revised to indicate the appropriate start and end dates.

Response to Comment No. C-57:

An updated SWPPP with revised dates will be required to be submitted as part of the SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-10-001) to the NYSDEC.

Comment No. C-58:

The SWPPP Narrative Report contains some grammatical errors and is not consistent with the rest of the document, such as mentioning "452 parking spaces" (page 1), "three-bedroom units" (page 1), and "slopes over 25 percent and over 25 percent" (page 2). Also, the percentage areas within each slope classification do not match the percentages based on the lot areas discussed in the Executive Summary.

Response to Comment No. C-58:

A revised truck trips and private worker vehicle table is provided in Appendix C of this FEIS. Furthermore, the residential unit mix is three one-bedroom units and 193 two-bedroom units. The proposed development includes 396 parking spaces.

On the southern portion of the site, 30,497.50 square feet (53.5 percent) contains slopes from 0 – 15 percent; 8,628.45 square feet (15.14 percent contains slopes from 15 to 25 percent; 3,741.95 square feet (6.56 percent) contains slopes from 25 to 35 percent; and 14,140.73 square feet (24.8 percent) contains slopes over 35 percent.

Also, see Response to Comment C-57.

Comment No. C-59:

Page 2 of the Narrative Report lists two separate areas with slopes in the 15-25 percent range; one area is likely in the 25-35 percent range.

Response to Comment No. C-59:

See Response to Comment C-58.

Comment No. C-60:

Chapter 20 refers to multiple "PM peak hours" starting either at 4:30 or 5:00 pm. The peak hour should be consistent with Chapter 7 results.

Response to Comment No. C-60:

It should be noted that the multiple p.m. peak periods being referred to in different chapters of the DEIS prepared by the Applicant are based on separate count locations and/or types of traffic activities. Based on the traffic volume counts conducted at the study intersections, the workday p.m. peak hour for traffic on the overall roadway network within the study area was determined to be from 4:30 p.m. to 5:30 p.m. All traffic operations analyses were based on this p.m. peak hour, as it represents the one hour time period when traffic volumes were greatest throughout the study area. The study area included intersections along Glen Cove Avenue, and along other roadways, such as Glen Cove Road and Cedar Swamp Road, Northern Boulevard, etc. In contrast, Automatic Traffic Recorder (ATR) counts conducted only on Glen Cove Avenue indicated a localized peak hour on that specific roadway from 5:00 p.m. to 6:00 p.m. Furthermore, the weekday p.m. peak hour for construction activities on site also varies because of the different traffic patterns associated with those particular activities: truck trips to and from the site will take place throughout the day between 6:00

a.m. and 5:00 p.m., and the majority of the construction workers are expected to leave the site between 2:00 p.m. and 4:00 p.m.

Comment No. C-61:

The Figure 20-2 and Figure 20-3 labels on the X-axis have "..."marks. What is missing in the labels? Also, Figures 20-2 and 20-4 show trucks beginning in September 2010, which predates the environmental approvals and related permits. The figures should be revised to reflect "Month 1, Month 2, "etc. as the specific month name does not impact the results of the table.

Response to Comment No. C-61:

The X-axis label on Figure 20-2 should be "Workers on Site." The X-axis label on Figure 20-3 should be "Number of Construction Worker Trips."

A revised construction schedule prepared by the Applicant that identifies project milestones and task durations, but not specific dates, is provided as Appendix I of this FEIS.

Comment No. C-62:

Section C.3 – Noise 9 – Pages 12 and 13: Page 12 indicates work hours of 7:00 am to 5:00 pm. Page 13 indicates work hours of 7:00 am to 6:00 pm. The Appendix O letter from Bernhard Shipps and Associates dated May 3, 2010 refers to work hours between 7:00 and 6:00 pm. Please correct all work time references so they are consistent throughout the DEIS.

Response to Comment No. C-62:

See Response to Comment C-3. The Applicant will adhere to the City's regulations regarding hours of construction.

Comment No. C-63:

The Site Traffic Analysis and Site Traffic Analysis – Private Vehicles in Appendix O need to be revised to match the Conceptual Approval and Conceptual Progress Schedules as well as each other.

Response to Comment No. C-63:

The site traffic analyses projections for private vehicles and work trips have been revised (see the tables in Appendix C). In addition, a revised construction schedule that identifies project milestones and task durations is provided as Appendix I of this FEIS.

Comment No. C-64:

In the Executive Summary, Section S – Potential Impacts During Construction, and in Chapter 20, it is described that 22 to 51 daily round trip truck trips (or 44 to 102 single truck trips) are estimated during excavation work, which is estimated to last for six to seven months. The DEIS should discuss that the peak

construction trip volumes are to occur during off-peak hours when the background traffic is much lower than during peak hours, and that construction trips during peak hours will be smaller than the trip volumes analyzed in the DEIS Traffic Study.

Response to Comment No. C-64:

The majority of construction trips reflect workers commuting to the site prior to 7:00 a.m., and between 2:00 p.m. and 3:00 p.m., when traffic volumes are approximately 31 percent and 15 percent lower than they are during the 8:00 a.m. and 5:00 p.m. peak hours of the surrounding roads, respectively. The comparison between hourly volumes is based on the 24-hour ATR counts. The construction-period trip generation during the actual a.m. and p.m. peak hours will be six to 14 hourly trips, which is significantly fewer trips than the 96 to 113 site-generated trips analyzed for the DEIS traffic study.

Comment No. C-65:

Section C – Noise – Page 8: The last paragraph on this page describes a noise barrier being erected within 200 feet of the pile driver. This description is not consistent with the description provided with the Executive Summary and Appendix O as to how and where the sound attenuation barrier will be constructed.

Response to Comment No. C-65:

At the beginning of the construction period, the Applicant has indicated that an eight-foot high and ¾-inch thick plywood fence on four-inch by four-inch wood posts will be constructed around the entire perimeter of both the northern and southern parts of the Villa at Glen Cove site. Three 16-foot-wide access gates will be installed on the northern part of the site, and one similar access gate will be installed on the southern part of the site.

Wherever the foundation walls of Building A or Building C are within 200 feet of an existing single-family residence east of the northern part of the site, and along the entire eastern property line of the southern part of the site, the Applicant has indicated that a two-inch rigid insulation board and a second layer of ¾-inch plywood will be attached to the fence. The purpose of the insulation board and second layer of plywood is to help mitigate construction noise.

Comment No. C-66:

Page 9: Description of sound barrier is not consistent with descriptions provided with the Executive Summary and Appendix O.

Response to Comment No. C-66:

See Response to Comment C-65.

Comment No. C-67:

Page 28; 3rd Paragraph – The document states that at 50 units per acre (with a 7-story residential building), the proposed development would not be out of character with surrounding area. It should be noted that while there are two garden-type multi-family developments along the west side of Glen Cove Rd. these developments are nowhere near 50 units per acre. In addition, the residential neighborhoods east Glen Cove Ave. from where the project is being built are primarily single-family homes. Also, Avalon Bay at 83 units per acre is located in downtown Glen Cove and not in the immediate area of the subject property and may not be comparable in this regard.

Response to Comment No. C-67:

See Response to Comment C-32.

Comment No. C-68:

Page 31 – Compatibility with Surrounding Zoning – The document states that the proposed development at 50 units per acre is not incompatible with existing zoning (which means that is compatible with existing zoning). At 50 units/acre and building heights ranging from four to seven stories, this development may be viewed as being out of character with surrounding zoning and land use, particularly the east side of Glen Cove Ave.

Response to Comment No. C-68:

See Response to Comments C-17 and C-32.

Comment No. C-69:

General Comment – The RIO-GCA district was one of many amendments to the City's ordinances that the City passed earlier this year. While public hearing(s) were held for the Amendments to the City's ordinance as a package, it is unclear as to whether public hearing(s) were held specifically for the creation of the RIO-GCA district which is a significant land use action in and of itself.

Response to Comment No. C-69:

Numerous meetings and public hearings were held over at least a two-year period prior to the adoption of the RIO-GCA. Public hearings were held by the City of Glen Cove Planning Board on June 29, 2010 and July 6, 2010 at which time the Planning Board passed a resolution recommending to the City of Glen Cove City Council, among certain other amendments, the establishment of the RIO-GCA. On July 27, 2010 a public hearing on said amendments was held by the City Council. At a public meeting on August 24, 2010, the City Council adopted the RIO-GCA. The contemplated amendments were posted at length on the City web site. Furthermore, the Planning Board and City Council public hearings were preceded by a governmental/public review process that culminated in the adoption of the City's *2009 Master Plan* on May 26, 2009. The *2009 Master Plan* recommended multi-family housing of up to 50 units per acre within the subject area. This process included public hearings conducted by the City Council and meetings by an advisory committee and community task force consisting of members of the Planning Board, Zoning Board, and members of the public.

Comment No. C-70:

Page 32; 1st Paragraph – While the DEIS states that there are no mid-rise buildings of the development that will exceed the roof top elevations of building *[sic]* that are part Glen Cove Housing Authority and will not exceed the height of the tree canopy on the residential parcels east of the subject property, a 7-story residential structure as part of the development may be viewed as being out of out of *[sic]* character with the surrounding area.

Response to Comment No. C-70:

The maximum height of the tallest building in the revised 196-unit plan (Building A) has been reduced from seven stories to six stories, as noted in Section 2.3.2 of this FEIS.

See Section 1.2.4 for the Planning Board's conclusion regarding visual and neighborhood character impacts and mitigation.

Comment No. C-71:

Page 32 – Density Bonuses Allowed for Additional Incentives – The maximum density permitted in the RIO-GCA district is 20 units per acre. The regulation state *[sic]* that if certain amenities are provided, the district would permit density bonuses that increase the maximum allowable density from 20 units per acre to 50 units per acre. They are as follows: 1. an additional 17 units/acre for structured parking; 2. an additional 10 units per acre streetscape improvements; 3. an additional three units per acre with the provision of on-site recreational amenities. The proposed amenities that result in the density bonuses appear to be for the benefit of residents of the development and may be without benefit to the public or city as a whole. For example, structured parking will be utilized by residents of the proposed Villa. How does this benefit the public? Also, the DEIS indicates that streetscape improvements will be made. This is true along the development's street frontage on Glen Cove Ave. It is acknowledged that as a "gateway" to the City this amenity would be beneficial to the City, but it is unclear if streetscapes improvements are being proposed beyond the boundaries of the development. Finally, the DEIS indicates that on-site recreation amenities will be provided, but it appears that those amenities will be exclusively for the residents of the development.

Response to Comment No. C-71:

Density bonuses for The Villa at Glen Cove are addressed in Section 1.2.3, Section 2.3.5, and the Response to Comments C-1, C-26 and C-32 of this FEIS.

Comment No. C-72:

Given the density bonus opportunities as set forth in the Overlay District ordinance, it is odd that an allocation of affordable units would not qualify. While streetscaping improvements may improve off-site conditions for existing residents, it is difficult to establish a relationship between structured parking on-site private recreation facilities, and enhancing the quality of life for existing affordable housing residents in the neighborhood. Perhaps the criteria for density bonus award should be revised to give the construction of new on-site affordable housing a more feasible chance of being implemented in this area of the City.

Response to Comment No. C-72:

Granting of the density bonus for streetscape improvements only considers off-site improvements -- specifically, the extent and dollar value of off-site improvements to the surrounding streetscape, the public costs that would otherwise be required to effect the same improvements, and the improvement to the immediate neighborhoods as well as the marketability of the downtown from the proposed improvements (see Sections 1.2.3 and 2.3.5, as well as Response to Comments C-1, C-26 and C-32 and Appendix V).

The last sentence of this comment appears to address the adoption of provisions in the RIO-GCA by the City of Glen Cove, and, as such, is not part of the proposed action evaluated herein. However, it should be noted that the RIO-GCA zoning district includes the option of applying for an inclusionary housing waiver, for which the Applicant has applied. See Response to Comment C-1.

Comment No. C-73:

Through the increased density requirement of 20 units/acre as per the Overlay District, the ordinance has effectively transferred the development potential of steeply sloping lot areas to facilitate an economically feasible development on the lesser sloping portions of the subject property. Coupled with density bonus allowances for on and offsite amenities, it seems as if "*density that may be lost from steeply sloping areas of a project site*" has been fairly captured. Any waiver from the Hillside Protection Ordinance should strictly consider the ability, or inability, to locate a bulk-conforming structure on the less encumbered portions of the lot, and should not necessarily be applied to permit additional density above what is permitted as of right and through allowable density bonuses in the Overlay District. The waiver from Hillside Protection regulations thus becomes a self-created hardship. As mentioned above, adequate density incentives and relief are already built into the RIO-GCA ordinance.

Response to Comment No. C-73:

The comment paraphrases part of Section A of the RIO-GCA text (Purpose and intent) and suggests that an evaluation of an as-of-right development for the site by the Applicant is a requirement for granting of a waiver from the Hillside Protection provisions of the City Code. However, Section E(2) of the RIO-GCA text establishes criteria upon the satisfaction of which the waiver of the Hillside Protection provisions shall be granted. The Applicant asserts that a waiver from the Hillside Protection provisions is not a self-created hardship, but rather a dispositive part of the RIO-GCA. Those criteria and the site engineering and architectural practices included in the Villa design in response to the criteria are addressed in the Response to Comment C-1. The as-of-right alternative for the Villa at Glen Cove is addressed in the Response to Comment C-20.

Comment No. C-74:

The applicant indicates that the proposed development includes adequate on-site and off-site improvements to the neighborhood that will help enhance the quality of life, including landscaping improvements, mass transportation improvements, façade improvements and lighting and security improvements. The City's rationale for approving a waiver for affordable housing as described in this document are [sic] somewhat vague and bear [sic] little relationship to increasing affordable housing opportunities for city residents. The applicant provides no compelling reason why it should not comply with a ten percent set-aside or at least a fee in lieu of providing affordable units that is deposited in an affordable housing fund. Again, the rationale behind approving a waiver for affordable housing requirements appears to be tailored to meet the needs of the developer and does not necessarily provide for the "public good", nor does it provide affordable housing opportunities in any manner of form for residents of the city. It should be noted that in addition to the City's affordable housing regulations that were recently adopted, in January of 2009, New York State passed its own workforce housing law that requires a 10 percent set-aside or fee in lieu.

Response to Comment No. C-74:

As previously stated and addressed in Response to Comment C-1, the RIO-GCA [at §280-73.3E(1)] permits an applicant to seek a waiver of the provision of affordable housing and establishes criteria for such waiver. As part of this application, the Applicant is seeking a waiver of affordable housing, and the City Council will consider the Applicant's request for such waiver based upon the criteria set forth in 280-73.3E(1).

With respect to the provision of affordable housing, the Villa at Glen Cove application for municipal approvals preceded the adoption of the New York State workforce housing legislation, and is, therefore, not subject to its provisions.

Comment No. C-75:

Pages 1 and 2 (Section A) – The plan clearly states the potential socioeconomic and/or demographic changes that could result from the proposed action, including any potentially direct and/or indirect displacement of residential population, businesses, or employees on the project site and within the surrounding study area. However, it also states that in light of the displacement of businesses and residents significant adverse demographic or socioeconomic impacts are not anticipated.

Page 25 – Direct Displacement; Page 26 (Section F) – The DEIS acknowledges the direct displacement of 41 persons and potential displacement of 87 persons, but proposes no mitigation measures in Section F and concludes in Section G that no significant adverse socioeconomic or impact on the project site, surrounding areas or City of Glen Cove are expected to result from the development. If the Applicant proposes to relocate displaced residents or businesses it is not evident in the DEIS.

Response to Comment No. C-75:

Potential for socioeconomic change to result from the development of The Villa at Glen Cove is addressed in the Response to Comment C-34.

The relocation incentives provided by the Applicant in the past are described in the Response to Comment C-33, and a detailed description of the residential and commercial tenant relocation program is provided in Appendix G (Manner and Program of Tenant Relocation) of this FEIS. The lease terms to which current residents and businesses at the Villa site have agreed are identified in Appendix H of this FEIS. No further relocation assistance measures are required for the Villa development.

Comment No. C-76:

Table 7-2: General Question/Concern – What is the benefit of showing "overall" LOS? Showing "overall" LOS creates a misleading picture of existing conditions.

Response to Comment No. C-76:

The overall level-of-service (LOS) for an intersection is commonly reported by traffic engineers as a general measure of the overall performance of the intersection as a whole. Overall LOS is sometimes useful for engineers and planners as a quick and easily-understood measure-of-effectiveness when discussing overall traffic operations at an intersection in general terms, or as a basis for an overall comparison to other intersections.

For the purposes of completeness, the LOS tables in the deemed complete DEIS included the detailed LOS by movement, as well as LOS for the intersection as a whole. It is important to note that overall LOS is not used as a measure for determining significant traffic impacts. Rather, the levels-of-service for individual traffic movements at each intersection are examined when determining impacts and identifying associated mitigation measure.

Comment No. C-77:

Page 14, Section 3, Paragraph 1 – To be factually correct, the MTA does not operate the public mass transit systems for the entire region surrounding NYC. This should be revised.

Response to Comment No. C-77:

The comment is noted. Nassau Inter-County Express (NICE) is the current name of the bus system in Nassau County. The system is no longer called LI Bus. The new name memorializes the transition from the bus service being part of the regional MTA to being managed by Nassau County and its operating partner – Veolia Transportation.

Comment No. C-78:

General Comment – When citing transit schedules please include the date of the data.

Response to Comment No. C-78:

With respect to the transit schedules reviewed as part of the transportation analysis, a Long Island Rail Road Oyster Bay Branch timetable effective May 14, 2012 and a Nassau Inter-County Express N27 Roslyn/Hempstead – Glen Cove schedule effective April 8, 2012 are provided in Appendix N of this FEIS,

along with a Glen Cove Commuter Bus & Loop Bus Service schedule provided by the Glen Cove Department of Public Works on June 1, 2012.

Comment No. C-79:

General Comment – The LI Bus data needs to be revised because it is now out-of-date. Example – Page 16, first paragraph under "Existing Bus Conditions" cites LI Bus as operating 54 routes, but since the service cuts they now operate only 48 routes.

Response to Comment No. C-79:

Nassau Inter-County Express (NICE) is the new name of the bus system in Nassau County. The system is no longer called LI Bus. The new name commemorates the transition from the bus service being part of the regional MTA to being managed by Nassau County and its operating partner Veolia Transportation. NICE provides bus service throughout Nassau County, western Suffolk County and into eastern Queens with 48 routes serving a weekday daily ridership of approximately 104,000 passengers.

As of March 31, 2013, on the N20/21 Route, on weekdays traveling westbound from Glen Cove towards Flushing, the route now begins service at 6:00 a.m. The last bus leaves Glen Cove at 5:30 p.m. There are six a.m. departures and five p.m. departures. Conversely, buses departing Flushing for Glen Cove now begin service at 6:14 a.m. and service ends at 7:16 p.m. There are five a.m. departures and five p.m. departures. N20/21 service on Saturdays and Sundays does not include service to and from Glen Cove.

As of March 31, 2013, on the N27 Route, on weekdays, buses depart Hempstead for Glen Cove about every half hour from 5:15 a.m. up to 7:40 p.m., and the last scheduled departure is at 10:45 p.m. From Glen Cove, the N27 begins service at 5:55 a.m., and then buses leave for Hempstead Transit Center approximately every 30 minutes to 8:56 p.m., with the last departure scheduled at 9:56 p.m.

Comment No. C-80:

Page 31 – Trip Generation – Net new trips seems underestimated. Checked with ITE Trip Generation manual and rate for peak hour should be .44 per dwelling unit, which would make the number more like 95.

Response to Comment No. C-80:

The 8th Edition of the ITE *Trip Generation* manual was used for purposes of estimating the trip generation characteristics associated with the proposed project. It is important to note here that the northerly and southerly buildings that form the project will generate traffic from two separate physical locations. Combining the trip generation characteristics associated with both buildings (the northerly and southerly buildings) results in a total of 96 trips generated during the weekday a.m. peak hour and 113 trips generated during the weekday p.m. peak hour, based upon the 216-unit plan. The trip generation for the 196-unit plan is as follows: 88 trips will be generated during the weekday a.m. peak hour and 104 trips will be generated in the weekday p.m. peak hour.

It should also be noted that because the site's current land uses will be eliminated with development of the Villa at Glen Cove, the vehicle trips associated with these existing land uses were subtracted from the off-site

vehicle trip assignments to reflect the elimination of vehicular travel associated with existing land uses. As such, only the net incremental trips were assigned to the roadway network.

Comment No. C-81:

Figure 7-7 – This figure shows 10% of then *[sic]* trips being distributed onto Glen Keith Road, which is a dead end that is not even adjacent to the site. This seems odd.

Response to Comment No. C-81:

These trips represent the trips destined for the Sea Cliff LIRR station. A clearer presentation would place the arrow to the east of Glen Keith Road (which would not be used since it is a dead end).

Comment No. C-82:

Page 50 – Parking section – It is stated that 2 parking spaces will be provided for each unit, making a total of 432 parking spaces. With 432 vehicles, it seems odd to assume only 15% of those vehicles will be making trips in the AM peak hour. Also, the paragraph goes on to state that this parking will accommodate visitors, so is there not going to be a separate visitor parking?

Response to Comment No. C-82:

The trip generation estimate for the Villa project was developed based on empirical trip data published in the standard reference manual, *Trip Generation*, published by the Institute of Transportation Engineers. The data sets provided in the ITE manual for the "Residential Condominium/Townhouse" land use are among the most-well-documented such uses in the manual, and are based on dozens of empirical trip generation studies of similar residential developments from throughout North America. For example, the weekday a.m. peak hour trip generation rates are based on 59 independent studies, and the weekday p.m. peak hour rates are based on 62 independent studies.

Furthermore, the ITE data sets present vehicle trips as a function of the total number of dwelling units, rather than the number of parking spaces, and the trip rates used in the Villa traffic study were adjusted to account for the number of units. The ITE data shows a high correlation between the number of dwelling units and number of vehicle trips generated: correlation coefficient (R2) values range from 0.76 to 0.80. The average sizes of the residential developments studied and published in the ITE data sets (ranging from 205 to 213 units) are also very similar in magnitude to the size of the previously proposed Villa project (216), now 196 units.

It should also be noted that: (1) Code-based parking requirements do not always correspond to genuinely anticipated parking demand (which is approximately 25 percent lower according to the ITE Parking Generation manual); and (2) For the parking lot capacity to correspond to the peak hour trip generation, every vehicle in the parking lot would need to arrive and leave at the same time, on a regular every-day basis. This is contrary to standard residential parking lot operation. Even if the parking was completely full, a 396-space residential parking lot, as currently proposed, is not expected to empty or fill up at exactly the same time every day. The expectation is that arrivals and departures from residential parking lots are more sporadic based on a number of factors (such as school, work, and travel schedules).

Response C-48 indicates that visitor parking will be via the same valet service that is used by the residents.

Comment No. C-83:

Existing Parking Utilization - Were these observations reconciled against LIRR parking utilization numbers?

Response to Comment No. C-83:

According to the Applicant, observed parking utilizations were not reconciled against any LIRR parking utilization numbers.

Comment No. C-84:

Realty Subdivision plans and applications must be submitted to the NCDH for the approval of the design of the water supply and sewage disposal systems to serve each residential development of five (5) or more units or lots.

Response to Comment No. C-84:

The required plans will be submitted to the Nassau County Department of Health (NCDH) for review.

Comment No. C-85:

Private Sewage Disposal System plans and applications must be submitted to the NCDH for the approval of all individual on site sanitary sewage disposal systems that are proposed to serve apartment buildings and institutions as well as non residential developments including restaurants, office buildings, recreational or other commercial and industrial buildings.

Response to Comment No. C-85:

As described in Chapter 11, Section D.2 of the DEIS, on-site sewage disposal is not proposed for The Villa at Glen Cove. Sanitary wastewater from The Villa would be conveyed to the Glen Cove Sewage Treatment Plant.

Comment No. C-86:

All land development in the Special Groundwater Protection Areas (SGPAs) of Nassau County must comply with the requirements of Article X of the Nassau County Public Health Ordinance (NCPHO). This regulation limits the number of dwelling units to one per 40,000 square feet for residential developments, limits the daily design rate of sewage discharged per square foot of net area for non-residential developments to no more than .00375 gallons per square foot, and prohibits all discharges of industrial wastewater, whether or not treated.

Response to Comment No. C-86:

The Villa at Glen Cove site is not within the boundaries of a Special Groundwater Protection Area.

Comment No. C-87:

The construction of realty subdivisions, and other residential and nonresidential developments that require NCDH approval may not proceed until realty subdivision or private sewage disposal system plans are approved by NCDH.

Response to Comment No. C-87:

The required sewage disposal system plans will be submitted to the NCDH for review.

Comment No. C-88:

Engineering plans and specifications for the construction of new or modification of existing water mains which will serve the proposed development must be submitted, through the public water supplier, for review and approval to the NCDH. The installation of private wells as a source of drinking water, cooking, sanitary or laundry use, in an area served by a public water system, is prohibited.

Response to Comment No. C-88:

The required water supply plans will be submitted to the NCDH for review.

Comment No. C-89:

Evidence must be provided to the NCDH indicating that all water mains constructed as part of the development will be deeded to the public water supplier, along with a dedicated easement as may be necessary, to assure proper operation, repair and maintenance. Dead-end water mains shall not be proposed unless approved by the NCDH pursuant to conditions in Article VI of the NCPHO. All water mains should be connected to adjacent street mains or otherwise looped for improved water distribution.

Response to Comment No. C-89:

Documentation of the dedication of easements for water mains, as necessary, will be provided to the NCDH. Water mains proposed for the Villa at Glen Cove site will be connected to mains in Glen Cove Avenue.

Comment No. C-90:

The developer must comply with all water supplier requirements for backflow prevention devices on water service lines.

Response to Comment No. C-90:

Backflow prevention devices will be installed on water service lines for the Villa at Glen Cove in accordance with applicable regulations.

Comment No. C-91:

The installation, removal or abandonment of all toxic and hazardous material storage tanks or areas containing fuel oil, waste oil and regulated petroleum or chemical products must be performed in accordance with the requirements of Article XI of the NCPHO.

Response to Comment No. C-91:

Soil testing is addressed in the Response to Comment C-10. If the soil testing to be conducted during the demolition phase of The Villa at Glen Cove construction identifies toxic or hazardous materials, such materials will be remediated in accordance with applicable regulations.

Comment No. C-92:

Existing drywells, leaching pools or cesspools must be closed in accordance with all applicable federal (USEPA), state (NYSDEC) or local regulations. The results of approved laboratory testing of soil beneath all drywells, leaching pools or cesspools on the site which have received discharges of sanitary waste, waste water, interior drainage, petroleum products or toxic or hazardous waste must be submitted to the NCDH.

Response to Comment No. C-92:

Soil testing is addressed in the Response to Comment C-10. Results of soil testing that is conducted in accordance with USEPA, NYSDEC or City of Glen Cove protocols, as applicable, will be submitted to the NCDH.

Comment No. C-93:

The NCDH will require the removal of all contamination sources on the site and may require testing to determine if any organic or inorganic chemical contaminants are present in the soil or groundwater at the site. This may include an investigation of soil vapor intrusion to determine if there is potential for contamination of indoor air by volatile organic chemicals. Soil vapor, indoor and ambient air testing must be conducted in accordance with the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in the State of New York. NCDH may also request the installation of a soil gas ventilation system to protect indoor air quality in any proposed new or modified site buildings if warranted.

Response to Comment No. C-93:

Soil testing is addressed in the Response to Comment C-10. Results of soil vapor testing conducted during the demolition phase of The Villa at Glen Cove construction, if determined necessary by the City of Glen Cove and/or the Nassau County Department of Health, will be submitted to the NCDH. Should soil vapor testing be required, it will be conducted pursuant to the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in the State of New York.

Comment No. C-94:

Any hazardous materials encountered at the site must be removed by an industrial waste transporter registered with the NYSDEC and be taken to an approved hazardous waste disposal facility. The NYSDEC and the NCDH must be notified upon discovery of any hazardous substance in order to determine if further investigation is necessary.

Response to Comment No. C-94:

Soil testing is addressed in the Response to Comment C-10. If the results of the soil testing to be conducted during the demolition phase of The Villa at Glen Cove construction identify hazardous materials, such materials will be remediated in accordance with applicable regulations. Documentation of the remediation will be provided to the NCDH.

Comment No. C-95:

A Phase II and Phase III ESA may be required to be submitted to the NCDH. If any sources of potential contamination are suspected in proximity to the site, the property should be further investigated to determine the impact of this contamination in the soil, groundwater and soil gas beneath the site.

Response to Comment No. C-95:

Soil testing is addressed in the Response to Comment C-10. Results of soil and groundwater analyses conducted during the demolition phase of The Villa at Glen Cove construction will be submitted to the NCDH for review and recommendation.

Comment No. C-96:

A certification of rodent free inspection for demolition must be obtained from the NCDH Office of Community Sanitation. A copy of the certification must be given to the local building department in order to obtain a demolition permit.

Response to Comment No. C-96:

The required rodent free inspection certification will be included in the building permit application submitted to the City of Glen Cove for The Villa at Glen Cove.

Comment No. C-97:

A NYS Dept. of Labor licensed inspector must survey any existing buildings or structures for the presence of Asbestos Containing Building Material (ACBM) prior to demolition. If ACBM's are identified, they must be handled in accordance with NYSDOL and USEPA regulations.

Response to Comment No. C-97:

The required ACBM investigation of structures on the Villa at Glen Cove site will be performed by a licensed inspector prior to demolition of the structures. If ACBMs are identified on the site, they will be remediated in accordance with applicable regulations.

Comment No. C-98:

Engineering plans and specifications for the construction of any new or modified public swimming pool must be submitted to the NCDH for review and approval.

Response to Comment No. C-98:

The swimming pool proposed for The Villa at Glen Cove will be a private pool for the use of Villa residents and their guests. Engineering plans and specification for the swimming pool will be submitted to the NCDH in accordance with applicable regulations.

Comment No. H-1:

(Barbara Hall, Hemming Road) The odors from the sewage treatment plant have been much more common than they have in the past. And I just wanted to know if there's any studies when you're going to add a lot more people to the area whether or not the treatment plant...

Response to Comment No. H-1:

The addition of a projected 369 residents at The Villa at Glen Cove is not expected to exacerbate odors from the Glen Cove Sewage Treatment Plant.

Comment No. H-2:

(Glen Howard, 18 Southfield Road) The property really does need something other than what's there. And this would be an excellent opportunity to put in something that would complement the area. It would be good for businesses within Glen Cove because the residents will shop – will go to the restaurants. We've seen that with the other developments. It will basically, enhance the health of the community. It will have an appearance that is very attractive. It will be just across the street from the project, which itself right now does look very good. This will add diversity – something that we do want in any residential area to the population in that area. I think that this would add to that area. It would enhance it. It would be just what is needed on that particular part of Glen Cove as part of the entrance to the City, but also forget it as being an entrance - - as being part of Glen Cove. The whole thing, therefore, is something that, I think, we as a Chamber of Commerce would like to see go forward as long as it's done properly.

Response to Comment No. H-2:

The comment is noted.

Comment H-3

(Francine Koehler, 28 Lincoln Place) I'm here as the Executive Director of the Glen Cove Downtown Improvement District. And we would like to see this project go forward. The gateway to the downtown - - it would definitely enhance our effort in revitalizing downtown, improving a blighted and underutilized area of Glen Cove. That's been in that situation for many years. And the project will certainly improve the looks of the area, bring new population into Glen Cove. Our businesses sorely need more customers and clients. And the Downtown Improvement District feels that this is a very worthy project and hopes that you will move forward.

Response to Comment No. H-3:

The comment is noted.

Comment No. H-4:

(Doreen Reilly, 16 Putnam Avenue) I don't understand why we need another apartment house. You're going to build more apartment houses across the street from the projects. Who's going to buy an apartment house for $300,000 across the street from the projects? You want to build something, build something that works for everybody. You're not doing it just for yourselves – just to make money here. We have to make sure that everybody is enjoying this whole scene. You're just making it worse. You can't get out of Shore Road. There is so much going on in this town. It's unbelievable. And there's no stores in Glen Cove. You can't shop in Glen Cove. We should bring more businesses into this town. Stop building apartment houses. You bring all these people but there's no place to shop. Something has to be done. And it should be done right for everybody.

Response to Comment No. H-4:

The permitted principal uses in the RIO-GCA District are multiple dwellings, condominium dwellings and townhouses. The Villa residential units will be priced at market rates. Convenience stores and similar commercial establishments are permitted in the RIO-GCA District as an accessory to residences for the exclusive use of the residents and their guests. The RIO-GCA is a residential development district rather than a business district.

As described in Chapter 7, Section D.1 (Page 38 of 60) and Table 7-6 (Page 46 of 60) of the DEIS, overall traffic Level of Service B for the a.m. and p.m. peak hours would be maintained for the Shore Road/Glen Cove intersection in the Action (with the Villa) traffic condition.

Comment No. H-5:

(Kathleen Shields) What's going to happen with Craft Avenue? Is that going to be a through street? And does the property go up to Young Avenue? Is that house staying on the corner or is it just the auto factory business that was there? Previously, there was a business that was there. Does anyone know?

Response to Comment No. H-5:

The Villa design proposed by the Applicant maintains Craft Avenue as a public right-of-way. As shown on Figure 5, the southern part of the Villa site (Section 21; Block 38; Lots 152, 196, 202 and 203) comprises the area between Craft Avenue and Young Avenue, two lots deep from Glen Cove Avenue eastward. All existing structures on the site would be demolished.

While the Applicant has indicated that it is not opposed to the closing of Craft Avenue at Glen Cove Avenue, such closure would require a City action.

Comment No. H-6:

(Phyllis Gorham, 75 Purdue) I am Director of the Chamber. I am definitely in favor of this project. Number 1, taking away an eye sore. Number 2, it gives us the opportunity – I have a business. We need residents to shop locally. There are businesses that are dying for more customers. There are areas that people still come into. I am totally in favor. Vast improvement for the City of Glen Cove.

Response to Comment No. H-6

The comment is noted.