

Adopted: December 10, 2019

Council(wo)man Goosby
adoption:

offered the following resolution and moved its

RESOLUTION ACCEPTING THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS) FOR FILING IN ACCORDANCE WITH THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR PROPOSED AMENDMENTS TO THE TOWN OF HEMPSTEAD ZONING ORDINANCE CREATING THE BALDWIN MIXED-USE OVERLAY DISTRICT

WHEREAS, in August 2018, the Town Board accepted the Baldwin Downtown and Commercial Corridor Resiliency (DCCR) Study, which was the culmination of a comprehensive planning effort that reviewed existing economic and physical conditions along the corridor and outlined a series of strategies and projects that would address critical issues and contribute to a more resilient, safe, and sustainable future for the Baldwin community; and

WHEREAS, a key recommendation of the DCCR Study was the creation of a new overlay district along the corridor that would encourage the development of a walkable, compact and transit-oriented downtown with a mix of residential, retail and commercial uses supported by enhanced infrastructure; and

WHEREAS, the subject property is situated in Baldwin in the unincorporated area of the Town of Hempstead, and is made up of approximately 87 acres along the Grand Ave. corridor consisting of 185 individual tax lots, with approximate boundaries of the corridor being Florence Street and Milburn Avenue to the north, and Merrick Road between Gale Avenue and Park Avenue to the south; and between Chestnut Street/Rockwood Avenue to the west, and Milburn Avenue to the east, and includes the Baldwin Long Island Railroad (LIRR) station at Grand Avenue and Sunrise Highway; and

WHEREAS, The Town Board is considering, in consultation with VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. ("VHB") and Vision Long Island, a Baldwin Mixed-Use Overlay District ("the Proposed Action"), with accompanying Design Guidelines, for the Grand Avenue corridor in the hamlet of Baldwin to facilitate private investment and economic development by leveraging the area's proximity to public transportation and promoting mixed-use transit-oriented development around the Baldwin LIRR station; and

WHEREAS, the Town Board in consultation with VHB and Vision Long Island, has developed a draft zoning ordinance known as the Baldwin Mixed-Use Overlay District, with accompanying Design Guidelines, to facilitate high-quality and economically viable development within the Grand Avenue corridor of the hamlet of Baldwin; and

WHEREAS, pursuant to NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA), the Town Board seeks to conduct an environmental review of this project; and

WHEREAS, the Town Board has preliminarily identified the Proposed Action as a Type I Action in accordance with SEQRA; and

WHEREAS, pursuant to 6 NYCRR 617.6(b)(2)(i), for Type I actions involving more than one agency, a lead agency must be established prior to a determination of significance; and

WHEREAS, 6 NYCRR 617.6(b)(3)(i) requires that when an agency proposes to approve a Type I action undergoing coordinated review with other agencies, it must, as soon as possible, transmit Part 1 of the Environmental Assessment Form (EAF) completed by the project sponsor and a copy of any applications it has received to all involved agencies and notify them that a lead agency must be agreed upon within 30 calendar days of the date the EAF was transmitted to them; and

WHEREAS, the Town Board declared its intent to be lead agency on March 8, 2019 and followed the above mentioned procedure, received no objection from the other involved agencies during the ensuing 30-day period; and

WHEREAS, the Town Board has caused to be prepared Parts 1, 2, and 3 of a Full Environmental Assessment Form of the EAF (collectively "the EAF") to analyze and evaluate potential significant adverse environmental impacts associated with the proposed action, as described above, and has reviewed the aforesaid EAF and agrees with the contents therein; and

WHEREAS, the Town Board has compared the potential impacts of the proposed action, as set forth in Parts 2 and 3 of the EAF, with the criteria set forth in 6 NYCRR 617.7(c); and

WHEREAS, the Town Board found that the proposed action may have one or more significant adverse impacts on the environment and issued a Positive Declaration on April 16, 2019, requiring the preparation of a Draft Environmental Impact Statement (DEIS); and

WHEREAS, the Town Board determined that formal scoping would be conducted; and

WHEREAS, the Town Board has caused a Draft Scope to be prepared in accordance with 6 NYCRR 617.8(b) and which Draft Scope was issued on April 16, 2019; and

WHEREAS, the Town Board directed the Town Clerk to file, distribute and publish the Draft Scope along with the Positive Declaration, in accordance with the requirements of 6 NYCRR 617.12(b)(c); and

WHEREAS, a public scoping meeting was held on May 6, 2019 at 7 p.m. at the Town of Hempstead Town Hall, and all persons there were present wishing to be heard on the Draft Scope were given the opportunity to do so; and

WHEREAS, the comment period on the Draft Scope ended on May 24, 2019 and the lead agency received comments from the public, as well as involved and interested agencies, in addition to the testimony entered at the public scoping meeting; and

WHEREAS, the lead agency has caused a Final Scope, dated June 11, 2019, to be prepared in accordance with 6 NYCRR 617.8(e), the content of which gives due consideration to the comments received during the public review period for the Draft Scope; and

WHEREAS, based on the foregoing, the Town Board, as lead agency, adopted the Final Scope on June 11, 2019, published said Final Scope to the Town's website, published the Final Scope in accordance with the requirements of 6 NYCRR 617.8(e), and 617.12(b) and (c), and circulated the Final Scope to the involved agencies and interested parties; and

WHEREAS, VHB prepared and submitted a Draft Generic Environmental Impact Statement (DGEIS) for the proposed action in accordance with the Final Scope; and

WHEREAS, the Town Board is empowered to amend the Building Zone Ordinance of the Town of Hempstead pursuant to Article 16 of the Town Law of the State of New York and Article XXVI of the Building Zone Ordinance of the Town of Hempstead, as amended; and

WHEREAS, it is in the public interest to consider the creation of a new Chapter XLII of the Building Zone Ordinance of the Town of Hempstead, to be entitled "Baldwin Mixed-Use Overlay District (B-MX)"; and

WHEREAS, in accordance with 6 NYCRR 617.3(h), agencies are encouraged to have combined or consolidated proceedings/hearings; and

WHEREAS, the Town Board of the Town of Hempstead determined that the DGEIS was complete and adequate for public review and comment in terms of both its scope and content by resolution adopted on August 6, 2019; and

WHEREAS, the Town Clerk of the Town of Hempstead duly filed a Notice of Completion in accordance with 6 NYCRR 617.12 indicating that the Town Board had accepted the DGEIS and circulated the Notice of Completion with the DGEIS to involved agencies and interested parties in accordance with 6 NYCRR 617.12 and published the Notice of Completion on the Town's website; and

WHEREAS, the Notice of Completion and Notice of Public Hearing on the DGEIS and proposed amendments to the Town Building Zone Ordinance were published in a newspaper of general circulation in the Town of Hempstead 14 days prior to the public hearing and published said Notices to the Town of Hempstead website; and

WHEREAS, the Town Board having determined that it was in the public interest to hold a public hearing on the DGEIS pursuant to 6 NYCRR 617.9(a)(4) to aid the Board in its decision-making process by providing an efficient mechanism for the collection of public comments, broaden public disclosure, and solicit important and informative comments by constituents and stakeholders, held said hearing on September 3, 2019; and

WHEREAS, pursuant to 6 NYCRR 617.9(4)(iii) said SEQRA hearing was conducted with other public hearings on the proposed action, regarding the proposed amendment to the Building Zone Ordinance creating the Baldwin Mixed-Use Overlay District with accompanying Design Guidelines, as well as the DGEIS, giving all interested parties an opportunity to be heard on the DGEIS for the proposed Baldwin Mixed-Use (B-MX) Zoning Overlay District and the creation of a new chapter XLII of the Building Zone Ordinance of the Town of Hempstead, entitled "Baldwin Mixed-Use Overlay District (B-MX); and

WHEREAS, at the direction of the Town of Hempstead Town Board, VHB has prepared and submitted a Final Generic Environmental Impact Statement (FGEIS) to be filed for circulation for public consideration pursuant to the provisions of the New York State Environmental Quality Review Act (SEQRA) and 6 NYCRR 617,

NOW, THEREFORE, BE IT

RESOLVED, that based on the foregoing, the Hempstead Town Board, as lead agency, having considered all substantive comment on the DGEIS hereby files and causes to be distributed a Final Generic Environmental Impact Statement (FGEIS) pursuant to the provisions of the State Environmental Quality Review Act (SEQRA) and 6 NYCRR 617, and commences the public consideration period which shall run for 10 calendar days; and be it further

RESOLVED, that the Notice of Completion of the Final Generic Environmental Impact Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

The foregoing resolution was adopted upon roll call as follows:

AYES: SIX (6)

NOES: NONE (0)