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

Name of Action: Proposed Amendments to the Town of Hempstead Building Zone Ordinance ("BZO")

Location: Approximately 87± acres (including 189 parcels) in a three quarter-mile mixed-use corridor running along Grand Avenue from the intersection of Florence Street/Milburn Avenue to the north and Merrick Road to the south, hamlet of Baldwin, Town of Hempstead, Nassau County (hereinafter “the Project Area”)

Lead Agency: Town of Hempstead Town Board

Address: Town of Hempstead Town Hall
1 Washington Street
Hempstead, New York 11550

Contact: Richard Regina, Esq., EA
Counsel to the Town Board

Telephone No.: (516) 414-6572
Email: RRegina@tohmail.org

SEQR Classification: Type I

The Town Board of the Town of Hempstead ("Town Board"), as lead agency, subsequent to review of the Draft Generic Environmental Impact Statement (DGEIS), dated June 2019, and the Final Generic Environmental Impact Statement (FGEIS), dated December 2019, hereby certifies that:

› It has considered the relevant environmental impacts, facts and conclusions disclosed in the DGEIS and FGEIS
It has weighed and balanced relevant environmental impacts with social, economic and other considerations

This Findings Statement provides the rationale for the Town Board’s decision

The requirements of 6 NYCRR Part 617 have been met

Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable and 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 during the environmental review process.

Description of the Proposed Action

The Proposed Action consists of several Town Board actions that would facilitate the redevelopment of downtown Baldwin, including the following:

- Adoption of amendments to the Town Building Zone Ordinance (BZO) to create a new Article XLII, entitled “Baldwin Mixed-Use Overlay District (B-MX District)”
- Adoption of B-MX District Design Guidelines
- Adoption of amendments to the Town of Hempstead Zoning Map to incorporate the B-MX District and apply the overlay to the identified area of downtown Baldwin.

The approval of these actions by the Town Board would allow development/redevelopment of the Project Area in accordance with the DGEIS, FGEIS, B-MX District, and this Findings Statement.

Baldwin Mixed-Use Overlay District (B-MX District)

The Town of Hempstead’s purpose in undertaking the Proposed Action is to provide a framework for future development and revitalization in downtown Baldwin. The economic health and resiliency of this commercial corridor has been affected by its lack of private sector investment, discontinuity of uses, and history of vacancies. Development patterns along this corridor have been varied and inconsistent. The primary goal of the B-MX District is to facilitate private investment, public benefits and economic development within downtown Baldwin. The new overlay district seeks to leverage the area’s proximity to public transportation by promoting mixed-use, transit-oriented development around the Baldwin Long Island Rail Road (LIRR) station to meet increasing demands for housing and retail uses, drive foot traffic, implement transportation and infrastructure improvements necessary to accommodate future growth, and enhance the visual quality and pedestrian amenities in accordance with the B-MX District Design Guidelines. Benefits that would be achieved through implementation of the Proposed Action include:
• Creation of diversified housing options in downtown Baldwin that can capture and retain young working professionals

• Reduced commercial vacancies, along with increased variety of retail options and services

• Increased tax base

• Enhanced streetscape and access to public transportation

• Enhanced visual quality through the implementation of the Design Guidelines

• Implementation of resiliency measures including green infrastructure.

In addition, the implementation of development bonus provisions would allow for further community benefits, including but not limited to, the creation and/or enhancement of open and recreational spaces, remediation activities, and transportation and pedestrian infrastructure improvements.

As the B-MX District is proposed as an overlay district, the Proposed Action would not eliminate the prevailing underlying zoning designations of the 189 parcels within the Project Area in downtown Baldwin. The B-MX District regulations, once adopted, would apply to new development, redevelopment, and building expansions that result in a ten percent or greater increase in the building’s floor area. For rehabilitations and expansions resulting in less than ten percent of the gross floor area, the prevailing zoning regulations would still apply.

To account for varying characteristics along the corridor (for example, proximity to the LIRR station), the Town of Hempstead proposes three distinct subdistricts within the B-MX District, outlined below. Each of the subdistricts sets forth unique lot and bulk controls, as well as parking requirements, allowing for a tailored approach to future development along the corridor.

1. Baldwin – Mixed-Use, Transit-Oriented Development (B-MX, TOD)
   The purpose of the B-MX, TOD subdistrict is to encourage transit-oriented development by concentrating density in the area closest to the Baldwin LIRR station. The B-MX, TOD subdistrict, which would permit the highest density of the three subdistricts, would be mapped on parcels that are generally within a five-minute walk from the Baldwin LIRR station along both Grand Avenue and Sunrise Highway.

2. Baldwin – Mixed-Use, Merrick Road Gateway (B-MX, MRG)
   The B-MX, MRG subdistrict would be centered on the intersection of Merrick Road and Grand Avenue. Merrick Road is an existing east-west commercial corridor with an existing concentration of commercial and mixed-use developments. As a focal intersection of two main roadways, this area can accommodate an increase in density from what is currently permitted. This subdistrict also incorporates the Grand Avenue Urban Renewal Area.
3. Baldwin – Mixed-Use, Commercial Transition (B-MX, CT)

The B-MX, CT subdistrict would permit the lowest level of density of the three subdistricts and would be mapped in transition areas along the Grand Avenue and Sunrise Highway corridors to provide appropriately-scaled mixed-use commercial development that is sensitive to surrounding single-family residential neighborhoods.

Proposed lot and bulk controls and off-street parking requirements for the three subdistricts are summarized in Tables 1 and 2, respectively.

**Table 1 – Summary of B-MX Lot and Bulk Controls**

<table>
<thead>
<tr>
<th></th>
<th>B-MX, TOD</th>
<th>B-MX, MRG</th>
<th>B-MX, CT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum floor area ratio(^{(1)}) (with FAR Development Bonus)</td>
<td>1.5 (2.0)</td>
<td>1.0 (1.5)</td>
<td>0.5 (1.0)</td>
</tr>
<tr>
<td>Maximum building area coverage</td>
<td>90% for commercial buildings. 80% for mixed-use or multiple-family buildings.</td>
<td>90% for commercial buildings. 60% for mixed-use or multiple-family buildings.</td>
<td>75% for commercial buildings. 40% for mixed-use or multiple-family buildings.</td>
</tr>
<tr>
<td>Maximum residential density for multifamily and mixed-use buildings</td>
<td>N/A(^{(2)})</td>
<td>N/A(^{(2)})</td>
<td>N/A(^{(2)})</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>75 feet</td>
<td>60 feet</td>
<td>45 feet</td>
</tr>
<tr>
<td>Maximum building setback from front lot line (build to line), except for pedestrian plaza areas</td>
<td>0 feet</td>
<td>0 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Minimum building setback from 45 feet height and above</td>
<td>5 feet from streetside, ground level building line.</td>
<td>5 feet from streetside, ground level building line.</td>
<td>5 feet from streetside, ground level building line.</td>
</tr>
<tr>
<td>Minimum side yards</td>
<td>None required</td>
<td>None required</td>
<td>None required</td>
</tr>
<tr>
<td>Minimum rear yard</td>
<td>0(^{(3)})</td>
<td>0(^{(3)})</td>
<td>0(^{(3)})</td>
</tr>
<tr>
<td>Minimum landscaped buffer area when adjacent to residential uses</td>
<td>10 feet(^{(4)})</td>
<td>10 feet(^{(4)})</td>
<td>10 feet(^{(4)})</td>
</tr>
<tr>
<td>Minimum front yard</td>
<td>Minimum 10 feet from the curb; Maximum 10 feet from the property boundary.</td>
<td>Minimum 10 feet from the curb; Maximum 10 feet from the property boundary.</td>
<td>Minimum 10 feet from the curb; Maximum 10 feet from the property boundary.</td>
</tr>
</tbody>
</table>

\(^{(1)}\) For purposes of this Article, the floor area ratio (FAR) shall exclude any structure, or portion of a structure, exclusively dedicated for off-street parking.

\(^{(2)}\) To be determined by the Town Board upon review of any application that it must review and approve in accordance with the provisions of this Article.

\(^{(3)}\) The depth of the rear yard shall be increased five feet for each 12 feet or portion thereof by which the building exceeds forty (40) feet in height.

\(^{(4)}\) The depth of the landscaped buffer area shall be increased five feet for each 12 feet or portion thereof by which the building exceeds forty (40) feet in height.
### Table 2 – B-MX Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>B-MX, TOD (with Development Bonus)</th>
<th>B-MX, MRG and B-MX, CT (with Development Bonus)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail/Commercial</td>
<td>1 space per 300 SF (1 space per 340 SF)</td>
<td>1 space per 300 SF (1 space per 340 SF)</td>
</tr>
<tr>
<td>Multifamily Apartment: Studios</td>
<td>1 space per unit (0.70 spaces per unit)</td>
<td>1 space per unit (0.80 spaces per unit)</td>
</tr>
<tr>
<td>Multifamily Apartments: One-bedroom units</td>
<td>1 space per unit (0.70 spaces per unit)</td>
<td>1.3 space per unit (0.80 spaces per unit)</td>
</tr>
<tr>
<td>Multifamily Apartments: Two-bedroom units</td>
<td>1.5 spaces per unit (1.25 spaces per unit)</td>
<td>1.75 spaces per unit (1.5 spaces per unit)</td>
</tr>
<tr>
<td>Multifamily Apartments: Three or more bedroom units</td>
<td>1.75 spaces per unit (1.75 spaces per unit)</td>
<td>2 spaces per unit (2 spaces per unit)</td>
</tr>
<tr>
<td>Assisted Living</td>
<td>1 space per bed (0.5 spaces per bed)</td>
<td>1 space per bed (0.5 spaces per bed)</td>
</tr>
<tr>
<td>Graduate student housing</td>
<td>1 space per bed (0.70 spaces per bed)</td>
<td>1 space per bed (0.70 spaces per bed)</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>In compliance with §319 of the BZO; each parking space shall comply with all requirements of §319D</td>
<td></td>
</tr>
</tbody>
</table>

### Development Bonus Provisions

The proposed zoning amendments also include development bonus provisions. Such provisions would encourage developers to provide public benefits and/or amenities in exchange for floor area ratio (FAR) development bonuses and/or an adjustment to the off-street parking requirements as outlined above, at the discretion of the Town Board. The development bonus provisions would serve as a tool for the Town Board to, at its discretion, allow FAR bonuses in the B-MX District of up to 0.5 FAR in each of the B-MX subdistricts. Based on the foregoing, the Town Board would weigh the public benefits or amenities to be provided against the potential impacts of the development bonuses granted. The Town Board, incorporating, as deemed appropriate, recommendations of the Design Review Board, and following a public hearing, may provide incentive bonuses in exchange for the applicant providing one or more community benefits or amenities or cash or payment in lieu thereof, as authorized by the Town Board. Eligible activities for which an FAR development bonus and/or reduction in off-street parking requirements may be awarded include the following:

- Provision, Renovation or Rehabilitation of a community benefit or amenity
- Brownfield or Derelict Property Remediation and Restoration
- Contribution to Community Benefit Non-Site-Related Infrastructure Improvements.

### Design Guidelines

In order to create a high-quality, pedestrian friendly environment in downtown Baldwin, in addition to the zoning amendments to establish the B-MX District, the Town has established Design Guidelines for the B-MX District, which would be appended to the BZO. The principles described in the B-MX Design Guidelines are not mandatory development standards. However, all projects would be required to incorporate and
demonstrate how they have applied these design principles to meet the purpose and intent of the guidelines. The Design Guidelines provide standards and principles under the following topics: architecture; awnings; exterior lighting; signage; service areas; parking; streetscaping; landscaping; sustainability and green building design.

**Theoretical Build-Out Scenario**

To evaluate the potential significant environmental impacts resulting from the Proposed Action, the analysis conducted considered a theoretical worst-case build-out scenario (the “Build-Out Scenario”). This Build-Out Scenario incorporates the anticipated development that could occur within a period of ten years from adoption of the Proposed Action. The analysis identifies likely development sites, or Properties of Interest (POI), within the B-MX District, as depicted in the following figure. See Table 3 for the Theoretical Build-Out Scenario and Development Increment Summary.

The Build-Out Scenario included the following program: 1,186 residential units; 253,406 square feet (SF) of retail; 310,637 SF of office; and 1,186,097 SF of residential, and was the basis for the SEQRA review conducted by the Town Board.
Properties of Interest

Source: Town of Hempstead, VHB

Baldwin Mixed-Use Zoning Overlay
District and Design Guidelines

Baldwin Mixed-Use Subdistricts

- Mixed-Use, Commercial Transition (B-MX, CT)
- Mixed-Use, Merrick Road Gateway (B-MX, MRG)
- Mixed-Use, Transit-Oriented Development (B-MX, TOD)

Parcels within Overlay Boundary
<table>
<thead>
<tr>
<th>Property of Interest (POI) #</th>
<th>Site Area (SF)</th>
<th>Existing Development Total (SF)</th>
<th>Existing Description</th>
<th>Existing FAR</th>
<th>Existing Retail (SF)</th>
<th>Existing Office (SF)</th>
<th>Vacant Building (SF)</th>
<th>Proposed FAR (based on B-MX Subdistrict)*</th>
<th>Proposed Action Total Development Yield (SF)</th>
<th>Increment Total Development (SF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>54 193 73</td>
<td>64,666</td>
<td>Retail store</td>
<td>0.40</td>
<td>27,840</td>
<td>0</td>
<td>0</td>
<td>1.5</td>
<td>97,000</td>
<td>82,450</td>
</tr>
<tr>
<td>2</td>
<td>54 193 355</td>
<td>163,228</td>
<td>Mixed residential, retail, vacant building</td>
<td>0.34</td>
<td>15,545</td>
<td>0</td>
<td>0</td>
<td>1.5</td>
<td>245,000</td>
<td>208,250</td>
</tr>
<tr>
<td>3</td>
<td>54 105 112</td>
<td>316,913</td>
<td>Supermarket</td>
<td>0.24</td>
<td>78,239</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>633,826</td>
<td>380,296</td>
</tr>
<tr>
<td>4</td>
<td>54 101 30</td>
<td>74,970</td>
<td>Car lot</td>
<td>0.00</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>149,940</td>
<td>149,940</td>
</tr>
<tr>
<td>5</td>
<td>54 31 5</td>
<td>80,383</td>
<td>Parking lot</td>
<td>0.00</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>60,766</td>
<td>60,766</td>
</tr>
<tr>
<td>6</td>
<td>54 35 102</td>
<td>88,433</td>
<td>Commercial</td>
<td>0.22</td>
<td>9,846</td>
<td>9,846</td>
<td>0</td>
<td>2</td>
<td>178,866</td>
<td>159,174</td>
</tr>
<tr>
<td>7</td>
<td>54 35 207</td>
<td>29,179</td>
<td>Empty Lot</td>
<td>0.00</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>58,358</td>
<td>58,358</td>
</tr>
<tr>
<td>8</td>
<td>54 29 463</td>
<td>46,468</td>
<td>Sanitary district facility (municipal services)</td>
<td>0.48</td>
<td>0</td>
<td>22,739</td>
<td>0</td>
<td>1</td>
<td>46,468</td>
<td>21,729</td>
</tr>
<tr>
<td>9</td>
<td>54 C 1</td>
<td>138,958</td>
<td>Retail/Auto parts</td>
<td>0.14</td>
<td>19,912</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>279,916</td>
<td>260,004</td>
</tr>
</tbody>
</table>

TOTALS 953,198 225,108 151,382 32,585 19,184 24 21,957 1,750,140 253,406 310,637 1,186,097 1186 1,525,032

* Proposed FAR assumes the use of development bonus provisions, as permitted by the B-MX zoning regulations
Summary of SEQRA Process

In May 2017, the Nassau County Department of Public Works (NCDPW) published a New York State Governor’s Office of Storm Recovery (GOSR)-funded Baldwin Downtown and Commercial Corridor Resiliency (DCCR) Study titled Next Stop: Resilient Baldwin. The DCCR Study, part of a grant funding source to provide assistance for communities that had suffered from recent severe weather events, including Superstorm Sandy, takes a comprehensive approach to resilience, outlining implementable strategies to foster economic investment, provide housing options, increase pedestrian amenities and enhance public spaces in downtown Baldwin. Preparation of the DCCR Study incorporated an extensive public outreach process during which key stakeholders, including the local business community, property owners, and neighborhood groups, provided vital input on their vision of Baldwin’s future and strategies for implementing that vision.

One of the core community-based recommendations outlined in the DCCR Study was the creation of a transit-oriented development (TOD) overlay district that would allow for a compact and walkable mixed-use downtown centered on the Baldwin LIRR station. Specifically, the study called for an overlay zoning framework to allow for a mix of uses and increased densities near the train station. Several residential and mixed-use development concepts were explored for specific vacant and/or underutilized parcels around the LIRR station, including low density townhomes, medium density residential and retail development, medium density residential and retail development with deck parking, and higher density residential and retail development. This concept would complement certain station enhancements planned for the Baldwin LIRR station.

The DCCR Study also highlighted several priorities that should be considered in the implementation of the overlay zone:

› Improve pedestrian circulation and access to transit

› Encourage retail and services catering to pedestrians at street-level to create an active streetscape

› Encourage street amenities such as continuous sidewalks, lower-scale lighting, seating areas, planters and street trees

› Apply one, consistent zoning district, overlaying the existing underlying zoning to reduce nonconformities.

Based on this recommendation, the Town of Hempstead prepared initial draft zoning amendments for the TOD overlay district and design guidelines for downtown Baldwin, and in March 2019, the Town Board caused to be prepared Part 1 of the Environmental Assessment Form (EAF) for the Proposed Action.

Upon review of the EAF, the Town Board classified the Proposed Action as a Type I Action, declared its intent to be lead agency, and conducted coordinated review by circulating the EAF and proposed zoning amendments to other potentially involved and interested agencies. Following coordinated review, and with no objection being expressed by any other potentially involved agency, the Town Board declared itself the lead agency for the purposes of SEQRA and caused Part 2 and Part 3 of the EAF to be prepared.
On April 16, 2019 the Town Board issued a Positive Declaration for the Proposed Action, indicating the potential for one or more significant adverse impacts, and requiring preparation of a DGEIS. Pursuant to §617.10(a):

Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur. A generic EIS may be used to assess the environmental impacts of:

(1) a number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together may have significant impacts;

(2) a sequence of actions, contemplated by a single agency or individual;

(3) separate actions having generic or common impacts; or

(4) an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations or agency comprehensive resource management plans

Moreover, a GEIS provides for the establishment of conditions and thresholds that guide requirements for future SEQRA compliance and future actions: Pursuant to 6 NYCRR §617.10(c) and (d):

(c) Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site-specific impacts, that were not adequately addressed or analyzed in the generic EIS.

(d) When a final generic EIS has been filed under this part:

(1) No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement;

(2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;

(3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts;
A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.

In accordance with 6 NYCRR §617.8, scoping was conducted for the Proposed Action; a public scoping meeting was held on May 6, 2019; and a Final Scope was adopted by the Town Board on June 11, 2019.

Based on the Final Scope, as well as the standards contained in 6 NYCRR §617.9, on August 6, 2019, the Town Board accepted the DGEIS as adequate with respect to its scope and content for the purpose of commencing public review. Public hearings were held on September 3, 2019 regarding both the DGEIS and the proposed zoning amendments. The Public hearing on the DGEIS was closed on September 3, 2019; however, the public comment period was held open until September 16, 2019. The record was left open to accept public comments on the proposed zoning amendments until such time as a decision on said amendments is rendered by the Town Board.

In accordance with 6 NYCRR §617.9(b)(8), comments received with regard to the DGEIS were reviewed by the Town Board and responses to substantive comments were addressed in an FGEIS, which was filed by the Town Board on December 10, 2019. The FGEIS was circulated to all involved agencies and interested parties, and a public consideration period for the FGEIS was established and closed on December 21, 2019. No new or substantive issues were raised during this public consideration period.

**Conditions and Criteria Under Which Future Actions Will Be Undertaken or Approved, Including Requirements for Any Subsequent SEQRA Compliance**

As explained above, 6 NYCRR §617.10(c) indicates, in pertinent part, that generic environmental impact statements and their findings should set forth specific conditions and criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance. Based on the analyses contained in the DGEIS, and FGEIS, the following represent the conditions and criteria/thresholds, which, if met, would eliminate the need for further SEQRA compliance for development/redevelopment within the B-MX District or further approval from the Town Board.

**SEQRA Compliance Thresholds and Conditions**

A. Sanitary discharge associated with total development/redevelopment of the Project Area shall not exceed 382,000 gallons per day (gpd). For site-specific applications seeking to develop within the B-MX District, approvals for sewer connections must be secured from NCDPW.

B. Potable water demand associated with total development/redevelopment of the Project Area shall not exceed 382,000 gallons per day (gpd). Documentation of water availability must be secured from the public water purveyor.

C. When new vehicle trips generated by future development/redevelopment within the Project Area exceed 900 trips in the Saturday Peak Hour, additional traffic and parking analyses must be conducted to determine that no significant adverse impacts will result from the additional development and to identify any necessary mitigation.
D. For future developments seeking FAR development bonuses, additional traffic and parking analyses must be conducted to determine that no significant adverse impacts will result from granting of the requested development bonuses and to identify any necessary mitigation.

E. Applications for future developments seeking relief from parking requirements set forth in the B-MX District must prepare a parking study demonstrating adequate available parking for the proposed use.

F. Future development projects including residential uses located less than 100 feet from arterial roadways (Sunrise Highway, Grand Avenue and Merrick Road) or the LIRR corridor must be designed to ensure that interior noise levels are acceptable for residential development.

G. According to New York State Office of Parks Recreation and Historic Preservation (NYS OPRHP) Cultural Resource Information System (CRIS), there are two historic resources within the Project Area and one resource adjacent to the Project Area that have been determined eligible for listing in the S/NR of historic plans: the Koch Building and the Baldwin Public Library are within the Project Area, and the First Church Baldwin United Methodist Church is located adjacent to the Project Area. If proposed development/redevelopment would adversely impact these resources, clearance must be secured from NYS OPRHP.

H. Applications seeking variances from the B-MX District, and/or those that do not substantially conform with the intent of the relevant Design Guidelines are required to undergo further review pursuant to 6 NYCRR §617.10(d) in order to assess the potential for significant adverse impacts.

In the event that any of the above-listed conditions are proposed to be exceeded by future development, additional SEQRA compliance would be necessary in accordance with 6 NYCRR §617.10(d)(2), (3), or (4), as would be appropriate, given the actual development plan proposed and the potential significant adverse environmental impacts.

Approval Thresholds and Conditions

In addition to compliance with applicable codes and requirements, prior to the granting of site plan approval or building permit issuance, as appropriate, the following must be submitted by the applicant:

1. As there were a number of previous spills within the Project Area and there is a documented New York State Department of Environmental Conservation (NYSDEC) Superfund site upgradient of the Project Area, there is a potential for subsurface contamination in the Project Area. To ensure that site conditions are appropriate for proposed development/redevelopment, Phase I and, as appropriate, Phase II Environmental Site Assessments (ESAs) must be completed and submitted to the Town of Hempstead. In addition, documentation of appropriate regulatory oversight and sign-off must also be submitted if contamination has been detected.

2. Documentation of sewer availability from the NCDPW must be submitted.

3. Documentation of water availability from the water purveyor must be submitted.
4. Documentation of consultation with the Nassau County Fire Marshal confirming that it has reviewed the project plans and finds same acceptable.

5. A letter of service availability from PSEG Long Island with identification of any necessary improvements for electric service provision must be submitted.

6. If natural gas is to be used, a letter of service availability from National Grid with identification of any necessary site improvements for natural gas provision must be submitted.

7. A site-specific development/redevelopment traffic analysis documenting the number of vehicle trips generated by the site-specific development/redevelopment project in the Saturday Peak Hour, calculated using the latest edition of the Institute of Transportation Engineers, *Trip Generation Manual*.

**Findings and Mitigation Measures**

Upon due consideration and among the reasonable alternatives available, the Town Board has determined that the following represents the mitigation measures to be incorporated into the decision to ensure that significant adverse environmental impacts will be avoided or minimized to the maximum extent practicable, to wit:

**Physical Alteration of Land**

1. Development/redevelopment of properties within the Project Area would result in the disturbance of soils for activities such as foundation excavation, utility installation, grading, paving, etc. Based on the general planning and engineering limitations defined in the *Soil Survey of Nassau County, New York* it is not expected that the development/redevelopment of properties would have a significant adverse impact on soils.

2. The disturbance of soils for construction activities increases the potential for erosion and sedimentation. Therefore, in order to address the potential for site-specific erosion and sedimentation during construction, properties proposed for redevelopment are required to implement proper erosion and sedimentation controls in accordance with Article XXXVIII of the Town’s BZO. With implementation of proper erosion and sedimentation controls, in accordance with Article XXXVIII of the BZO, redevelopment would not result in significant adverse impacts associated with ground disturbance and/or construction activities.

3. Construction activities associated with development/redevelopment have the potential to create fugitive dust. To minimize impacts associated with fugitive dust during the construction period, properties proposed for redevelopment are required to implement dust control measures during dry or windy periods. The appropriate methods of dust control would be determined by the surfaces affected (e.g., roadways or disturbed areas) and would include, for example, the use of stone (or other appropriate materials) on construction entrances and, as necessary, the application of water or adhesive materials, limitation of time of exposure of disturbed areas, use of tarpaulins or similar materials for covering of stockpiles, and the installation vegetative cover as soon as possible after soil disturbance and exposure.
4. Since the topography within the Project Area is relatively flat, the topographic conditions are not expected to significantly change upon development/redevelopment of the Project Area. Furthermore, the topographic conditions are not expected to significantly limit potential development/redevelopment in these areas. As such, no significant adverse impacts to topographic features would be expected.

Groundwater Resources and Flooding

1. To help ensure the protection of groundwater resources, future site-specific development/redevelopment projects will connect to the municipal sewer system, will be served by public water and will develop and implement stormwater pollution prevention plans (SWPPPs) in accordance with Article XXXVIII of the BZO.

2. As there were a number of previous spills within the Project Area and there is a documented NYSDEC Superfund site upgradient of the project area, there is a potential for contamination in the subsurface. To ensure that site conditions are appropriate for proposed development/redevelopment, Phase I and, as appropriate, Phase II Environmental Site Assessments (ESA) would be completed for each site prior to development/redevelopment activities. The appropriate regulatory authority would be engaged for review and oversight, if contamination is detected.

3. A portion of Parsonage Creek was culverted from Emerson Avenue (adjacent to the former Pathmark site) and south to Merrick Avenue. This stormwater subsurface box-culvert runs north-south beneath the existing surface parking lot that comprises the western portion of POI 2. As indicated in the DCCR Study, daylighting existing box-culverted sections of Parsonage Creek, particularly along existing easements within this parking lot area, would improve water quality and reduce flooding by increasing storage, increasing filtration, and reducing peak stormwater runoff volumes, as well as improving habitat, wildlife value, aesthetic value, and increases to adjacent property values. Therefore, daylighting recommendations in the DCCR Study should be considered during redevelopment of POI 2.

4. There are no wetlands or surface waters within the Project Area. Therefore, future development in this area would not require wetland permits or produce potential impacts with respect to these resources.

5. Site-specific development/redevelopment within the portion of POI 2 that is located within Zone X, (500-year flood) or development/redevelopment in the area to the south of Merrick Road, between Grand Avenue and Lakeside Drive located within Zone AE (100-year flood), is required to comply with the Town’s flood hazard ordinance (Article XXXIV of the BZO) and applicable FEMA flood mitigation. The remainder of the Project Area is not located within a Special Flood Hazard Area (SFHA) and, therefore, is not subject to a significant risk of flooding.
6. The New York State Governor’s Office of Storm Recovery (NYSGOSR) identified portions of the Project Area as areas of moderate risk from inundation by infrequent storms and future sea levels. Therefore, in order to minimize impacts related to flooding and groundwater resources, site-specific parcels developed or redeveloped within the Project Area would comply with Article XXXIV, Flood Hazard Zones, of the Town BZO, which is the Town’s flood hazard ordinance, as well as FEMA flood mitigation standards (noted above), where applicable.

7. In order to offset potential adverse impacts of sea-level rise and flood hazards, for site-specific applications within the Project Area, the recommendations of the New York State Community Risk and Resilience Act (CRRA), as well as those set forth in the DCCR Study and the Design Guidelines, will be consulted to confirm proper resiliency techniques and measures are incorporated into development/redevelopment projects. Such resiliency techniques and measures set forth in the Design Guidelines include various streetscaping, landscaping, and sustainability and green building design standards and principles (e.g., use of permeable pavers to increase infiltration opportunities, use of low maintenance grasses, installation of stormwater planters and reuse technology, installation of vegetative controls including incorporation of native/adaptive plant species and use of bioswales, installation of pervious surface curb extensions with storm drains, as appropriate, use of locally-sourced materials, installation of high-efficiency heating and cooling equipment and installation of water efficient equipment, among others).

8. The proposed zoning amendments would permit the development of a compact, walkable downtown. This would lead to a more energy-efficient development pattern within the downtown Baldwin area that would help to minimize greenhouse gas emissions, which are a contributing factor to climate change.

Aesthetic Resources

1. In order to enhance the aesthetic character of the Project Area, the B-MX District and the Design Guidelines have been developed to ensure that development/redevelopment will improve the visual quality of the overall Project Area. Accordingly, implementation of the Proposed Action would result in significant aesthetic benefits.

2. In order to address aesthetically unappealing and deteriorating conditions and facilitate high-quality redevelopment of vacant and underutilized property within the Project Area, the B-MX District has three subdistricts that will ensure the appropriate placement of uses and density in the Project Area. The zoning amendments would allow the tallest buildings to be located closest to the Baldwin LIRR station, where additional bulk is most appropriate and maximizes the opportunity for transit-oriented development. The middle range of proposed development would be situated at Merrick Road and Grand Avenue, a major intersection in Baldwin. The most restrictive height limits would be implemented within the commercial transition areas, including areas adjacent to the established single-family residential neighborhoods that surround downtown Baldwin. As such, the proposed height and bulk regulations are sensitive to the existing and desired aesthetic environment of the area, providing appropriate transitions from nearby uses while allowing for the density necessary to create a thriving downtown close to the train station and at major intersections, and ensuring that future development/redevelopment would result in positive impacts to the aesthetic character of the Project Area.
Historic and Archeological Resources

1. According to the NYS OPRHP CRIS, the Project Area is not located within an area of archaeological sensitivity. No archaeological sites have been documented within or adjacent to the Project Area. Accordingly, implementation of the Proposed Action would not impact such resources.

2. No State or National Register (S/NR)-listed properties are located within or adjacent to the Project Area. There are no State, National, or locally-designated historic districts within or adjacent to the Project Area. Therefore, there would be no impact to these resources.

3. According to NYS OPRHP CRIS, there are two historic resources within the Project Area and one resource adjacent to the Project Area that have been determined eligible for listing in the S/NR of historic plans: the Koch Building, and the Baldwin Public Library are within the Project Area, and the First Church Baldwin United Methodist Church is located adjacent to the Project Area. If proposed development/redevelopment would adversely impact these resources, consultations with NYS OPRHP would be conducted and its recommendations addressed to ensure adverse impacts are avoided or minimized.

Transportation

1. A traffic study was conducted to evaluate the potential impacts of the Proposed Action and identify mitigation measures where significant impacts were identified. Based on the detailed evaluation of the operational characteristics of the study intersections included in the traffic analysis, traffic mitigation measures were identified and are presented in the below table. Note that the mitigation measures set forth below are subject to review and approval of the New York State Department of Transportation prior to implementation, as Sunrise Highway is a New York State roadway.
Each applicant must contribute to a traffic mitigation fund to be established by the Town of Hempstead in order to provide the necessary funding for the mitigation improvements outlined in the table above. The contribution to the traffic mitigation fund would be based on the total number of Saturday peak hour trips generated by the proposed development. The Saturday peak hour trips shall be calculated utilizing the latest available edition of the Institute of Transportation Engineers, *Trip General Manual*. No adjustments to the trip generation estimates are permitted.
A $950.00 per Saturday peak hour trip fee would be required from each Applicant. When 900 Saturday peak hour trips are reached as a result of new development/redevelopment, the mitigation improvements shall be constructed by the Town of Hempstead or its designee utilizing the funds collected from the applicants.

2. Site development/redevelopment within the B-MX District shall include bicycle racks and/or bicycle storage lockers to further promote the use of non-motorized modes of transportation. The increased use of cycling to the station and other uses within the B-MX District would also reduce parking demand within the adjacent commuter lots and on the street.

3. To ensure that there is adequate parking to support development/redevelopment in the Project Area, the B-MX District includes parking ratios for specific land use types for each subdistrict. Adherence to these parking ratios will help ensure there is sufficient parking to meet demand.

4. To improve safety and operations within the B-MX District the following would be considered, as appropriate, for incorporation into site-specific project designs:
   - Cross access with adjacent parcels should be considered to reduce the number of curb cuts
   - Site access from the side streets should be considered prior to access to Grand Avenue, Merrick Road or Sunrise Highway to reduce the number of curb cuts and conflict points along the major roadways
   - Site access driveways should be located a minimum of 65 feet from an intersection
   - Site driveways should be separated from one another by a minimum of 75 feet
   - One-way site driveways where turn restrictions are needed should be separated by a raised island to enforce turning restrictions
   - Parking lots should be located on the back side of buildings which locates access points further from Grand Avenue and directs traffic to side streets
   - Parking garages or municipal parking fields should not provide direct access to Sunrise Highway, Merrick Road or Grand Avenue.

Energy

1. Development/redevelopment within the Project Area will increase energy demand. Therefore, for all site-specific applications within the B-MX District, both PSEG Long Island and National Grid (if Natural Gas is to be used) must be consulted to confirm service availability and to identify necessary site improvements to provide electric and/or natural gas service to a specific development parcel.

2. In order to minimize impacts to energy resources and to increase energy conservation, development projects must comply with the requirements of the New York State Energy Conservation Construction Code.

3. The Proposed Action, by facilitating the development of a compact, walkable downtown, and through the creation of Design Guidelines, provides for a more energy-efficient development pattern that is less reliant on automobile usage than traditional single-family suburban development. The reduction in vehicle miles traveled would assist in reducing greenhouse gas emissions, and overall energy use.
Noise and Light

1. As implementation of the Proposed Action would generate new development in the area, noise analyses were conducted to evaluate mobile (vehicular and railroad) and stationary (mechanical equipment) levels. The analyses demonstrated that sound level increases associated with future development/redevelopment within the Project Area would not produce a perceptible change in traffic noise, and there would be no significant adverse noise impacts due to mobile sources.

2. The Proposed Action includes development/redevelopment with residential uses proximate to arterial roadways (Sunrise Highway, Grand Avenue and Merrick Road) and the LIRR. To ensure residential developments are not adversely affected by traffic and transit noise, development must incorporate noise attenuating construction materials and techniques to ensure acceptable noise levels at the interior of residential structures (e.g., elevating residential uses in the building above ground-floor retail or commercial space to increase the distance between the residences and the roadways or train tracks, increasing sound attenuating characteristics of the building façade by reducing the window to wall ratio, and using improved glazing and denser wall materials).

3. Analyses conducted indicate that noise from new stationary sources (e.g., heating, ventilating and air conditioning [HVAC] equipment) is not expected to be significant; however, stationary source equipment must be designed to comply with the Town of Hempstead Noise Ordinance (§144-5.B – Table II, of the Town Code entitled Limiting Noise Spectrum for Steady Noise). If, and as needed to comply with the Town’s noise ordinance, additional sound attenuation features would be incorporated into the mechanical design such as specifying low-noise equipment, adding sound attenuation packages to the equipment, using quieter fans and/or adding acoustic absorption to the equipment enclosures.

4. Construction period activities may temporarily increase sound levels in and around the Project Area. The potential for noise impacts due to construction activities will depend upon the phase of construction, the type, amount and location of construction equipment and the amount of time it operates over a workday. To minimize potential construction-related noise impacts, construction noise best management practices (BMPs) will be implemented (e.g., replacing back-up alarms with strobes; assuring that equipment is functioning properly and is equipped with mufflers and other noise-reducing features; locating especially noisy equipment as far from sensitive receptors as possible; using quieter construction equipment and methods, as feasible, such as smaller backhoes and excavators; maintaining equipment to avoid louder operation associated with mechanical issues; using noise control measures such as portable enclosures for small equipment (i.e., jackhammers and saws). In addition, to minimize construction-related noise, construction activities within the Project Area are required to comply with the Town of Hempstead Noise Ordinance, which limits construction to between the hours of 7:00 AM and 6:00 PM on weekdays or when allowed by permit.

5. There is the potential for vibration generated by LIRR trains to affect interior conditions at future developments near the tracks. Without vibration attenuation features, vibration levels (expressed as VdB) inside masonry buildings 50 feet from the tracks generally range from 72 to 78 VdB which approaches or exceeds the thresholds for human perception and annoyance. To mitigate such vibration impacts, vibration-sensitive developments that will be located within 50 feet of the LIRR would include mitigation measures to attenuate vibration (e.g., elevating residential uses in the
building to increase the distance between the residences and the train tracks, and/or using vibration dampening bearings to isolate the building from vibration emanating from the tracks).

6. To minimize adverse impacts relating to fugitive light, the Design Guidelines contain recommendations relating to the design of exterior lighting, which should be incorporated into project developments/redevelopments in the Project Area.

Community Character

1. Adoption of the B-MX District, including the Design Guidelines, will promote orderly and visually cohesive development/redevelopment in the Project Area through the implementation of new zoning and design guidelines. The zoning amendments will facilitate positive changes to the land use and community character of the Project Area, resulting in the creation of a vibrant, mixed-use, transit-oriented development that complements and supports the existing downtown area along the Grand Avenue corridor. Although land use and community character changes would occur, they will be positive and foster development that will benefit downtown Baldwin.

2. The B-MX District, including the Design Guidelines, establishes goals, objectives and standards for development/redevelopment within the Project Area for the purposes of encouraging TOD and mixed-use development around and proximate to the Baldwin LIRR Station. The intent of the B-MX District is to be a catalyst for revitalization through private investment, public benefits and economic development within downtown Baldwin. Accordingly, development/redevelopment in accordance with the B-MX District, including the Design Guidelines, would ensure that the community's vision for downtown Baldwin is realized and that implementation of the Proposed Action would result in beneficial land use impacts through the creation of a more livable area where residents would be within walking distance of public transportation and a more robust commercial center.

3. The Project area is located within the jurisdiction of the Baldwin Fire Department. Consultation with the Baldwin Fire Department indicated there would likely be an increase in emergency calls due to the increase population and the increase number smoke/carbon monoxide detector systems installed. Moreover, the Fire Department indicated that some additional personnel, vehicles and facility space may be required to serve the projected increase in population. However, the Fire Department indicated that is has equipment that could serve the highest permitted building within the B-MX District (75 feet). To ensure that there would be no significant adverse impacts to the Baldwin Fire Department, the Fire Department recommended that all new buildings in the Project Area be fully sprinklered including coverage in open truss loft areas. In addition, all development plans would be required to comply with the latest New York State Uniform Fire Prevention and Building Code and undergo review by the Nassau County Fire Marshal. Additionally, the Proposed Action will generate additional tax-paying residential and commercial uses in the Town of Hempstead, which would increase revenues for the Fire Department. These additional revenues would help to offset the additional costs associated with providing fire protection and ambulance services to the future development within the Project Area.

4. Police protection services are provided to the Project Area by the Nassau County Police Department First Precinct. Analyses conducted indicate that there would not be a significant adverse impact on police facilities. Furthermore, implementation of the Proposed Action would allow for mixed-use development creating “eyes-on-the-street,” and reduced storefront and property vacancies would
be less attractive to vandals. Based on the foregoing, the Proposed Action is not expected to result in significant adverse impacts to police protection services.

5. The Project Area is served by the Baldwin Union Free School District (UFSD). Data from the New York State Education Department (NYSED) indicate that the total 2019-2020 school year enrollment for the Baldwin UFSD was 4,500 students. According to NYSED enrollment data for the past ten years, enrollment has slowly declined since the 2010-2011 school year, when total enrollment was approximately 5,300 students. This represents a decrease of 800 students over the last decade. Based on the projected unit type and assumed bedroom mix, the Build-Out Scenario is expected to generate approximately 186 school-aged children. When added to the current 4,500 students, this would be far less than the peak enrollment of 5,300 students. Also, based on data from the NYSED Property Tax Report Card, the cost per pupil was estimated at approximately $22,570. However, only a portion of this cost is currently paid from the local property tax levy. The portion of the instructional program costs paid by the local real estate property tax is approximately $16,073 per pupil. Therefore, based on the foregoing, approximately $3 million would need to be raised in property taxes to support the projected enrollment of new students in the Baldwin UFSD. In addition to tax-paying residential uses, the Build-Out Scenario includes new commercial development throughout the Project Area, which will generate property taxes without contributing new students to the school district. As such, future property taxes generated as a result of development under the proposed action would be expected to exceed the estimated increased cost per year to the Baldwin UFSD at full build-out. Therefore, implementation of the Proposed Action would not result in significant adverse impacts to the Baldwin UFSD.

6. The nearby parks serving the Project Area residents include Silver Lake Park, Milburn Creek Park and Milburn Pond Park. Additionally the Town operates nearby Coes Neck Park. The Town also operates a series of recreational programs that serve the residents of Baldwin, including sports leagues, cultural arts classes and concerts, and aquatic programming through the operation of several beaches and pools. It is expected that the Proposed Action would generate additional population as part of area redevelopment, and that this new population would be absorbed by the nearby park and recreational facilities over the course of the anticipated ten-year build-out. Therefore, the projected increase in population would not result in significant adverse impacts to recreational facilities.

7. Development/redevelopment of the Project Area in accordance with the Build-Out Scenario would generate approximately 294 tons of solid waste per month, a net increase of approximately 40 tons per month over the existing condition. This increase would not be expected to result in significant adverse impacts to waste management facilities, practices or plans.

In accordance with 6 NYCRR §617.11, the Town Board has considered the DGEIS and FGEIS for the Proposed Action, and certifies that it has met the requirements of 6 NYCRR Part 617. This Findings Statement contains the facts and conclusions in the DGEIS and FGEIS relied upon to support this decision and indicates those factors that formed the basis of its decision.
A Copy of this Findings Statement has been sent to:

Donald X. Clavin, Jr. Supervisor and Town Council Members
Town of Hempstead
One Washington Street
Hempstead, NY 11550

David P. Weiss, Chairman
Town of Hempstead Board of Appeals
One Washington Street
Hempstead, NY 11550

Tom Toscano, Commissioner
Town of Hempstead Highway Department
350 Front Street
Hempstead, NY 11550

Commissioner Lawrence E. Eisenstein, MD, MPH, FACP
Nassau County Department of Health
200 County Seat Drive, North Entrance
Mineola, NY, 11501

Commissioner Kenneth G. Arnold, P.E.
Nassau County Department of Public Works
1194 Prospect Ave.
Westbury, NY 11590-2723

Sean Sallie, AICP
Deputy Commissioner
Nassau County Planning Department
1194 Prospect Avenue
Westbury, NY 11590

Joseph J. Kearney, Executive Director
Nassau County Industrial Development Agency
Theodore Roosevelt Executive & Legislative Building
1 West St., 4th Floor
Mineola, NY 11501

Florestano Girardi, Chairman
Town of Hempstead Industrial Development Agency
350 Front Street
Room 234-A
Hempstead, NY 11550
Lanny Wexler, Regional Bicycle and Pedestrian Coordinator
New York State Department of Transportation
Perry B. Duryea, Jr. State Office Building
250 Veterans Memorial Highway
Hauppauge, NY 11788

Denise Venuti Free, Director of Communications and External Affairs
New York American Water, Long Island Water Corporation
60 Brooklyn Avenue
Merrick, NY 11566

Adam Yablonsky, Lead Environmental Engineer
National Grid
Environmental Management – Downstate NY
175 East Old Country Road
Hicksville, NY 11801

Edward M. Aldrich
PSEG Long Island
Licensing and Permitting, Project Manager
T&D Projects and Construction
999 Stewart Avenue
Bethpage, NY 11714

Cara Longworth
Regional Director, Long Island
Empire State Development
150 Motor Parkway
Hauppauge, NY 11788

Baldwin Fire District
Attn: Douglas Wiedmann, Chairman of the Board of Commissioners
2386 Grand Avenue
Baldwin, NY 11510

Hempstead Sanitary District #2
Attn: Gerard W. Brown, Chairman of the Board of Commissioners
2080/2090 Grand Avenue
Baldwin, NY 11510

Baldwin Union Free School District
Attn: Dr. Shari L. Camhi, Superintendent of Schools
960 Hastings Street
Baldwin, NY 11510
Dr. Kishore Kuncham  
Superintendent of Schools  
Freeport Public Schools  
235 N. Ocean Avenue  
Freeport, NY 11520

Commissioner George Bakich  
Town of Hempstead  
Department of Planning and Economic Development  
200 North Franklin Street  
Hempstead, NY 11550

Town of Hempstead  
Department of Conservation and Waterways  
P.O. Box 180  
Lido Boulevard  
Point Lookout, NY 11569