

ZONING BOARD OF APPEALS  
THE CITY OF LONG BEACH  
NOTICE OF A STATE ENVIRONMENTAL QUALITY REVIEW ACT  
ADOPTION OF FINAL SCOPE  
September 28, 2017

Notification is hereby given that the City of Long Beach Zoning Board of Appeals (“ZBA”), as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) (and implementing regulations thereto at 6 NYCRR 617), has issued a positive declaration, and after receiving public comments during a public scoping period held from August 25, 2017 through September 15, 2017, has adopted a Final Scope for a Draft Environmental Impact Statement (Draft EIS) for the proposed application (Case #2773) of 73rd Meridian Partners LLC of 165 West 73rd Street, New York, NY for variances from the following sections of the Zoning Code of Ordinances of the City of Long Beach, NY: 9-105.12(b) Height; 9-105.12(d) Building Area; 9-105.12(e) Front Yard, 9-105.12(f) Side Yards; and 9-105.12(i) Density, for a new multiple dwelling with enclosed parking and amenities located at 530 West Broadway, Long Beach, NY also known as Section 59, Block 29, Lots 14-35, 37 & 113 on the Nassau County Land and Tax Map.

The Proposed Action would include the removal of the existing Hebrew Academy of Long Beach building and associated structures and improvements to allow for the construction of a nine story, 126-unit condominium building with basement and ground level parking garages. The ZBA, as Lead Agency, has classified the Proposed Action as a “Type I action” pursuant to the State Environmental Quality Review Act (“SEQRA”). Based on the review of the application, supporting plans and documentation submitted by the applicant, comments received during the preliminary public hearing, input from other involved agencies, the ZBA has concluded that the Proposed Action may result in one or more significant adverse environmental impacts, and issued a “Positive Declaration” pursuant to SEQRA and a full Environmental Impact Statement (“EIS”) must be prepared by the Applicant.

The Final Scope provides an outline of content for the environmental impact statement evaluating the potential environmental impacts of the proposed action. The Final Scope can be viewed and downloaded from the following website location: [http://www.longbeachny.gov/index.asp?Type=B\\_BASIC&SEC={9837D86B-6429-4ACA-8A32-2EB963C7E138}](http://www.longbeachny.gov/index.asp?Type=B_BASIC&SEC={9837D86B-6429-4ACA-8A32-2EB963C7E138})

A hard copy of the Final Scope is available for viewing at the following locations:

**City of Long Beach  
Corporation Counsel  
Room 402  
1 West Chester Street  
Long Beach, NY 11561**

**FINAL SCOPE**  
**for**  
**DRAFT ENVIRONMENTAL IMPACT STATEMENT**  
  
**PROPOSED 126-UNIT**  
**MULTI-FAMILY CONDOMINIUM DEVELOPMENT**  
  
**530 WEST BROADWAY, CITY OF LONG BEACH,**  
**NASSAU COUNTY, NEW YORK**

Overview

This document is a Draft Scope for the Draft Environmental Impact Statement (“DEIS”) for the above-referenced proposed action. This Draft Scope has been prepared in accordance with the relevant standards of Article 8 of the Environmental Conservation Law of the State of New York (the State Environmental Quality Review Act, “SEQRA”) and the implementing regulations thereto at 6 NYCRR Part 617, as discussed in more detail herein. The Draft Scope will serve as a framework for the preparation of a DEIS, evaluating the potential environmental impacts of the proposed action.

The proposed action involves site plan approval and variances (i.e., building height and number of stories, building area, unobstructed side yards, and density) in connection with a 126-unit multi-family residential condominium building and associated site improvements (the “proposed project” or the “proposed development”) at 530 West Broadway in the City of Long Beach (the “City”), also identified as Section 59 – Block 29 – Lots 14-35, 37 and 113 on the Land and Tax Map of Nassau County. The applicant is 73<sup>rd</sup> Meridian, LLC (the “Applicant”). The site of the proposed development (the “subject property” or the “site”) is a 1.72±-acre rectangular parcel located on the south side of West Broadway, between Washington Boulevard to the east and Lindell Boulevard to the west, and with the Long Beach boardwalk adjoining to the south.

The proposed project as presented herein, and as will be discussed and analyzed in the forthcoming DEIS, reflects the Applicant’s voluntary amendment of prior applications for the subject property, based on commentary provided in a series of public outreach meetings conducted by the Applicant. The initial application, submitted in March 2016, included a fifteen-story building with 154 units, at a density of 487 square feet of lot area per dwelling unit. This was followed by submissions in July and December 2016, with the primary elements of the amendments between these two proposals involving:

- Further reduction in the number of units from 130 to 126;
- Further reduction in the density from 576 square feet of lot area per dwelling unit to 595 square feet of lot area per dwelling unit;
- Further reduction in the maximum number of stories from twelve to nine; and
- Further reduction in the maximum height from 154 feet above ground level (“agl”) to 124 feet agl.

The subject property contains the now-vacant facilities of the Hebrew Academy of Long Beach (“HALB”), a private primary educational institution. Adjacent uses are a combination of residential, municipal parking, and recreational/open space. Neighboring residential uses include a mix of multifamily residences ranging from two to seven-stories, and single family residences. The character of the area in proximity to the subject

property is that of an oceanfront residential community with recreational amenities (including the beach and boardwalk) immediately to the south, and public parking located in the median between the eastbound and westbound lanes of West Broadway.

To ensure that the DEIS will address all potentially significant issues, the Zoning Board of Appeals of the City of Long Beach (the "ZBA"), as lead agency under SEQRA, has issued a Positive Declaration and has elected to conduct formal scoping pursuant to 6 NYCRR §617.8. This Draft Scope provides a description of the proposed action and the Applicant's proposed content for the DEIS, and sets forth the following in accordance with 6 NYCRR §617.8(f):

- Brief description of the proposed action;
- Potentially significant adverse impacts;
- Extent and quality of information needed to adequately address potentially significant adverse impacts;
- Initial identification of mitigation measures;
- Reasonable alternatives to be considered; and
- Issues raised during scoping and determined not to be relevant or environmentally significant.

This Draft Scope also incorporates the ZBA's determination of potentially significant issues as set forth in the Positive Declaration notice, dated June 22, 2017, along with the Full Environmental Assessment Form, Parts 2 and 3, and "Environmental Assessment Form Part 3 Attachment" (collectively, the "Positive Declaration") issued by the City – see Appendix A. The Draft Scope also includes relevant input received from the public during the March 30, 2017 public hearing held by the ZBA for the proposed project.

#### Description of the Proposed Action

The subject property is in the City's Residence K District. The proposed use, multi-family residential condominium units, is permitted as-of-right in this district. The proposed development requires site plan approval, along with certain variances (i.e., building height and number of stories, building area, unobstructed side yards, and density). The requested variances, as set forth in the denial letter dated January 18, 2017 issued by the City Department of Building and Property Conservation, are enumerated as follows, with the relevant section of the City Code specified in square brackets:

- Height [§9-105.12(b)] – two nine-story buildings with a height of 120 feet each and one six-story building with a height of 85 feet proposed; maximum height of three stories above basement or cellar and 40 feet permitted
- Building Area [§9-105.12(d)] – 73 percent proposed; maximum 35 percent permitted
- Side Yards [§9-105.12(f)] – open unobstructed yards through 5 percent of the property proposed; minimum of 65 percent required
- Front Yards – [§9-105.12(e)] – 0 feet proposed; 20 feet required when property fronts the Ocean Beach Park
- Density [§9-105.12(i)] – 595 square feet of lot area per dwelling unit proposed; minimum of 1,000 square feet of lot area per dwelling unit required

Under the proposed action, the existing, now-vacant facilities of the HALB, including a one-to-three-story building, four in-ground pools, paved areas and minimal landscaping, would be demolished and replaced with a residential building and associated amenities. The proposed building would contain 126 condominium units and would vary in height, reaching a maximum nine stories/124± feet agl. An in-ground, outdoor pool would be installed at the rear (south side) of the building.

The new building would face West Broadway to the north and the ocean boardwalk to the south, with two nine-story towers on the east and west sides and a six-story central tower connected to the two nine-story towers by two rows of two-story townhomes. The residential towers would be situated atop a two-level parking and lobby structure. Mechanical space would be provided within the first floor of each of the nine-story towers as well as in bulkheads (each 20 feet tall) atop the three residential towers. The first two floors of the six-story tower would be occupied with amenity space. Approximately 11,317 square feet (SF) of recreational space, including the outdoor pool, would be situated on the south side of the proposed building, in the rear space between the two nine-story towers.

Site access to the redeveloped site would be provided via two curb cuts on West Broadway (one ingress and one egress). A total of 294 parking spaces would be provided within the cellar and first-floor levels of the proposed building, not including an additional 30 tandem spaces which would be provided on-site; thereby exceeding the City's parking requirements. An existing parking easement located on the western portion of the subject property (approximately 0.1 acre) that is used by the adjacent apartment building to the west would remain.

Potable water for the proposed project would be provided via connection to existing supply lines of the City of Long Beach. Sanitary wastewater would be directed to existing sewers maintained by the City of Long Beach. Stormwater runoff would be contained on-site via new infiltration structures. The site would connect to existing infrastructure of National Grid for natural gas and PSEG Long Island for electricity.

In order to implement the proposed action, the following approvals are required:

| <b>Agency</b>  | <b>Permit/Approval</b>   |
|--|--|
| City of Long Beach Building Department                           | Site Plan  |
| City of Long Beach Zoning Board of Appeals (ZBA)                 | Variances for building height and number of stories, building area, unobstructed side yards, and density |
| City of Long Beach Department of Public Works                    | Water supply, sewer connection, curb cuts  |
| Nassau County Planning Commission                                | 239-m referral   |
| Nassau County Department of Public Works                         | Division of Engineering review   |
| Nassau County Health Department                                  | Subdivision, Water and Sewer connections   |
| New York State Department of Environmental Conservation (NYSDEC) | SPDES GP-0-15-002; Tidal Wetlands Determination of Non-Jurisdiction                                      |

The section of the DEIS titled *Description of the Proposed Action* will provide a thorough description of the proposed action and of existing conditions on the subject property, and more specifically will include information relating to:

- Description of the proposed action, accompanied by appropriate maps, aerial photographs, tables, plans, renderings, etc.
- Discussion of the SEQRA process as it pertains to the proposed action
- Site and project history and current levels of activity on the project site
- Project purpose, need and public benefits
- Physical characteristics of the site, such as the boundaries, size, and existing pervious and impervious areas and site conditions, including any potential or recognized environmental conditions found to be present on the property based on a Phase I Environmental Site Assessment
- Utilities and existing on-site and adjacent infrastructure systems
- Details of existing easements
- Summary of surrounding zoning, land use, neighborhood character and roadway/highway network

- Information on the proposed development, including zoning and development data (e.g., areas of buildings, unit sizes and bedroom mix, ownership structure, any provisions for workforce or affordable units, impervious pavement, landscaping, pedestrian and public or private amenities, etc., expressed in acreages and percentages)
- Summary of existing and proposed traffic access, circulation, and parking, including dedicated Americans with Disabilities Act (“ADA”) accessible parking spaces as required, parking easements, visitor parking and areas to accommodate truck deliveries/service areas.
- Details of architectural features and treatments, including lighting, landscaping, buffers/screening (including the proposed treatment of the wall fronting the boardwalk and screening of the proposed at grade parking area),
- Project amenities to encourage use of alternative transportation (i.e., bicycle storage, provisions for shared vehicles, electric vehicle charging stations or preferential parking for hybrid or electric vehicles, etc.)
- Infrastructure requirements for the proposed project, including water supply, wastewater treatment, and stormwater management
- Projected construction activities, phasing and schedule, including any street or public area closures necessary to accommodate construction activities, storage/staging, and equipment/worker parking. The extent of subsurface excavations, pile driving and de-watering to construct the proposed building foundations, drainage and other improvements will be evaluated, as well as the need for shoring/sheeting, methods to address vibration and other mitigation techniques provided to reduce potential impacts to nearby properties.
- Required Local, County and State approvals

#### Potentially Significant Adverse Impacts

The DEIS will be prepared in accordance with the Final Scope to be promulgated by the lead agency and with 6 NYCRR §617.9(b). Based upon review of documents submitted by the Applicant – including the application, the proposed plan, Part 1 of the EAF, and an Expanded Environmental Assessment (“Expanded EA”, March 2017) – the ZBA issued a Positive Declaration on June 22, 2017, identifying the following potential impact issues: Land; Geologic Features; Surface Water and Wetlands; Groundwater; Flooding; Plants and Animals; Aesthetic Resources; Open Space and Recreation; Transportation; Energy Resources; Noise, Odor and Light; Human Health; Consistency with Community Plans; and Community Character. These potential impacts, both during construction and operation of the proposed project, as well as other relevant issues will be fully addressed in various DEIS sections, as briefly outlined below.

Over the past two years, the City has updated the Comprehensive Plan, originally adopted in 2007. It is available in draft form at LongBeachListens.com and provides updated recommendations, especially dealing with land use and resiliency issues.

#### Soils and Topography

The *Soil Survey of Nassau County* will be used to determine the general soil types on the site, and the characteristics of such soils. Site-specific boring and/or test hole information will be presented and discussed in this section of the DEIS. The suitability of the soils (stability, quality, etc.) and potential engineering limitations for the proposed site alterations and proposed uses on the site will also be examined.

The DEIS will also include topographic information obtained from both United States Geologic Survey (USGS) LiDAR data and site-specific topographic maps. An evaluation of the potential impacts to soils and topography will be provided based on a preliminary grading plan for the proposed building/improvements. The DEIS will also describe the measures to be implemented in addressing any potential impacts related to

the characteristics of on-site soils (e.g., shallow depth to groundwater, drainage limitations or structural properties), and to mitigate potential erosion and off-site sediment transport from wind and stormwater runoff during construction, as well as any impacts or constraints to development that the soil conditions may pose. The DEIS will also quantify and discuss proposed earthwork, including depth and volumes of cut and fill for the proposed building and improvements (including consideration of foundation depth and necessary drainage and utilities), handling, temporary storage and import and export of material, total number of truck trips required to transport import or export of site soils, and changes in grades and elevations. Mitigation measures will be described including any measures that will be implemented to overcome unsuitable soils that may be encountered in areas proposed for drainage infrastructure and building foundations, sheeting/shoring, necessary site stabilization, erosion and sediment controls, preparation of a Stormwater Pollution Prevention Plan, and measures implemented to reduce truck trips.

A Phase I Environmental Site Assessment (ESA), and a Phase II ESA as appropriate, will be undertaken to assist in characterizing subsurface conditions, including the potential presence of underground storage tanks, floor drains, drywells, the need (if any) for asbestos and lead-based paint removal, and any potential soil or groundwater contamination from past on-site or area activities as may be related to leaks, spills, dumping or past hazardous materials storage or plumes. Necessary steps to address any recognized environmental condition should be outlined, including protocols that will be implemented to ensure public safety during the removal of any contaminated soils or hazardous materials.

### Water Resources

The DEIS will discuss regional and local hydrogeological conditions and water quality based on routine water district monitoring data, and will evaluate the potential for saltwater intrusion and sustainability of groundwater resources based on record data available from the City Water Department, relevant United States Geological Survey (“USGS”) reports and information on available supply. Site-specific depth to groundwater elevation data will be provided, accounting for tidal and seasonal variations; and the implications of same with respect to project design will be evaluated, particularly with respect to the effect that the installation of parking would have on the storage volume and distribution of subsurface drainage infrastructure. The need and proposed measures for de-watering will be evaluated both during and post construction to accommodate building foundations, utilities and other site improvements. The relevant requirements of the Nassau County Public Health Ordinance will be reviewed, and the compliance of the proposed action therewith will be evaluated. The Phase I/II ESA will provide relevant information regarding subsurface conditions at the subject location that may impact groundwater quality.

The site is currently served by City of Long Beach public water and sanitary sewers. Potable domestic water, irrigation water demand and sewage generation will be projected for the proposed development. Additional discussion of water supply and sewage disposal, including infrastructure issues and measures proposed to conserve water, will be included in the DEIS section titled *Community Facilities and Utilities* (see below).

Existing and post-development drainage conditions and stormwater management measures will be described and evaluated. This section of the DEIS will include projections of stormwater volumes to be generated, a drainage plan including details of the proposed stormwater collection and management systems (accounting for shallow depth to groundwater and associated limitations regarding the separation distance between the bottoms of leaching structures and groundwater), discussion of anticipated changes in drainage patterns, and analysis of how the proposed stormwater management system will comply with applicable regulatory requirements, including the prevailing local and County regulations and standards for on-site storage volume during the design storm event. Potential impacts to adjacent surface waters during construction will be discussed, along with measures (e.g., erosion and sediment control plan, State Pollution

Discharge Elimination System General Permit, and Storm Water Pollution Prevention Plan) that would be implemented to mitigate same.

The DEIS will describe the boundaries of NYSDEC Tidal Wetlands and NYSDEC wetlands jurisdictional areas in the vicinity of the subject property. It is anticipated that the proposed action is eligible for a letter of non-jurisdiction from NYSDEC. NYSDEC will be consulted, and the results of the consultation will be presented in the DEIS.

The subject property is located in a Federal Emergency Management Agency ("FEMA") AE-Elevation/15 feet flood zone and 100-year Special Flood Hazard Area, and lies adjacent to the Long Beach boardwalk, which is situated in the FEMA VE-Elevation/16 feet flood zone. The boardwalk fronts on the ocean beach. The DEIS will identify the locations of coastal erosion hazard areas ("CEHAs") and FEMA flood zones that are on or adjacent to the property and depict these features on maps; identify applicable laws and adopted plans that regulate or control development activities in these areas. The DEIS will assess the degree to which the proposed project would conform to the relevant FEMA flood standards, as promulgated in Article XII (Flood Hazard Zones) of Chapter 7 (Building Code) of the City Code; and also will describe how the proposed project would affect conditions in the FEMA-designated flood zone, particularly with respect to flood water storage and drainage conditions (including the proposed provision of underground parking). The DEIS will discuss the New York State Community Risk & Resiliency Act ("CRRRA") and NYSDEC's projections of sea level rise and discuss measures to avoid or reduce both an action's environmental impacts and vulnerability from the effects of climate change such as sea level rise and flooding. The effect of the requested zoning relief with respect to unobstructed side yard setback will also be evaluated for its effect on flooding. The analysis in this section of the DEIS also will examine the presence and effect of shore protection structures, as well as the occurrence of beach nourishment and other shoreline enhancement measures, along the oceanfront adjacent to the subject property, and will examine the implications of the proposed development with respect to same. The DEIS also will discuss available information regarding the effects of Hurricane (Superstorm) Sandy at and near the site, and will describe the resiliency of the proposed project to such major meteorological events, as well as more frequent and intense rain events.

### Ecological Resources

The subject property is fully developed, covered almost entirely with impervious surfaces (i.e., buildings and pavement), with minimal areas of landscaping and, therefore, lacks significant ecological value. However, given its location near the ocean shore, the DEIS will document consultation with the New York Natural Heritage Program, including site/area field inspections by a qualified biologist/ecologist to inventory existing vegetation and wildlife and evaluate any Natural Heritage Program identified significant ecological resources on the site or within the vicinity. If any significant ecological resources are identified, the DEIS will provide an analysis of the proposed project's impacts on such resource(s).

### Zoning, Land Use and Community Character

This section of the DEIS will describe and provide maps depicting existing land uses and zoning on the subject property and in the surrounding area. Such study area will encompass the following boundaries: the Atlantic Ocean to the south, New York Avenue to the west, West Park Avenue to the north, and Laurelton Boulevard to the east. A physical description of the site (i.e., size, boundaries, landscaping, open space, etc.) will be provided. The character of the surrounding community will be described in terms of specific uses and land use patterns, zoning (building bulk, massing, height and density), population and socioeconomic characteristics, and other factors. Filed easements and covenants and restrictions that run with the land will be discussed. As part of this effort, the applicable zoning regulations and relevant land use plans – including the *City of Long Beach Comprehensive Plan* (2007) and *Creating Resilience: A Planning Initiative* (Draft

City of Long Beach Comprehensive Plan, 2016) – will be reviewed and analyzed and an evaluation of project consistency will be provided. The Draft EIS will also discuss the applicability of the Long Island Workforce Housing Act and an evaluation of project consistency will be provided.

This section will also describe the proposed changes in the land use of the site and will provide a detailed description of the proposed development. The DEIS will describe and quantify the areas to be developed with buildings, roadways, walkways, etc. as well as other impervious areas and their use. The requested variances will be described in detail, compared to the bulk dimensional standards in the Residence K district specified in the City Code, and evaluated against relevant local and state criteria for the granting of such relief. The adequacy of light and air and obstruction of sea breezes if the variances are granted and the project is approved as proposed must be discussed.

The DEIS will assess the compatibility of the proposed action with surrounding land uses and zoning, as well as the project's conformance with the aforementioned land use plans. This section will also include a discussion of the potential changes in the elements comprising the character of the surrounding community, including land use patterns, population and socioeconomic characteristics and other relevant factors, due to the proposed project. The potential effect that the requested variances would have on these parameters will be included in the analysis.

The DEIS will analyze the variances required for the proposed action, comparing the proposed dimensions – i.e., with respect to building height, number of stories, building area, unobstructed side yards, front yard and density – to the relevant standards in the City Code and the guidelines for issuance of area variances set forth in NYS General City Law, Section 81-b 4. The analysis of proposed building height will account for current FEMA and City Code requirements for building elevation in Special Flood Hazard Areas. Additionally, the DEIS will examine the conformance of nearby, existing development with these same standards and with other relevant requirements of the City Code (e.g., parking), as compared to the proposed development. The investigation will note the year other nearby buildings to be evaluated were constructed, the zoning designation and applicable dimensional standards in place at the time of approval for the buildings, and whether or not variances were required to permit construction or if the buildings were built “as-of-right” Subsequent planning and zoning initiatives to amend the City zoning map or zoning code affecting the K District will also be documented. The impacts and general magnitude(s) of the variances will be assessed both individually and collectively.

The impact of building height from a community character standpoint will be evaluated based on a comparison of *actual* total building height from grade to the top of the proposed and nearby buildings, including any roof top structures such as elevator bulkheads rather than simply based on height as defined by zoning and the requirement to measure from FEMA's 100-year base flood elevation. The purpose of this analysis is to compare actual building scale, the differences between buildings, and the effects of these differences on the character of the area. Additionally, the changes in character of views along the public boardwalk will be described and evaluated using to scale visual renderings and/or elevations depicting how views would be altered or obstructed under the proposed action. A discussion of how the skyline for this area of the City may be affected, the nature of the proposed building's architecture, and the ability or inability of the proposed site layout and building design to be integrated into the pattern and character of the neighborhood will be provided. Any site and building design mitigation measures proposed to reduce impacts to the existing community character, residents' quality of life, and Long Beach's unique sense of place will be discussed.

### Transportation and Parking

This section of the DEIS will describe the existing traffic conditions and evaluate the effects of the proposed action on the surrounding area roadways and parking. A complete Traffic Impact Study (TIS) will be prepared and appended to the DEIS and summarized in the body of the DEIS text.

The following describes the methodology for this traffic study:

- The proposed project site plan and related documents will be reviewed to obtain an understanding of the project scope and layout.
- A review will be made of the adjacent roadway system and the key intersections that might be significantly impacted by the proposed project.
- Field inventories will be conducted to observe the general physical condition of area roads and number and direction of travel lanes at the key intersections near the site. The dates, days and hours of the traffic survey will be documented and prevailing weather conditions will be noted. Traffic surveys will be conducted during the week day and weekend in the summer on sunny days to account for peak beach activity.
- Accident data in the vicinity of the subject property will be obtained, tabulated and summarized.
- Manual turning movement count data will be collected at the following key intersections during a.m. and p.m. peak periods on one or more typical weekdays (including a Friday), and during the midday peak periods on a typical Saturday and Sunday:
  - › West Broadway and Washington Boulevard (signalized)
  - › West Broadway and Lindell Boulevard (signalized)
  - › West Beech Street and Washington Boulevard (unsignalized)
  - › West Beech Street and Lindell Boulevard (signalized)
  - › West Park Avenue and Washington Boulevard (signalized)
  - › West Park Avenue and Lindell Boulevard (signalized)
- Future ambient traffic volumes on local roadways will be projected for the 2019 Build year based on a background growth rate of 0.6 percent per year obtained from the New York State Department of Transportation, along with estimated traffic volumes from any other significant planned developments in the area or any projects in the vicinity that have City approvals but have not been fully constructed/occupied as obtained from the City of Long Beach Building Department including, but not limited to, the proposed "Superblock" (iStar) development on East Broadway between Riverside and Long Beach Boulevards.
- Site-generated trips will be distributed along the adjacent roadway network and added to the No-Build volumes to produce the projected Build Condition volumes.
- Capacity analyses will be performed at the key intersections for Existing, and 2019 No-Build and Build Conditions.
- The No-Build and Build Condition results will be compared to assess whether the proposed project would result in any potentially significant traffic impacts.
- The adequacy of the off-street parking to be provided for the proposed development (including spaces conforming to the requirements of the Americans with Disabilities Act and visitor parking) will be evaluated.
- A review of the site access points and internal circulation will be conducted.
- Construction-related impacts on area intersections should be evaluated based on the various phases of the proposed construction activities, and will quantify truck trips accounting for the estimate of net excavation volume, as well as other activities during construction (e.g., demolition debris from existing buildings and other structures, delivery of construction equipment and materials to the site, construction worker traffic, etc.)

- Construction-related impacts on pedestrian activity, particularly along the adjacent boardwalk and potential physical impacts to or encroachment on the boardwalk, will be assessed.
- Construction-related impacts on the availability of parking in the surrounding area during peak parking utilization periods on weekends and weekdays will be assessed. The DEIS will identify areas surrounding the property that may require temporary closure for construction staging, equipment and temporary construction parking during the construction period, accounting for the existing parking easement on the west side of the subject property. The number of parking spaces impacted by construction staging/storage/parking must be quantified, as well as the anticipated construction worker parking demand. The DEIS will evaluate where any displaced parking will be temporarily relocated based on parking surveys completed during the peak summer season for a minimum of two week days and two weekend days.
- The availability of mass transit and other transportation alternatives including train, bus, bicycle, and pedestrian amenities and facilities will be identified and impacts on these modes of transportation will be determined.
- Impacts on emergency coastal evacuation routes will be examined.
- The need for traffic and parking mitigation measures, including efforts to reduce vehicle usage, will be evaluated and discussed in the DEIS.

### Noise

The DEIS will evaluate project-related noise impacts during construction and operation of the proposed facility. This analysis will account for potential impacts to sensitive uses (e.g., Ocean Beach Park, Beach Terrace Care Center, Grandell Rehabilitation and Nursing Center, and nearby detached residences and apartments); and will account for variations over the anticipated duration of construction, and will conform to the City's noise ordinance requirements in determining the potential for significant adverse impacts.

The construction noise analysis will evaluate the potential noise impacts from both on-site and off-site construction activities. On-site construction noise sources consist of both mobile and stationary sources, which could include, but are not limited to, structural demolition, and the use of heavy equipment, generators, and compressors. The noise analysis will consider site location, potential construction equipment, duration of use, surrounding land uses and noise attenuation (e.g., distance and presence of existing buildings). The noise analysis will also evaluate the potential noise impacts along the roadways that would be used by construction vehicles to access and depart the project site. Should exceedances of the impact criteria occur, mitigation measures to be undertaken to reduce these noise levels would be identified.

### Air Quality

The DEIS shall address the potential for both stationary and mobile source impacts. Mobile source impact potential shall be assessed using procedures from the most recent New York State Department of Transportation ("NYSDOT") Environmental Procedures Manual and Environmental Protection Agency ("EPA") guidance. A mobile source air quality study shall be conducted that will follow the screening procedures required by the NYSDOT, and if warranted, refined modeling using the EPA's CAL3QHC or EPA accepted computer model. The objective of the air quality study shall be to determine if the proposed Project will be in compliance with the New York and/or National Ambient Air Quality Standards ("NAAQS") established by the Federal Clean Air Act Amendments ("CAAA"). If any air quality violations are predicted based on the above described models, mitigation measures shall be developed.

### Socioeconomics

This section of the DEIS will examine existing socioeconomic characteristics and provide basic demographic data (e.g., population, housing, income, employment) for the surrounding area. Projections of future socioeconomic conditions upon development of the proposed project, including total projected building population, unit sizes by number of bedroom and the number of each size unit, anticipated occupant composition if possible (e.g., will it be marketed toward senior citizens, young single professionals, families, mixed occupancy, seasonal or year-round residents, etc.) and projected number of school-age children will be determined, and mitigation will be presented, if warranted.

The economic and fiscal impact analysis will include the following information and analyses:

- Population projections, based upon the type and number of residential units proposed and projections from US Census Bureau
- Employment projections for both the construction and operational phases of the proposed project using IMPLAN data and software<sup>1</sup>
- Discussion of both direct and secondary economic impacts of the construction and operational phases of the proposed project, using IMPLAN data and software. A summary of the IMPLAN model report outputs for direct, indirect and induced effects on jobs, labor income and economic output for the construction period and the operations at build-out will be provided
- Discussion of the proposed housing types including: projected price ranges, floor area calculations, bedroom mix, and target market
- A property tax analysis of the proposed project, and projected potential costs of services to examine the net property tax effects. The analysis shall indicate all pertinent assumptions regarding project value, assessed value, construction costing public subsidy or tax abatements anticipated, if any.

### Community Facilities and Utilities

The DEIS will discuss existing community facilities/services and utilities serving the subject property (i.e., schools, police, fire, ambulance, health care facilities or hospitals, parks and recreational facilities, solid waste, water supply, sewage disposal, electricity and natural gas) and the ability of these facilities, services, and utilities to accommodate the proposed development. Evaluations of water supply will include water quality and quantity based on projected domestic demand of the proposed residential units, landscape irrigation, pool, fire flow demand, and any other water requirements. The method of pool water discharge and disposal will also be provided. The impact assessment will include consultations with each respective service provider to identify existing facilities, the costs associated with the proposed action for each jurisdiction and their ability to serve the proposed future development.

This section of the DEIS will take into consideration the findings of a separate evaluation being undertaken by the City's engineering consultants regarding water supply and sanitary waste disposal services, both with respect to the capacity of the central plants and the adequacy of the local infrastructure, including issues related to water pressure and the conditions of existing conveyance infrastructure, and accounting for other planned projects in the area. These evaluations will be included in a DEIS appendix and summarized in the main body of the DEIS text. The DEIS also will examine the adequacy of the existing waste collection and water distribution infrastructure with respect to the additional demand to be created by the proposed development relative to the capacities of the systems, based on information provided by the City.

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<sup>1</sup> The IMPLAN system relies on an input-output methodology. Input-output models map the linkages of inter-industry purchases and economic output within a region and can be used to estimate the economic impacts that occur as a result of "indirect" purchases that businesses and organizations make from other local industries using revenue gained from the initial direct spending.

The proposed action's effect on schools, hospitals, licensed day care centers, group homes, nursing homes and retirement communities will be assessed. Any anticipated impacts of project construction and operation with respect to public use of and access to the boardwalk and beach will be assessed. Measures to be provided to mitigate any potentially significant impacts will be described, including, but not limited to, conservation techniques to moderate consumption of water (including the use of low-water-use plantings) and energy.

An assessment of emergency services (police, fire rescue/ambulance) will also be provided including outreach to first responders, documentation of existing facilities, major equipment and personnel, and capacity to provide adequate service to the proposed building. Requests for information from community service providers must specifically request if any special equipment, staffing, training or similar is necessary to adequately service the proposed building given the requested building height. The conceptual plans must be provided to local fire and emergency response personnel for written input on the adequacy of service providers to provide emergency service response to the proposed building. The means for building fire protection should be described (i.e. sprinklers, or similar) and means for emergency evacuation should be discussed. Emergency access on to the site and to the proposed building will be considered, including whether ladder trucks can get close enough to the towers to deploy outriggers and reach upper stories per consultation with the Nassau County Fire Marshal and local fire district. Additionally, the applicant shall also obtain input regarding the adequacy of water pressure for firefighting purposes, and means to control fires during windy conditions. Applicable mitigations will be noted.

Impacts on cellular and wireless reception as a result of signal interference from the proposed building will be assessed, and applicable mitigation provided if necessary.

Impacts of increased population from the proposed development on parks and recreational facilities, including beach usage, will be also be evaluated, including the need for additional staffing, if warranted

Impacts on the school district from increased enrollment will be identified and will include consideration of potential increases in public school enrollment from the closing and relocation of the HALB, if applicable.

The projected solid waste generation at full occupancy will be provided and the means of solid waste collection, disposal and recycling will be indicated. The proposed location(s) of on-site dumpster storage or solid waste collection areas will be noted and adequate access to these areas by carters will be demonstrated.

The Applicant has offered to provide amenities available to the public as part of its development plan. A proposal for such features, formulated in consultation with the City and considering the availability of existing amenities in the surrounding area, will be described in the DEIS.

### Visual and Cultural Resources

The database and maps of the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") shall be consulted regarding the potential for properties of historic significance and/or archaeological sensitivity. If these OPRHP sources indicate that there is a potential for historical and/or cultural sensitivity, it shall be necessary to retain a qualified historian and/or archaeologist to perform the required cultural resources survey.

This section of the DEIS will also describe the visual character of the subject property and vicinity, and representative photographs depicting same will be provided. Potential changes to visual character from

various off-site vantage points, including the beach and boardwalk and local public streets, will be evaluated through detailed narrative descriptions, supported by suitable graphical depictions. These graphics will include elevations and renderings of the proposed facility from various viewpoints (including West Broadway and the boardwalk), along with photographic simulations depicting existing and proposed conditions from three vantage points: the boardwalk facing east toward the site at the southerly terminus of Lindell Boulevard, the boardwalk facing west toward the site at the southerly terminus of Lafayette Boulevard, and the intersection of Washington Boulevard and West Penn Street facing south toward the site as compared to the existing conditions from these vantage points.

Aspects of the proposed development directed at enhancing site aesthetics and the need for screening of the proposed parking area, proposed walls and other features where appropriate (e.g., architectural features, landscaping, etc.) will be detailed, accompanied by appropriate illustrative materials (e.g., building elevations and/or architectural renderings, and landscaping plan). This shall include details of proposed treatment of the wall fronting the boardwalk and provisions to screen or otherwise diminish the appearance of the wall using landscaping or similar treatments. The potential impact of the requested variances on sight lines, the City skyline and other visual aspects will be evaluated.

This section of the DEIS will also discuss potential lighting impacts associated with the proposed development, as defined both with an outdoor lighting plan and suitable illustrations (e.g., renderings) depicting the exterior effect of indoor lighting transmitted through the glass walls of the proposed building at night, along with accompanying descriptive text. Impacts such as excess illumination, glare, light trespass, impacts on the night sky or community character, and fixture type, mounting, spacing and energy conservation will be assessed and the potential for impacts from the reflection of sunlight off of the glass building will be discussed.

The DEIS also will examine the solar shadow effect of the development in the adjacent community with particular attention paid to outdoor use areas during the summer and winter solstices, and vernal and autumnal equinoxes, showing conditions considered between 1.5 hours after sunrise and 1.5 hours prior to sunset as infinite shadows occur outside of this time period. This analysis will compare the shadow effect for the proposed building versus existing conditions, and will depict off-site building footprints at affected locations; and will provide a written explanation of the properties affected, structures and land uses thereon, and daily and seasonal variation in potential impacts. If a shadow cast from the proposed development reaches a sun-sensitive resource (solar panels or public or private outdoor use areas including patios, pools, playgrounds, or parks, or outdoor public gathering areas, etc.), the duration of the shadow will be measured and summarized in a table format compared to the duration of shadow under existing conditions. The applicant's shadow analysis should also be compared and contrasted with the shadow analysis presented by a professional architect on behalf of a group of residents at the March 30, 2017 hearing, and the proposed analysis should be determined to be accurate or adjusted accordingly. The proposed shadow analysis will examine the potential impacts of shadows from the entire building, including the rooftop elevator bulkhead. Impacts associated with possible obstruction of views/vistas of the ocean/beach and sunsets and sunrises have been indicated as significant to neighboring residents. The potential for impacts from the use and enjoyment of property for surrounding uses will also be quantified and evaluated as compared to construction of a conforming project. Applicable mitigation measures relating to the building and sight design will be discussed.

Any provisions for public amenities will also be discussed.

### Construction Impacts

This section of the DEIS will summarize the potential impacts associated with demolition and construction of the proposed project. This section will quantify and describe the demolition and construction debris to be

generated, including materials that would require special handling and disposal (e.g., asbestos-containing material and petroleum product tanks, as identified through the Phase I/II ESA). The methods to be used to manage construction and demolition debris and means to prevent windblown debris from entering private property and public spaces will be discussed. The proposed schedule and phasing of construction activities will be described. Travel routes, construction entrances and demolition/construction material staging and construction worker parking will be discussed. Traffic associated with construction equipment, removal of demolition debris, on-site earthwork, construction worker commutes, and material deliveries will be assessed, along with the degree to which project construction would impact local streets, the availability of parking in the surrounding area, the use and enjoyment of the boardwalk and beach, and an indication as to whether there would be a need to temporarily close part of the boardwalk. Furthermore, as described within the technical sections, potential noise impacts associated with demolition and construction activities will be evaluated for consistency with the City's noise ordinance. The potential for impacts to adjacent properties, including the boardwalk, during construction due to subsurface excavations, pile driving, dewatering, or other subsurface construction activities will be evaluated. Mitigation measures will be described including any measures that will be implemented to overcome potential impacts that may result in required construction activities including sheeting/shoring, necessary site stabilization, erosion and sediment controls, and preparation of a Stormwater Pollution Prevention Plan.

In addition, potential construction-related erosion and sediment transport due to ground disturbance and grading, air quality (including fugitive dust), and visual/aesthetic impacts will also be evaluated, as described above. Construction-related employment projections, as well as the socioeconomic effects of construction on the surrounding community will be summarized in this section of the DEIS. A synopsis of mitigation measures proposed to address and minimize the potential demolition and construction impacts also will be provided. The ultimate disposition of construction and demolition debris will be discussed including whether waste materials will be recycled.

#### Unavoidable Adverse Impacts (if any)

This section of the DEIS shall identify any potential short and long term adverse impacts that cannot or will not be fully mitigated.

#### Cumulative Impacts

This section of the DEIS shall evaluate the cumulative impacts of the Proposed Action and other pending projects that have received the applicable approvals but have yet to be fully constructed/occupied including, but not limited to, the proposed "Superblock" (iStar) development on East Broadway between Riverside and Long Beach Boulevards. The analyses shall address cumulative impacts on traffic, water use, sewage discharge, and community services. Additionally, an analysis of the potential redevelopment that could result if similar variances as requested under the proposed action were granted for existing vacant or underutilized parcels along West Broadway in the West End will be performed. The difference between development under zoning and development with similar variances will be quantified and discussed to evaluate the cumulative impacts and precedence of granting the requested variances.

#### Irretrievable and Irreversible Commitment of Resources

This section of the DEIS shall discuss the resources necessary to execute the proposed action.

#### Growth-Inducing Aspects

This section shall assess the elements of secondary growth expected under the proposed action.

## Use and Conservation of Energy

This section of the DEIS will discuss the energy sources to be used, expected levels of consumption and means to reduce consumption, along with any measures related to the use and conservation of energy and other sustainability practices that would be incorporated into the proposed development, such as the degree to which green technologies, Leadership in Energy and Environmental Design (LEED) elements and similar construction techniques will be used, as applicable.

## Extent and Quality of Information Needed to Adequately Address Potentially Significant Adverse Impacts

In order to conduct the analyses of potential adverse impacts, available information will be collected and reviewed, and empirical information will be developed. Relevant information from the previous Expanded EA will be incorporated and augmented, as appropriate. While it is not possible to determine all information sources to be used, the following represent sources/research that have been preliminarily identified for inclusion in the DEIS.

### Soils and Topography

- *Soil Survey of Nassau County*
- Soil borings and/or test holes
- USGS LiDAR topographic data and site-specific topographic surveys
- Phase I/II Environmental Site Assessment

### Water Resources

- USGS water table map and monitoring well data, as available
- Water district water quality monitoring information (annual reports)
- *New York Guidelines for Urban Erosion and Sediment Control*
- *Reducing the Impacts of Stormwater Runoff from New Development*
- *New York State Stormwater Management Design Manual*
- *Nonpoint Source Management Handbook*
- *Long Island Segment of the Nationwide Urban Runoff Program (NURP) Study*
- Consultations with the City of Long Beach
- NYSDEC Tidal Wetland maps
- Phase I/II Environmental Site Assessment

### Ecological Resources

- Consultation with the New York Natural Heritage Program

### Zoning, Land Use and Community Character

- City of Long Beach Zoning Codes and associated maps
- *City of Long Beach Comprehensive Plan (2007)*
- *New York State General City Law*
- *Creating Resilience: A Planning Initiative* (Draft City of Long Beach Comprehensive Plan, 2016)
- *Long Island Sustainability Plan*
- Site and area inspections

### Transportation and Parking

- Traffic counts
- Most-recent three-year accident data

- ITE's publication titled *Trip Generation*, latest edition
- *Highway Capacity Manual*, latest edition
- *Synchro*, latest edition
- American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Highways and Streets*
- New York Metropolitan Transportation Council (NYMTC) 2010 to 2035 Regional Transportation Plan
- National Complete Streets Coalition and NYSDOT Complete Streets Policy
- Consultations with City of Long Beach
- Americans with Disabilities Act standards

#### Noise

- Chapter 16, Code of the City of Long Beach, Noise
- Highway Noise Fundamentals, Federal Highway Administration, September 1980
- 23 CFR Part 772, Procedures for Abatement of Highway Traffic Noise and Construction Noise
- New York State Department of Transportation. *The Environmental Manual*, Chapter 4.4.18, April 2011
- Measurement of Highway-Related Noise, United States Department of Transportation, Federal Highway Administration, FHWA-PD-96-046, May 1996

#### Air Quality

- Local air quality data
- Traffic analyses
- Regulatory standards

#### Socioeconomics

- 2000 and 2010 Census Data
- 2006 Rutgers Demographic Multipliers
- IMPLAN
- Market data, where available

#### Community Facilities and Utilities

- Consultations with community service providers, including schools, police, fire, ambulance, health care, parks and recreational facilities, solid waste, water supply, sewage disposal, electricity and natural gas

#### Visual and Cultural Resources

- OPRHP resource GIS database and consultation if required
- Site and area inspections
- Site and area photographs
- Project elevations and architectural renderings
- To scale photo-simulations of proposed action
- Shadow analysis

#### Construction Impacts

- Local noise and construction ordinances
- Relevant standards and regulations governing erosion and sediment control

### Initial Identification of Mitigation Measures

As the DEIS analyses have not yet been conducted, proposals for specific mitigation measures have not yet been developed. Nonetheless, the following general measures will be included in the proposed action as mitigation:

- Implementation of suitable erosion and sediment control measures to mitigate potential impact to adjacent properties and roadways during construction
- Compliance with the requirements of the New York State Tidal Wetland Regulations
- Compliance with FEMA and City of Long Beach flood zone construction requirements
- Provision of on-site parking exceeding the requirement under the City Code
- Generation of property taxes and other financial benefits, both during construction and project operation, to provide a stimulus to the local economy

Where the impact analyses conducted in the DEIS indicate the potential for significant adverse impacts, additional, more specific mitigation measures will be identified to minimize such impacts.

### Reasonable Alternatives to Be Considered

Pursuant to 6 NYCRR Part 617, the DEIS must contain a description and evaluation of reasonable alternatives to the proposed action. Thus, the DEIS will analyze the following alternatives, as specified in the Positive Declaration, and will quantitatively and qualitatively compare the impacts of these alternatives to those associated with the proposed action, based upon the specific issues outlined above:

- No-Action (i.e., existing conditions remain in place; potentially including re-occupancy of the HALB facilities)
- Development under the Residence K zoning district without any variances, in an architectural style that is consistent with the character of the neighborhood
- Development under the Residence K zoning district meeting the Applicant's objectives with reduced variances
- Development under the Residence K zoning district meeting the Applicant's objectives with reduced variances including a reduced front yard variance enabling the creation of a public amenity space, suggested to include a landscaped area between the building and the boardwalk to provide shade and a small seating area for public use. Any landscaped area should utilize low maintenance vegetation that will not require irrigation once established.
- Development under the Residence K zoning district with no variances of parking or density and reduced variances for building height (building height limited to the actual height of nearby buildings, as measured from grade), and reduced variances for building area and unobstructed open yards to maximize ocean views and airflow (residential units split into two towers that are oriented to predominately run north to south).

The Alternatives section of the DEIS will include a summary table comparing the above-listed alternatives to the proposed action with respect to the range of potential impact issues, along with a detailed discussion and analysis of same. The comparison of alternatives will include the following variables: (a) total number of residents; (b) total number of school-aged children likely to attend public schools; (c) potable water demand; (d) sewage generation; (e) solid waste generation; (f) number of peak-hour vehicle trips; (g) number of parking spaces required/provided; (h) projected tax revenues; (i) unit density; (j) building coverage; (k) building height (feet/stories); and (l) yard setbacks. This section of the DEIS also will assess the relative environmental benefits (in terms of the magnitude of decrease in potential impacts), as contrasted

against any detriment to the project objectives, for each alternative versus the proposed action. The information and analyses for the various alternatives will be presented at a level of detail sufficient to allow proper decision-making.

### Organization of DEIS

Although not required as part of a Draft Scope, the following proposed table of contents is provided:

- 1.0 Executive Summary
- 2.0 Description of Proposed Action
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  - 2.2 Summary of Existing Conditions
    - 2.2.1 Existing Land Use and Site Conditions
    - 2.2.2 Existing Transportation Network
  - 2.3 Proposed Action and Project Description
  - 2.4 Purpose, Need and Benefits of the Proposed Project
  - 2.5 Demolition and Construction
  - 2.6 Required Permits and Approvals
- 3.0 Existing Conditions, Potential Impacts and Proposed Mitigation
  - 3.1 Soils and Topography
    - 3.1.1 Existing Conditions
    - 3.1.2 Potential Impacts
    - 3.1.3 Proposed Mitigation
  - 3.2 Water Resources
    - 3.2.1 Existing Conditions
    - 3.2.2 Potential Impacts
    - 3.2.3 Proposed Mitigation
  - 3.3 Ecological Resources
    - 3.3.1 Existing Conditions
    - 3.3.2 Potential Impacts
    - 3.3.3 Proposed Mitigation
  - 3.4 Zoning, Land Use and Community Character
    - 3.4.1 Existing Conditions
    - 3.4.2 Potential Impacts
    - 3.4.3 Proposed Mitigation
  - 3.5 Transportation and Parking
    - 3.5.1 Existing Conditions
    - 3.5.2 Potential Impacts
    - 3.5.3 Proposed Mitigation
  - 3.6 Noise
    - 3.6.1 Existing Conditions
    - 3.6.2 Potential Impacts
    - 3.6.3 Proposed Mitigation
  - 3.7 Air Quality
    - 3.7.1 Existing Conditions
    - 3.7.2 Potential Impacts
    - 3.7.3 Proposed Mitigation

- 3.8 Socioeconomics
  - 3.8.1 Existing Conditions
  - 3.8.2 Potential Impacts
  - 3.8.3 Proposed Mitigation
- 3.9 Community Facilities and Utilities
  - 3.9.1 Existing Conditions
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- 3.10 Visual and Cultural Resources
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- 3.11 Construction Impacts
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- 4.0 Unavoidable Adverse Impacts
  - 4.1 Short-Term Impacts
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- 5.0 Cumulative Impacts
- 6.0 Alternatives and Their Impacts
  - 6.1 No-Action
  - 6.2 Development under Residence K Zoning District without Variances
  - 6.3 Development under Residence K Zoning District Meeting Applicant's Objectives with Reduced Variances and Public Amenities
  - 6.4 Development under Residence K Zoning District with Reduced Variances (Building Height and Density Similar to Immediate Vicinity)
- 7.0 Irretrievable and Irreversible Commitment of Resources
- 8.0 Growth-Inducing Impacts
- 9.0 Use and Conservation of Energy
- 10.0 References