

Project :

Date :

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attached Part 3 - Evaluation of the Magnitude and Importance of Project Impacts

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
provided herein

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Board of Trustees of the Village of Island Park as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued. **See Attached Negative Declaration**

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Village of Island Park Transit Oriented Development

Name of Lead Agency: Board of Trustees of the Village of Island Park

Name of Responsible Officer in Lead Agency: Michael McGinty

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer) *Gail A. Pesner*

Date: 3/15/2021

**For Further Information:**

Contact Person: Constance Conroy

Address: 127 Long Beach Road

Telephone Number: (516) 431-0600

E-mail: clconroy@villageofislandpark.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Attachment  
New York State Full Environmental Assessment Form – Part 3  
Evaluation of the Magnitude and Importance of Project Impacts

Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

This Attachment to the Part 3 - Environmental Assessment Form (Part 3 - EAF) has been prepared to assess the magnitude and importance of potential impacts that may result from the implementation of the Proposed Action, which involves the adoption of the Island Park Transit Oriented Development Overlay District (TOD Overlay). The TOD Overlay is being proposed to facilitate high-quality and economically viable development within the Village of Island Park.

In order to ensure that a comprehensive environmental review was undertaken in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR Part 617, a theoretical build-out analysis of nine Properties of Interest (POIs) (Figure 1) and impact assessment were conducted. A Build-Out Analysis table (Table 1) was created based on maximum potential build-out under both existing zoning and the contemplated TOD Overlay. Seven of the nine POIs are located along Long Beach Road and Austin Boulevard and were identified in the Island Park Downtown Revitalization and Transit-Oriented Development Plan prepared by Perkins Eastman, et al. in partnership with the Governor's Office of Storm Recovery (GOSR), the Dormitory Authority of the State of New York (DASNY) and the Village ("TOD Study"). The remaining two POIs, located along the waterfront, were identified in consultation with the Village, based on their size and ripeness for redevelopment.

All POI's are currently/previously developed with the exception of POI 2, which is undeveloped. The majority of lots examined in the theoretical build-out analysis are well developed within the Island Park downtown commercial corridor along Long Beach Road and along Austin Boulevard. Properties adjacent to POI 2, are primarily single-family residences. POI 1 is currently developed and includes a restaurant and marina.

Table 1 provides a summary of the potential Build-Out Scenarios under both existing zoning and the TOD Overlay. The potential Build-Out Scenario under existing zoning consists of 100,000 square feet (sf) of marine/retail use, 50,100 sf of retail uses, 82,400 sf of office space, and 38,400 sf of restaurant space (1,390 seats) while the TOD Overlay Build-Out Scenario includes the development of 459 residential units and 61,050 sf of retail space. As seen by the results of these theoretical build-out projections, future potential development under the Proposed Action could result in more residential units and less commercial (retail and office) development when compared to maximum potential development under existing zoning.

The analysis in this Part 3 EAF compares various environmental impacts, as identified in the Part 2 – EAF, based on the level of full development under existing zoning ("Potential Build-Out Under Existing Zoning" column) and the level of potential full development in accordance with the TOD Overlay ("Potential Build-Out Under TOD" column) (Table 1). Both the existing zoning and potential TOD Overlay build-out scenarios assumed development, starting with a vacant lot (existing development on a lot was not considered). It should be understood, however, that the timing of development, the specific development that would occur, and which parcels would actually be developed cannot be accurately determined, as same would be dependent upon the intentions and decisions of the property owners.





**Proposed Transit Oriented Development Overlay District** | Island Park, NY

- Properties Of Interest (POIs)
- Parcels
- Business Subdistrict
- Waterfront Subdistrict

**Properties of Interest**  
 Incorporated Village of Island Park  
 Town of Hempstead  
 Nassau County

Source Info: ESRI, Nassau County GIS



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Village of Island Park, Nassau County, New York

**Table 1** *Programmatic Information for TOD Overlay Zoning District*

Property of Interest	District (Existing → Proposed)	Address	Section -Block - Lot	Existing Site Conditions <sup>1</sup>	Potential Build-Out Under Existing Zoning	Potential Build-Out Under TOD <sup>2</sup>	Incremental Change (+/-)
<b>Waterfront Subdistrict</b>							
POI 1	Commercial A District → TOD Waterfront Subdistrict	15 Railroad Place (Pop's Seafood Shack and Grill)	S: 43 B: 014 L: 1-8, 111, 113, 115, 117, 174, 175, and 194	<u>1<sup>st</sup> Floor:</u> Boat slip, Warehouse, paved parking <u>2<sup>nd</sup> Floor:</u> Full-service restaurant	<u>Height:</u> 2 stories / 35 feet <u>Marine:</u> 100,000 sf <u>Surface Parking:</u> 150 spaces	<u>Area:</u> 2.5 acres <u>Height:</u> 3 stories over parking (50 feet) <u>Residential:</u> 100,000 sf <u>Number of Units:</u> 100 units <u>Surface Parking:</u> 130 spaces	<u>Height:</u> (+) 15 feet <u>Retail:</u> (-) 100,000 sf <u>Residential:</u> (+) 100,000 sf <u>Number of Units:</u> (+) 100 units <u>Surface Parking:</u> (-) 20 spaces
POI 2	Commercial C District → TOD Waterfront Subdistrict	1 Private Right of Way	S: 43 B: 042 L: 234	Vacant, no structures	<u>Height:</u> 2 stories / 35 feet <u>Marine Retail:</u> 44,000 sf <u>Surface Parking:</u> 110	<u>Area:</u> 1.86 acres <u>Height:</u> 3 stories over parking (44 feet) <u>Residential:</u> 57,000 sf <u>Number of Units:</u> 57 units <u>Surface Parking:</u> 88 spaces	<u>Height:</u> (+) 9 feet <u>Retail:</u> (-) 40,000 sf <u>Residential:</u> (+) 57,000 sf <u>Number of Units:</u> (+) 57 units <u>Surface Parking:</u> (-) 22 spaces
<b>Business Subdistrict</b>							
POI 3	Business District → TOD Business Subdistrict	255 Long Beach Road (Village) and 263 Long Beach Road (Perkins Eastman – suggested adding these parcels together)	S: 43 B: 047 L: 39 - 44, 487 and 488	<u>1<sup>st</sup> Floor:</u> single story auto service garage, associated paved parking, and utility building	<u>Height:</u> 2 stories / 30 feet <u>Retail:</u> 4,700 sf <u>Office:</u> 4,700 sf <u>Surface Parking:</u> 45	<u>Area:</u> 0.53 acres <u>Height:</u> 3 Stories (45 feet) <u>Retail</u> (1 <sup>st</sup> Floor): 8,800 sf <u>Residential</u> (2 Floors): 28,600 sf <u>Number of Units:</u> 36 units <u>Surface Parking:</u> 36 spaces	<u>Height:</u> (+) 15 feet <u>Retail:</u> (-) 600 sf <u>Residential:</u> (+) 28,600 sf <u>Number of Units:</u> (+) 36 units <u>Surface Parking:</u> (-) 9 spaces
POI 4	Business District → TOD Business Subdistrict	221-203 Long Beach Road	S: 43 B: 047 L: 23, 25, 27-31	<u>1<sup>st</sup> Floor:</u> mixed use commercial building, office space	<u>Height:</u> 2 stories / 30 feet <u>Retail:</u> 2,000 sf <u>Office:</u> 2,000 sf <u>Surface Parking:</u> 40	<u>Area:</u> 0.42 acres <u>Height:</u> 3 Stories (45 feet) <u>Retail</u> (1 <sup>st</sup> Floor): 7,100 sf <u>Residential</u> (2 Floors): 23,100 sf <u>Number of Units:</u> 29 units <u>Surface Parking:</u> 29 spaces	<u>Height:</u> (+) 15 feet <u>Retail:</u> (+) 3,100 sf <u>Residential:</u> (+) 23,100 sf <u>Number of Units:</u> (+) 29 units <u>Surface Parking:</u> (-) 11 spaces
POI 5	Business District → TOD Business Subdistrict	256 Long Beach Road (Pop's Wine and Spirits)	S: 43 B: 046 L: 87-89, 192, 195-196, 201-202	<u>1<sup>st</sup> Floor:</u> Single occupancy retail commercial building and associated parking	<u>Height:</u> 2 stories / 30 feet <u>Retail:</u> 4,100 sf <u>Office:</u> 4,100 sf <u>Surface Parking:</u> 82	<u>Area:</u> 0.81 acres <u>Height:</u> 3 Stories (45 feet) <u>Retail</u> (1 <sup>st</sup> Floor): 13,200 sf <u>Residential</u> (2 Floors): 42,900 sf <u>Number of Units:</u> 54 units <u>Surface Parking:</u> 54 spaces	<u>Height:</u> (+) 15 feet <u>Retail:</u> (+) 5,000 sf <u>Residential:</u> (+) 42,900 sf <u>Number of Units:</u> (+) 54 units <u>Surface Parking:</u> (-) 28 spaces
POI 6	Business District → TOD Business Subdistrict	373-395 Long Beach Road	S: 43 B: 007 L: 91-98	<u>1<sup>st</sup> Floor:</u> one story, multi-occupant commercial	<u>Height:</u> 2 stories / 30 feet <u>Retail:</u> 3,700 sf <u>Office:</u> 3,700 sf <u>Surface Parking:</u> 41	<u>Area:</u> 0.46 acres <u>Height:</u> 3 Stories (45 feet) <u>Retail</u> (1 <sup>st</sup> Floor): 8,900 sf <u>Residential</u> (2 Floors): 27,900 sf <u>Number of Units:</u> 35 units <u>Surface Parking:</u> 35 spaces	<u>Height:</u> (+) 15 feet <u>Retail:</u> (-) 3,100 sf <u>Residential:</u> (+) 27,900 sf <u>Number of Units:</u> (+) 35 units <u>Surface Parking:</u> (-) 6 spaces

<sup>1</sup> Existing site conditions were gathered from the Nassau County Land Record Viewer

<sup>2</sup> Number of units was calculated using the parking ratio of 1.0 parking space per unit (Business Subdistrict) and 1.5 parking spaces per unit (Waterfront Subdistrict), as referenced in the proposed zoning ordinance.

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Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

POI 7	Business District → TOD Business Subdistrict	344 Long Beach Road	S: 43 B: 010 L: 375	<u>1<sup>st</sup> Floor:</u> small one-story commercial	<u>Height:</u> 2 stories / 30 feet <u>Office:</u> 5,900 sf <u>Surface Parking:</u> 20	<u>Area:</u> 0.24 acres <u>Height:</u> 3 Stories (45 feet) <u>Retail</u> (1 <sup>st</sup> Floor): 4,300 sf <u>Residential</u> (2 Floors): 10,400 sf <u>Number of Units:</u> 13 units <u>Surface Parking:</u> 13 spaces	<u>Height:</u> (+) 15 feet <u>Retail:</u> (-) 1,600 sg <u>Residential:</u> (+) 10,400 sf <u>Number of Units:</u> (+) 13 units <u>Surface Parking:</u> (-) 7 spaces
POI 8	Business District -> TOD Business Subdistrict	4584-4588 Austin Boulevard; 13-15 Station Plaza; 4 California Place	S: 43 B: 053 L: 3-11	<u>1<sup>st</sup> Floor:</u> commercial	<u>Height:</u> 2 stories / 30 feet <u>Office:</u> 2,000 sf <u>Surface Parking:</u> 5	Parking Garage <u>Area:</u> 0.08 acres <u>Height:</u> 4 Stories/Levels <u>Parking:</u> 280 spaces	<u>Height:</u> (+) 2 stories <u>Retail:</u> (-) 2,000 sf <u>Surface Parking:</u> (+) 275 spaces
POI 9	Commercial B -> TOD Business Subdistrict	4540-4556 Austin Boulevard; 3 California Place; Long Beach Road	S: 43 B: 049 L:101-122, 133- 135, 213, 216-219	<u>1<sup>st</sup> Floor:</u> auto service garage, large parking area, restaurant, medical office	<u>Height:</u> 3 stories / 45 feet <u>Restaurant/food service:</u> 30,000 sf <u>Office:</u> 60,000 sf <u>Surface Parking:</u> 225	<u>Area:</u> 3.45 acres <u>Height:</u> 4 Stories/Levels <u>Retail:</u> 18,750 sf <u>Residential</u> (3 floors): 112,500 sf <u>Number of Units:</u> 135 units <u>Surface Parking:</u> 182 spaces	<u>Height:</u> (+) 1 story <u>Retail:</u> (-) 71,250 sf <u>Residential:</u> (+) 112,500 sf <u>Surface Parking:</u> (-) 43 spaces <u>Number of Units:</u> (+) 135 units

This table assumes that no variances would be granted, and that structures adhere to the 75-foot no disturbance setback from the mean high-water elevation.

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Evaluation of the Magnitude and Importance of Project Impacts

Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

While this analysis presents an evaluation of potential environmental impacts and compares the potential build-out under existing zoning to the potential build-out under the TOD Overlay, as indicated in the proposed TOD Overlay, each application for the TOD Overlay would require site-specific environmental review pursuant to SEQRA and its implementing regulations at 6 NYCRR Part 617.

Impacts on Land

Implementation of the Proposed Action would facilitate new development - particularly residential development - not currently permitted under existing zoning. New development, in accordance with the TOD Overlay, has the potential to result in physical changes to land, such as excavation, grading, and earth moving. However, the majority of the parcels within the TOD Overlay are already developed or have been previously developed and would likely not result in significant physical changes. Moreover, whether parcels are developed or redeveloped in accordance with existing zoning or in accordance with the TOD Overlay, the disturbance of and impacts to land would not be vastly different. Land disturbance associated with construction has the potential to result in temporary construction-related noise, traffic and air quality impacts. Earth moving and excavation would also occur during development, whether the properties are developed in accordance with existing zoning or pursuant to the TOD Overlay.

All development projects would be required to prepare grading plans and erosion and sediment control plans to minimize impacts associated with land disturbance. Furthermore, construction would comply with local noise regulations set forth in § 349 of the Village Code, and construction activities would comply with the hours limiting constructions to 8:00 am to 6:00 pm on weekdays and 9:00 am to 5:00 pm on weekends as noted in §188-9(A)(4). Compliance with these local regulations would help control construction-related noise impacts.

The Business Subdistrict of the Proposed Action falls within an area that is already well developed. Slopes are generally flat, and soils are predominately classified as Urban Land. The Waterfront Subdistrict, which is also predominantly developed, is also composed of Urban Land (Ug) soils. Therefore, there would be no significant disturbance of natural soil horizons. Furthermore, implementation of the Proposed Action would not affect any geologic features, as such resources are not present in the area included in the TOD Overlay.

To ensure that specific development projects would not result in significant adverse impacts to land, site specific environmental review would be conducted, and mitigation measures would be required to avoid or minimize potential significant impacts. Based on this, no significant adverse impacts to land are expected from adoption of the TOD Overlay.

Impacts on Surface Water

The only portion of the TOD Overlay that is adjacent to surface waters are parcels within the Waterfront Subdistrict. One of the potentially eligible parcels is developed with a marina, buildings and an expansive parking area. The other parcel is mostly undeveloped with remnant shoreline structures along portions of the south and west waterfront areas.

Any new development or redevelopment would be subject to New York State Department of Environmental Conservation (NYS DEC) tidal wetland regulations found at 6 NYCRR Part 661.

Attachment  
New York State Full Environmental Assessment Form – Part 3  
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Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

Moreover, under future build-out, erosion and sediment control plans, as required in Chapter 503 of the Village Code, would be required to minimize and mitigate the impact of erosion from construction on adjacent water bodies. Implementation of the TOD Overlay would not cause the creation of new water bodies, or the expansion of existing water bodies. Furthermore, although there would be a potential increase in sanitary sewage discharge associated with residential development under the TOD Overlay, the construction of new, or expansion of existing, wastewater treatment facilities would not be required, based on the available capacity of the Nassau County municipal sewer system and treatment plant, which currently operates well below its 70 million gallons per day (mgd) capacity, which is further discussed in the "Impacts on Groundwater" section below.<sup>3</sup>

Given that the majority of the area affected by the TOD is not along the waterfront, the waterfront parcels that are eligible are either developed or have some disturbance along the waterfront. Any new development or redevelopment (whether under existing zoning or under the TOD Overlay) would be subject to NYS DEC regulations. Depending on the nature of future development in the Waterfront Subdistrict, a Nationwide Permit from the US Army Corps of Engineers (the "USACE") may be needed, which could trigger the need for a Coastal Zone Consistency Review from the NYS Department of State. Adoption of the Proposed TOD would not result in significant adverse impacts. In addition, all potential future development in accordance with the TOD would require environmental review for site-specific projects, evaluating the potential impact of each project on surface waters and wetlands.

Impacts on Groundwater

Currently, the area of the TOD Overlay, with the exception of POI 2, which is undeveloped, is served by the Nassau County municipal sewer system and redeveloped properties would continue to be served by municipal sewer. As compared with build-out under existing zoning, build-out under the proposed TOD Overlay would have the potential to create additional sewage flow due to the residential uses permitted in the TOD Overlay. However, as noted in "Impacts to Surface Waters", sewage discharge would not be to groundwater.

Furthermore, due to the introduction of residential uses, implementation of the TOD Overlay could potentially result in an increase in water demand as compared to the build-out under existing zoning, which may have an impact on groundwater resources. Water demand and sewage generation calculations for both build-out scenarios are presented in Tables 2 and 3.

**Table 2 Potential Projected Sewage Generation/Water Demand Under Proposed Action**

Use	Rate	Factor	Water Demand
2 BR*	300 gpd/unit	459 units	137,700 gpd
Wet Store (Food processing)**	0.15 gpd/sf	61,050 sf	9,158 gpd
<i>Total</i>			<i>146,858 gpd</i>

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

\*2 BR units were assumed to calculate sewer output as an average.

\*\*In order to be conservative, wet stores (food processing) was chosen as the use for retail businesses as it has a higher rate than wet store no food (0.10 gpd/sf) and dry store (0.06 gpd/sf), but a lower rate than restaurants (30 gpd/seat).

<sup>3</sup> Nassau County Department of Public Works. Wastewater Management Program. <https://www.nassaucountyny.gov/1882/Wastewater-Management-Program>



Attachment  
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Evaluation of the Magnitude and Importance of Project Impacts

Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

**Table 3 Potential Projected Sewage Generation/Water Demand Under Existing Zoning**

Use	Rate	Factor	Water Demand
Wet Store (Food Processing)*	0.15 gpd/sf	150,100 sf	22,515 gpd
Restaurants	30 gpd/seat	1,390 seats	41,700 gpd
Nonmedical Office Space	0.06 gpd/sf	82,400 sf	4,944 gpd
<i>Total</i>			<i>69,159 gpd</i>

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

\*In order to be conservative, wet stores (food processing) was chosen as the use for retail businesses as it has a higher rate than wet store no food (0.10 gpd/sf) and dry store (0.06 gpd/sf).

Implementation of the TOD Overlay, which permits additional development of residences within the Village, would have a higher demand for water and would generate more sanitary sewage than development under existing zoning. The area in which the Proposed Action would be implemented, with the exception of POI 2, already contains infrastructure for water and sewer connections. Environmental review would be required to be undertaken for all future developments under the TOD Overlay to determine the potential impacts of individual developments, and the availability of water from the water purveyor (i.e., New York American Water) and sewer capacity (i.e., Nassau County DPW) would need to be demonstrated on a site-specific basis.

Sanitary waste generated by the Proposed Project would be disposed of via a connection to the Nassau County Department of Public Works (NCDPW) sewer system, and transported to the South Shore Water Reclamation Facility (WRF) (formerly known as the Bay Park Sewage Treatment Plant). According to the NCDPW, this facility is operating well below its capacity of 70 mgd. The estimated sanitary sewer output of potential development under the TOD Overlay amounts to 0.2 percent of the South Shore WRF's current capacity.

Furthermore, there is a proposal to discharge treated effluent through a new conveyance (the Bay Park Conveyance Project) that connects the South Shore WRF treated effluent to the existing ocean outfall currently used by the Cedar Creek Water Pollution Control Plant (WPCP). The purpose of this project is to improve water quality in the Western Bays by diverting treated effluent from the South Shore WRF to the existing ocean outfall at the Cedar Creek Water Pollution Control Facility. Therefore, implementation of the Proposed Action, although it is expected to generate more sewage than build-out under existing zoning, would not significantly impact sewage disposal.

Water is provided to the Village from New York American Water's Lynbrook Operations District. The wells work on an integrated system, which provided 8,478,356,000 gallons to 74,240 customers in 2019.<sup>4</sup> The estimated water demand for potential development under the TOD Overlay would reflect only 0.6 percent of the Lynbrook Operations District output from 2019 and build-out under existing zoning would entail a 0.3 percent increase.

Based on the foregoing, it is expected that the demand for water and disposal of sewage would be met; however, as noted above, individual projects would be required to demonstrate capacity and the ability for the provision of service on a site-specific basis. Adoption of the TOD Overlay is not anticipated to have significant adverse impacts on groundwater.

<sup>4</sup> New York American Water. Lynbrook Service Area 2019 Water Quality Report. <https://www.amwater.com/ccr/lynbrook.pdf>

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Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

Impacts on Flooding/Stormwater

According to FEMA FIRM Panels 36059C0306G and 36059C0307G, the majority of the TOD Overlay falls within a Special Flood Hazard Area (SFHA) Zone AE, indicating that it is within the 100-Year Floodplain. The Sustainability and Green Building Design section of the proposed TOD Overlay notes that “new buildings created under this Chapter shall be compliant with Federal and State guidelines related to environmental regulations, including but not limited to the Federal Emergency Management Agency and New York State Energy Conservation Construction Code.” The Village of Island Park already requires new development throughout the Village to acquire a Floodplain Development Permit, §264-11. Future projects in the Village must also comply with FEMA regulations. Implementation of the TOD Overlay would foster the potential redevelopment of existing buildings that do not currently comply with local, state and federal regulations, which would assist in addressing potential issues related to flooding. Moreover, the TOD Overlay includes language that stresses sustainability and compliance with regulations related to sustainability, resiliency, and flooding with respect to new development.

Future projects developed under either the TOD Overlay or existing zoning would be required to comply with local, state, and federal regulations regarding stormwater runoff. Except for POI 2, potential build-out under either the proposed TOD Overlay or existing zoning would take place on lots that already contain stormwater infrastructure. Point and nonpoint sources of runoff already exist on the majority of lots that fall within the TOD Overlay area. Development under the Proposed Action would not deviate substantially from what is possible under the existing zoning and existing conditions. Similar amounts of impervious surfaces based on building coverages could be created by new development under existing zoning versus the TOD Overlay. The TOD Overlay would permit a maximum building coverage of 80 percent in the Business Subdistrict and 30 percent in the Waterfront Subdistrict, similar to the maximum coverage under existing zoning of 50 percent under Commercial A, 80 percent under Commercial B and 30 percent under Commercial C. However, the TOD Overlay would allow for more pervious land coverage by reducing parking requirements for future development as compared to existing zoning. The decrease in impervious surfaces is expected to reduce stormwater runoff under the proposed TOD Overlay as compared to development under existing zoning.

The Village of Island Park requires all developments to prepare a Stormwater Pollution Prevention Plan (SWPPP) under §503-7, as well as meet the standards set forth in the New York Standards and Specifications for Erosion and Sediment Control, whether under the existing zoning or the proposed TOD Overlay. Site-specific projects would be required to evaluate potential flooding impact; this applies to build-out under the existing zoning as well as under the proposed TOD Overlay. Significant adverse impacts to flooding and stormwater are not anticipated upon the implementation of the Proposed Action.

Impacts on Plants and Animals

A majority of the area within which the Proposed Action would occur is currently a built-out suburban downtown. There is little natural vegetation along the Long Beach Road commercial corridor and Austin Boulevard in which the TOD Overlay is proposed. POI 1 and POI 2 are located along the waterfront, adjacent to NYSDEC tidal wetlands.

Though POI 1 is already developed, potential future development under existing zoning as well as the TOD Overlay Waterfront Subdistrict could possibly impact the marine ecology along the southern boundary of the site due to potential in-water construction/reconstruction of a marina. As noted above, portions of the Waterfront

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New York State Full Environmental Assessment Form – Part 3  
Evaluation of the Magnitude and Importance of Project Impacts

Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

Subdistrict fall within the NYSDEC-regulated tidal wetlands area. Future development under the TOD Overlay or existing zoning would adhere to local, state and federal regulations regarding the protection of marine habitats. Additional environmental review for individual projects on a site-specific basis would be required to be completed for all future development within the TOD Overlay. As such, implementation of the TOD Overlay is not expected to have a significant adverse impact on plants and animals.

Impact on Aesthetic Resources

The maximum permitted height of buildings under the Proposed Action would be taller than what is allowed under any of the existing zoning districts. Buildings along Long Beach Road are permitted to be two stories or 30 feet, and in the Commercial B District (southern portion of Long Beach Road and Austin Boulevard), heights can reach up to three stories or 45 feet. Under the Proposed Action, buildings would be permitted to reach three stories or 45 feet, or four stories or 50 feet if parking is located under the building. While not a significant difference, as there is a precedent for three-story buildings within the Village, the TOD Overlay would allow taller development, particularly in a downtown where most buildings along Long Beach Road are one story. The Proposed Action has the potential to impact the visual character of the area by permitting the development of taller buildings.

There are no designated aesthetic resources in the vicinity of the Proposed Action, and thus no impact to such resources. Although heights could reach up to 50 feet, a maximum height of 45 feet is currently allowed in the Commercial B District. Therefore, implementation of the TOD Overlay is not expected to have a significant adverse impact on aesthetic resources, as compared to the potential build-out under existing zoning.

Impact on Open Space and Recreation

With the exception of the private marina at POI 1, there are no areas used for recreation or open space within the boundary of the TOD Overlay. Open space and recreational facilities in the vicinity of the Proposed Action include Shell Creek Park, the Little Beach, Masone Beach Club, Papatsos Park, and the fields at Francis X Hegarty Elementary School and Lincoln Orens Middle School.

The potential increase in residents permitted by the TOD Overlay may result in increased use of these nearby open space and recreational facilities. Given that none of the parcels within the TOD Overlay are used for public recreation, there would be no significant adverse impacts to open space and recreation as a result of the Proposed Action. The increase in potential usage of open space and recreational facilities by new residential development would require examination on a site-specific basis during environmental review of individual applications. Overall, implementation of the Proposed Action is not expected to result in significant adverse impacts to open space and recreation.

Impacts on Transportation and Parking

Adoption of the TOD Overlay district would potentially foster greater use of public transportation options (i.e., the Island Park Long Island Rail Road station) by allowing residential uses to be constructed within walking distance of the station. TOD's also promote a decrease in reliance on personal vehicles, reducing traffic impacts of future development pursued upon implementation of the Proposed Action. Implementation of the Proposed Action would encourage residents to walk, increasing pedestrian traffic in the area, which would potentially enhance patronage of commercial establishments (e.g., restaurants, retail stores) in the downtown.

Table 4 Trip Summary - Build-Out Under Existing Zoning

Project Component	Component Size	AM Peak Hour <sup>5</sup>			Midday Peak Hour <sup>6</sup>			PM Peak Hour			Saturday Peak Hour		
		Total	Entering	Exiting	Total	Entering	Exiting	Total	Entering	Exiting	Total	Entering	Exiting
Retail Shopping Center ITE LUC #820	150,100 SF	Rate	62%	38%	Rate	(2)	(2)	Rate	48%	52%	Rate	52%	48%
		0.94	86	55	(2)	180	177.5	3.81	273	300	4.50	351	324
		<b>Total</b>	141		<b>Total</b>	357		<b>Total</b>	573		<b>Total</b>	675	
High-Turnover Sit Down Restaurant ITE LUC #932	38,400 SF	Rate	55%	45%	Rate	(2)	(2)	Rate	62%	38%	Rate	51%	49%
		9.94	211	171	(2)	221	157	9.77	232	143	11.19	218	211
		<b>Total</b>	382		<b>Total</b>	379		<b>Total</b>	375		<b>Total</b>	429	
General Office ITE LUC #710	82,400 SF	Rate	86%	14%	Rate	(2)	(2)	Rate	16%	84%	Rate	54%	46%
		1.16	81	14	(2)	47	48	1.15	13	81	0.53	24	19
		<b>Total</b>	95		<b>Total</b>	95		<b>Total</b>	94		<b>Total</b>	43	
<b>TOTALS</b>			<b>378</b>	<b>240</b>		<b>448</b>	<b>383</b>		<b>518</b>	<b>524</b>		<b>593</b>	<b>554</b>
			<b>618</b>			<b>831</b>			<b>1042</b>			<b>1147</b>	

Table 5 Trip Summary - Build-Out Under TOD Overlay

Project Component	Component Size	AM Peak Hour			Midday Peak Hour <sup>5</sup>			PM Peak Hour			Saturday Peak Hour		
		Total	Entering	Exiting	Total	Entering	Exiting	Total	Entering	Exiting	Total	Entering	Exiting
Shopping Center ITE LUC #820	61,050 SF	Rate	62%	38%	Rate	(2)	(2)	Rate	48%	52%	Rate	52%	48%
		0.94	34	23	(2)	72	73	3.81	110	122	4.50	142	132
		Total	57		Total	145		Total	232		Total	274	
Multifamily Housing (Low-Rise) ITE LUC #220	459 Units	Rate	23%	77%	Rate	(2)	(2)	Rate	63%	37%	Rate	54%	46%
		0.46	48	163	(2)	105	129.5	0.56	161	96	0.7	174	149
		Total	211		Total	234		Total	257		Total	323	
TOTALS		82	186		177	203		271	218		316	281	
		268			380			489			597		

<sup>5</sup> AM, Midday, & PM rates are for the Peak Hour of the Adjacent Street, Saturday Rates are for the Peak Hour of the Generator<sup>6</sup> ITE Trip generation rate/directional split not available, use average of AM and PM peak hour rates

Attachment  
New York State Full Environmental Assessment Form – Part 3  
Evaluation of the Magnitude and Importance of Project Impacts

Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

The Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10<sup>th</sup> Edition was used to examine potential trip generation under the existing zoning versus potential TOD Overlay build-out scenarios. The tables below provide the trip generation summaries for the build-out under existing zoning and the build-out under the proposed TOD Overlay, respectively.

As seen in the tables above, throughout the day, build-out under the TOD Overlay would generate significantly fewer vehicle trips (268 AM Peak Hour, 380 Midday Peak Hour, 489 PM Peak Hour) than the build-out under existing zoning (618 AM Peak Hour, 831 Midday Peak Hour, 1,042 PM Peak Hour). The highest trip generation occurs during the Saturday Peak Hour (597 under the TOD Overlay, 1,147 under the existing zoning). In these scenarios, potential development under the proposed TOD Overlay would, in almost all cases, result in over 50 percent fewer trips than under the existing zoning build-out. While trip generation under the proposed TOD Overlay is expected to be less than that of existing zoning, site-specific traffic analyses would be required to examine the potential impacts of individual developments on the surrounding roadway network.

There would be less parking under the Proposed Action, due to its nature as TOD Overlay zoning, than there would be under existing zoning. As a TOD Overlay, a focus of the Proposed Action is to decrease residents' and visitor's reliance on cars, therefore decreasing the number of parking spaces needed for residences and businesses. In a comparison of the possible full build-out under existing zoning and the possible build-out under the Proposed Action, all POIs would provide less parking spaces under the TOD Overlay (567 parking spaces) with the exception of POI 7, which was assumed to become a parking garage (additional 280 parking spaces) under the Proposed Action to facilitate the TOD concept within the Village. Approximately 718 parking spaces could be expected under the build-out under existing zoning. Parking restrictions under the Proposed Action were created in order to encourage transit-oriented development, which allows residents, visitors, etc. to rely less on personal vehicles. Therefore, the Proposed Action would reduce required parking as compared to build-out under existing zoning.

Based on the foregoing analysis, implementation of the Proposed Action is not expected to result in significant adverse impacts to transportation and parking.

Impacts on Noise, Odor and Light

Although any development is subject to the Village's noise regulations (§ 349 of the Village Code), during construction temporary noise impacts may result from development under either the existing zoning or the proposed TOD Overlay, as discussed above. During the operational period, potential redevelopment under the Proposed Action is likely to generate less noise than redevelopment under the existing zoning, as residential uses typically generate substantially less noise as compared with uses permitted under existing zoning (e.g., boat repair and boat charters in the Waterfront Subdistrict). Impacts regarding noise impacts during construction and operation would be evaluated on a site-specific basis upon application to the Village.

Under § 625-23 of the Village Code, uses in the Business Districts which have "the effect of omitting odor, dust, smoke, gas or noise" unless otherwise provided within the code are not permitted. The Village Code also prohibits uses that are "noxious or offensive by reason of the emission of odor, dust, noise, smoke, gas, fumes, radiation, or which presents a hazard to public health and safety" under § 625-32 (B) and §625-34 (B), which address prohibited uses in the Commercial A and Commercial C Districts, respectively. All uses permitted in the



Attachment  
New York State Full Environmental Assessment Form – Part 3  
Evaluation of the Magnitude and Importance of Project Impacts

Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

underlying zoning would be permitted under the Proposed Action. Residential uses, which would be permitted in the TOD Overlay are not typically associated with offensive or noxious odors, noise or other conditions that present a hazard to public safety. Therefore, the impact of potential future development under existing zoning and the TOD Overlay on odor, noise and other such conditions would be the same as it pertains to prohibited uses. Thus, no significant adverse impacts to odor and noise are anticipated under the TOD Overlay.

Under both build-out scenarios, there is the potential for exterior light trespass impacts; however, light pollution and skyglow<sup>7</sup> is typically associated more with "advertising, commercial properties, offices, factories, streetlights, and illuminated sporting venues," rather than residential development. All development would be required to comply with the Village regulations regarding exterior lighting. Potential impacts associated with exterior lighting would be evaluated on a site-specific basis upon individual application to the Village. Development on POI 2, could result in impacts related to light and noise because the site is currently undeveloped. However, given that the area within the TOD Overlay is mostly developed already, no significant adverse impacts to light trespass are anticipated.

Impacts on Human Health

Spills have been recorded within and surrounding the area within the TOD Overlay boundary. Impacts regarding potential contamination would be evaluated on a site-specific basis whether redevelopment would occur under existing zoning or the TOD Overlay. The necessity for possible remediation activities would remain the same whether a parcel was developed/redeveloped under existing zoning or under the Proposed Action. Furthermore, see the discussion under "Impact on Noise, Odor and Light," which discusses the prohibition of uses that present a hazard to public health and safety. Implementation of the Proposed Action is not expected to result in significant adverse impacts to human health.

Consistency with Community Plans and Impacts to Community Character

Community facilities include fire, emergency medical services, and police protection, and schools. The TOD Overlay is served by the Island Park Fire Department and the Nassau County Police Department's Fourth Precinct. As previously noted, the Proposed Action would cover an area that is already developed and well-served. Fire protection and emergency medical services are already provided to sites within the TOD Overlay. However, future development associated with implementation of the TOD Overlay, which would introduce the potential for residences in the downtown corridor and in the waterfront area, would likely result in an increased demand for community services, such those noted above.

Buildings constructed under either the TOD Overlay or existing zoning would be required to adhere to Fire Prevention standards established in Chapter 258 of the Village Code. While buildings in the TOD Overlay could potentially be one story and five feet higher than what is permitted under existing zoning, it is expected that the Island Park Fire Department would be able to serve such development.

The TOD Overlay is located within the Island Park Union Free School District (UFSD). There is the potential for an increase of school-aged children ("SAC") to be generated under the TOD Overlay due to permitted residential uses as compared to existing zoning, since residential uses are not currently permitted. Based on publicly available data from the New York State Department of Education (NYSED), 1,032 students were enrolled in the Island Park UFSD

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<sup>7</sup> <https://www.darksky.org/light-pollution/>

Attachment  
New York State Full Environmental Assessment Form – Part 3  
Evaluation of the Magnitude and Importance of Project Impacts

Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

for the 2020-21 (latest available) school year.<sup>8</sup> Enrollment has fluctuated in a narrow range over the last decade with the highest levels of enrollment at 1,066 (2017-2018) students and the lowest at 1,025 students (2011-2012).

In order to estimate the number of potential SAC generated by the potential 459 multi-family residential units examined under the theoretical buildout scenario, the following studies regarding SAC generation in TODs were used.

- › *Preliminary Review of School District Impacts from Transit Oriented Developments on Long Island*<sup>9</sup> (referred to hereafter as the "Vision Long Island TOD Study") published in 2017 by Vision Long Island (factor of 0.026 schoolchild per unit); and
- › *What About Our Schools?*<sup>10</sup> (referred to hereafter as the "Urbanomics Study") published in March 2008 by Urbanomics and Edison Exchange (0.03 school-aged child per unit).

**Table 6            SAC Generation**

Unit Count	Study	SAC Multiplier	SAC Generation*
459	Vision Long Island TOD Study	0.026	12
	Urbanomics	0.03	14

\*Rounded to the nearest whole number

Based on the foregoing, the 459 potential multi-family units under the Proposed Action have the potential to result in the addition of 12 to 14 SAC (Table 6). This would result in an approximate 1.4 percent increase from the current (2020-21) enrollment. Based on this analysis, although there would be an increase in SAC under the Proposed Action, it is not anticipated that implementation of the Proposed Action would result in a significant adverse impact on educational facilities.

Under the Proposed Action, the existing zoning would remain in place and the Proposed Action would serve as an overlay, which would only be utilized if an applicant submitted an application to the Village Board of Trustees for use of the TOD Overlay. Under the Proposed Action, the area within the TOD Overlay along Long Beach Road and Austin Boulevard would generally remain a commercial corridor but would allow non-age-restricted multi-family residences in addition to commercial uses, creating more of a mixed-use corridor. Therefore, while still remaining generally a commercial corridor the TOD Overlay would allow the addition of non-age-restricted residential uses under the Proposed Action. Furthermore, as no residential uses are permitted in the TOD Overlay waterfront area at present, land use in that area has the potential to change. Therefore, the proposed TOD Overlay has the potential to effect land uses within specific areas of the Village.

With regard to character of the community, the Proposed Action would permit non-age-restricted multi-family residential uses in an area where such uses are not currently permitted. The existing commercial corridor is experiencing stagnant economic performance with vacant shop fronts cited as a problem in the TOD Study. Potential development under existing zoning is not anticipated to change the character of the area. The Proposed Action provides an opportunity to revitalize the Long Beach Road corridor with increased foot traffic and spending

<sup>8</sup> New York State Education Department. *New York State Property Tax Report Card*. Accessed January 21, 2021. Available from <http://www.p12.nysed.gov/mgt/serv/propertytax/#Data>

<sup>9</sup> Vision Long Island. *Preliminary Review of School District Impacts from Transit Oriented Developments on Long Island*. May 2017.

<sup>10</sup> Urbanomics. *What About Our Schools?* March 2008

Attachment  
New York State Full Environmental Assessment Form – Part 3  
Evaluation of the Magnitude and Importance of Project Impacts

Island Park Transit Oriented Development Overlay District  
Village of Island Park, Nassau County, New York

power from new residents who live above the businesses they patronize. These changes would address numerous issues faced by the Village including vacant storefronts, and stagnant economic performance. Further, the TOD Overlay encourages residents to walk to the train station creating opportunities for residents to pass by local shops during their commute. In this respect implementation of the Proposed Action is expected to positively impact the character of the community.

The goal of the Proposed Action is to create an environment where residents of Island Park do not need to use cars as frequently to travel and patronize local businesses. The goal of the Proposed Action was informed by the objectives of the TOD Study, which introduced a “vision for a vibrant, walkable Long Beach Road corridor, oriented around transit, welcoming to residents, visitors, and new development” and was adopted by the Village in 2021.<sup>11</sup>

Not only does the Proposed Action address goals of local land use plans, but it would ensure that potential structures constructed under the TOD Overlay would be compliant with local, state or federal flood related regulations. As noted above, the Proposed Action includes language that addresses sustainability and compliance with regulations related to sustainability, resiliency, and flooding.

The Proposed Action would permit buildings up to four-stories in height with parking underneath. This is taller than the average height of existing buildings within the area of the TOD Overlay, and also taller than what is permitted by existing zoning (up to three stories). The allowance of additional height in the TOD Overlay would potentially permit taller buildings in the downtown and along portions of the waterfront, which would potentially alter the character of these areas. However, implementation of the Proposed Action would revitalize and enhance the vitality and viability of the downtown by permitting non-age-restricted residences and mixed-use buildings, as explained throughout, and by allowing residences within the waterfront area.

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<sup>11</sup> Village of Island Park. *Island Park Downtown Revitalization & Transit-Oriented Development Plan*. July 2017. Adopted February 2021.