

RESOLUTIONS AND LEGAL NOTICES OF HEARING LISTED ON THE PRELIMINARY AGENDA ARE AVAILABLE AT THE TOWN CLERK'S OFFICE ONE DAY PRIOR TO THE TOWN BOARD MEETING.

IF YOU ATTEND THE TOWN BOARD MEETING AND WISH TO READ ANY LEGAL NOTICE OF PUBLIC HEARING OR RESOLUTION SCHEDULED, PLEASE SEE THE WHITE BINDER LOCATED ON THE TABLE TO THE RIGHT OF THE DAIS NEXT TO THE TOWN CLERK. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE SEE TOWN CLERK JO-ANN RAIA.

**PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:
<http://HuntingtonNY.gov>**

PRESENT:

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilman	Mark Mayoka
Deputy Town Clerk	Luann Eldridge
Town Attorney	John J. Leo

AGENDA FOR SPECIAL TOWN BOARD MEETING DATED MARCH 12, 2012

4:30 P.M. – TOWN HALL

Opened: 4:37 P.M. Closed: 4:40 P.M.

ABBREVIATIONS FOR PURPOSE OF AGENDA:

Supervisor Frank P. Petrone	-	FP
Councilwoman Susan A. Berland	-	SB
Councilman Eugene Cook	-	EC
Councilman Mark A. Cuthbertson	-	MC
Councilman Mark Mayoka	-	MM

RESOLUTIONS:

OFF. SEC. VOTE

2012-91. ENACTMENT: ADOPT Local Law Introductory Number 31-2011, considering Zone Change Application #2011-ZM-387, known as the Residences at Oheka Castle, to change the zoning from R-80, R-40, R-20 and R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District for the property located on the west side of East Gate Drive, north of Colonial Drive, West Hills, SCTM #0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and #0400-132-04-(007, 008 & 009), and issuing a Negative Declaration for said action to rezone.

FP MC 5

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 31-2011, CONSIDERING ZONE CHANGE APPLICATION #2011-ZM-387, KNOWN AS THE RESIDENCES AT OHEKA CASTLE, TO CHANGE THE ZONING FROM R-80, R-40, R-20 & R-10 RESIDENCE DISTRICTS AND C-6 GENERAL BUSINESS DISTRICT TO R-OSC RESIDENCE - OPEN SPACE CLUSTER DISTRICT FOR THE PROPERTY LOCATED ON THE WEST SIDE OF EAST GATE DRIVE, NORTH OF COLONIAL DRIVE, WEST HILLS, SCTM# 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) AND 0400-132-04-(007, 008 & 009), AND ISSUING A NEGATIVE DECLARATION FOR SAID ACTION TO REZONE.

Resolution for Town Board Meeting dated: March 12, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, COLD SPRING HILLS DEVELOPMENT, LLC, 135 West Gate Dr., Huntington, NY 11743, applicant, submitted application #2011-ZM-387 for a change of zone from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District for property located on the west side of West Gate Dr., north of Colonial Dr., West Hills, designated as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009) on the Suffolk County Tax Map; and

WHEREAS, said application was forwarded to the Department of Planning and Environment by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, this action meets the criteria of a Type I Action in accordance with SEQRA, 6 NYCRR Part 617.4(b)(9), as a residential development on a portion of a property (Oheka Castle) on the National Register of Historic Places; and

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 established itself as Lead Agency on November 9, 2011 following coordination of the EAF Part I with involved and interested agencies, none of which requested Lead Agency status; and

WHEREAS, the applicant submitted a Voluntary Draft Environmental Impact Statement (VDEIS), to be treated as an Expanded Environmental Assessment Form (EEAF) in accordance with 6 NYCRR Part 617.6(a)(4) in connection with the application, and which was also coordinated with all involved and interested agencies, and the Department of Planning and Environment has prepared an EAF Parts II and III which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Town of

Huntington Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and these documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@HuntingtonNY.gov; and

WHEREAS, the property for the new residential development is considered part of the Otto H. Kahn Estate, a designated historic landmark by the Town of Huntington, and therefore will be subject to the historic landmark regulations found in Article VI of the Town of Huntington Zoning Code; and

WHEREAS, by resolution dated January 18, 2012 the Planning Board recommended to the Town Board that the Town Board schedule a public hearing on the application, issue a Negative Declaration under SEQRA, and approve the application subject to the following conditions:

- (1) The new residential development, Oheka Castle, and the Cold Spring Country Club Clubhouse shall all be connected to the Nassau County public sewer system at the applicant's or property owners' own cost and expense; and
- (2) If the traffic signal at the intersection of Jericho Turnpike and East Gate Drive is approved by the New York State Department of Transportation, the applicant shall install the signal at their own cost and expense, and the applicant shall also be responsible for the cost of any other associated improvements at the intersection, such as new lane striping, curb realignment, road widening or narrowing, and in addition any signal timing adjustments to nearby traffic signals affected by the new signal installation; and
- (3) The applicant shall be responsible for the cost of any improvements to the South Huntington Water District pipe network that are necessary to provide sufficient water service to the new development; and
- (4) During any future site plan application the developer must submit a Soil Management Plan for review, and shall be required to place money in escrow with the Town to enable the Town to hire an independent professional consulting firm to review the Soil Management Plan and suggest any changes that may be necessary, and all required mitigation must be completed before the issuance of any building permits for new construction on the property; and
- (5) A Conservation Easement or Declaration of Covenants and Restrictions shall be filed on the Cold Spring Country Club property that will be used to transfer development rights onto the Residences at Oheka parcel to permanently protect the open space, and the land in the jurisdiction of the Town of Oyster Bay, although not eligible to be used to transfer development rights, shall also be maintained as open space and protected by the Easement or Declaration; and

- (6) No subdivision or site plan approvals shall be granted by the Planning Board until yield maps are provided for Oheka Castle and the Cold Spring Country Club that show that the proposed subdivision or site plan would not make the parcels and the uses nonconforming to any section of the Town of Huntington Zoning Code, unless the Zoning Board of Appeals has first granted variances or special use permits to legalize the nonconformities; and
- (7) All garbage produced by the development, whether collected by the Town or a private carter, must be brought to the Town's Resource Recovery Facility for disposal; and

WHEREAS, the zone change application was referred to the Suffolk County Planning Commission in accordance with New York State General Municipal Law Section 239-m, and by resolution dated February 1, 2012 the Suffolk County Planning Commission recommended approval of the application subject to the following conditions:

- (1) Applicants shall contact the New York State DOT and seek all appropriate approvals; and
- (2) Petitioners shall contact the Suffolk County Department of Health Services and Nassau County Department of Public Works to address the need for sewer connection; and

WHEREAS, these approval conditions of the Suffolk County Planning Commission have been incorporated into the first two Town Board approval conditions listed below; and

WHEREAS, the Town Board determines that the requested zone change is harmonious with the spirit and intent of the Residence-Open Space Cluster District inasmuch as the privately owned and maintained golf club (Cold Spring Country Club, hereinafter the club or "CSCC") will provide for a private recreational endeavor while the preservation of open space in general is maintained pursuant to a conservation easement and/or covenants and restrictions, as contemplated by Town Code Sections 198-21.3(A)(1) and 198-21.3(B)(2); and

WHEREAS, the spirit and intent of the Residence-Open Space Cluster District as to a private golf club is that access to said private club and its property be limited to a person or persons who are legally permitted by the club to be on said property, the subject property not open to the public except as permitted by CSCC; and

WHEREAS, the Town Board determines that the change in zoning classification of the private recreational facilities to Residence-Open Space Cluster District will not preclude the continued use of the premises as a private golf club, nor prohibit any changes, additions, or amendments to the golf course facilities;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Expanded Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that this Type I action will not have a significant effect upon the environment because the rezoning action and subsequent development of the property in accordance with the proposed site plan will incorporate measures, provided for in present town standards and regulations, and offered as improvements by the applicant in the EEAF, to effectively mitigate potential impacts, including the installation of a traffic signal to relieve traffic impacts, the connection to public sewer to minimize groundwater impacts, the clustering of development and permanent preservation of open space to greatly lessen impacts to the land, open space, and community character, and the architectural review of any buildings on site to decrease aesthetic impacts; and further finds that the proposed action, is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts, the Town Board hereby:

- (1) Issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law based on the reasons outlined above and in the EAF, Parts II and III, which is hereby appended and made part of this resolution and Negative Declaration; and
- (2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 13th day of December, 2011, at 7:00 PM to consider adopting Local Law Introductory No. 31-2011 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, which rezones from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District property located on the west side of West Gate Dr., north of Colonial Dr., West Hills, designated on the Suffolk County Tax Map as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009), and due deliberation having been had;

HEREBY APPROVES the change of zone as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance

with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 31-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. _____ - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is amended as follows:

CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

* * *

§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the “Amended Building Zone Map of the Town of Huntington.” The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the west side of East Gate Drive, north of Colonial Drive, West Hills, designated on the Suffolk County Tax Map as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009), to be rezoned from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District, more particularly described in the attached Schedule “A”.

Such change of zone shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such deed and Covenants and Restrictions shall be filed at the applicant’s own cost and expense in the Office of the Suffolk County Clerk.

- (1) If the traffic signal at the intersection of Jericho Turnpike and East Gate Drive is approved by the New York State Department of Transportation, the applicant shall install the signal at their own cost and expense, and the applicant shall also be responsible for the cost of any other associated improvements at the intersection, such as new lane striping, curb realignment, road widening or narrowing, and in addition any signal timing adjustments to nearby traffic signals affected by the new signal installation; and
- (2) The new residential development, Oheka Castle, and the Cold Spring Country Club Clubhouse shall all be connected to the Nassau County public sewer system at the applicant's or property owners' own cost and expense. If the means of sanitary disposal is changed by the inability to connect to the Nassau County Public Sewer System, the applicant or property owner shall develop and implement a plan in accordance with the Suffolk County Department of Health Services requirements and comply with any additional SEQRA review requirements; and
- (3) The applicant shall be responsible for the cost of any improvements to the South Huntington Water District pipe network that are necessary to provide sufficient water service to the new development; and
- (4) During any future site plan application the developer must submit a Soil Management Plan for review, and shall be required to place money in escrow with the Town to enable the Town to hire an independent professional consulting firm to review the Soil Management Plan and suggest any changes that may be necessary, and all required mitigation must be completed before the issuance of any building permits for new construction on the property; and
- (5) A Conservation Easement or Declaration of Covenants and Restrictions shall be filed on the Cold Spring Country Club property that will be used to transfer development rights onto the Residences at Oheka parcel to permanently protect the open space; and
- (6) No subdivision or site plan approvals shall be granted by the Planning Board until yield maps are provided for Oheka Castle and the Cold Spring Country Club that show that the proposed subdivision or site plan would not make the parcels and the uses nonconforming to any section of the Town of Huntington Zoning Code, unless the Zoning Board of Appeals has first granted variances or special use permits to legalize the nonconformities; and
- (7) All garbage produced by the development, whether collected by the Town or a private carter, must be brought to the Town's Resource Recovery Facility for disposal; and

- (8) The developer shall consult the Suffolk County Planning Commission Guidelines with respect to Energy Efficiency and Public Safety; and
- (9) The Landscape Plan submitted with the site plan application for the new residences shall identify irrigation, fertilization, and pesticide practices that will be followed in order to reduce or eliminate any potential environmental impacts; and
- (10) No construction of the new residential community shall commence until the site plan has been approved, building permit(s) have been issued, and proof provided to the Town Attorney that the development rights, or portion thereof, necessary for the construction and contemplated hereby have been conveyed to the applicant.

* * *

Section 2. Severability

If any clause, sentence paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

* * * INDICATES NO CHANGE TO PRESENT TEXT.
ADDITIONS ARE INDICATED BY UNDERLINE.
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule "A"

2012-91

RECEIVED
TOWN CLERK
TOWN OF HUNTINGTON NY

2011 JUL 11 P 3:54
SUGGESTED DESCRIPTION OF
PROPERTY SUBJECT TO A
REZONE, SITUATED AT
HUNTINGTON, TOWN OF
HUNTINGTON, COUNTY OF
SUFFOLK, STATE OF NEW YORK.

SCTM: DISTRICT 0400; SECTION 132; BLOCK 04; LOTS 7, 8, 9
DISTRICT 0400; SECTION 188; BLOCK 01; LOTS 1, 2, 5, 23.1,
24.1, 24.2, 57.1, 109, P/O 25.1

PARCEL A

BEGINNING at the southerly end of a curve connecting the northerly side of Colonial Drive with the easterly side of East Gate Drive.

RUNNING THENCE along the northerly side of Colonial Drive; Westerly along the arc of a circular curve bearing to the left, having a radius of 1,522.73 feet, and length of 144.23 feet;

THENCE the following fifteen (15) courses:

1. N 51° 05' 20" W, 65.79 feet;
2. S 80° 27' 50" W, 282.54 feet;
3. N 58° 38' 20" W, 167.61 feet;
4. N 75° 14' 10" W, 141.12 feet;
5. Northerly along the arc of a circular curve bearing to the left, having a radius of 50.00 feet, and a length of 157.08 feet;
6. S 73° 08' 05" W, 225.35 feet;
7. S 51° 43' 00" W, 48.42 feet;
8. S 23° 42' 50" W, 591.81 feet;
9. S 18° 09' 15" W, 75.14 feet;
10. S 07° 35' 10" W, 163.05 feet;
11. S 34° 34' 20" W, 105.82 feet;
12. S 02° 22' 50" W, 206.01 feet;
13. N 69° 23' 10" W, 586.17 feet;
14. S 18° 03' 30" W, 50.00 feet;
15. N 63° 45' 10" W, 233.25 feet tot the easterly side of West Gate Drive.

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JUL 15 2011

TOWN OF HUNTINGTON
DEPARTMENT OF PLANNING
& ENVIRONMENT

3-12-2012

2012-91

THENCE along said road line; the following two (2) courses:

1. Northerly along the arc of a circular curve bearing to the left, having a radius of 931.96 feet, and a length of 52.81 feet;
2. N 03° 42' 30" E, 426.54 feet;

THENCE the following seventeen (17) courses:

1. N 38° 06' 30" E, 498.44 feet;
2. N 24° 17' 10" E, 470.95 feet;
3. N 33° 14' 30" E, 117.55 feet;
4. N 50° 49' 50" E, 82.79 feet;
5. N 46° 18' 50" E, 398.77 feet;
6. N 43° 41' 10" W, 637.17 feet;
7. S 55° 10' 10" W, 196.00 feet;
8. S 34° 52' 30" W, 353.73 feet;
9. S 55° 07' 30" E, 25.00 feet;
10. S 32° 50' 20" W, 197.12 feet;
11. S 34° 52' 30" W, 264.15 feet;
12. S 87° 49' 10" W, 129.93 feet;
13. N 73° 58' 30" W, 223.01 feet;
14. N 65° 10' 05" W, 45.79 feet;
15. S 88° 37' 10" W, 301.10 feet;
16. S 02° 55' 40" E, 697.87 feet;
17. N 56° 20' 50" E, 461.70 feet to the southerly side of Whitewood Court.

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 TOWN OF NORTHINGTON
 JUN 11 11 P 3 54

THENCE along said road line; S 66° 32' 30" E, 275.13 feet;

THENCE the following three (3) courses:

1. S 28° 01' 40" W, 621.26 feet;
2. S 09° 45' 20" W, 148.26 feet;
3. N 84° 43' 30" E 390.31 feet; to the westerly side of West Gate Drive.

THENCE along said road; the following four (4) courses:

1. S 03° 42' 30" W, 191.68 feet;
2. Southerly along the arc of a circular curve bearing to the right, having a radius of 881.96 feet, and a length of 215.59 feet;
3. Southerly along the arc of a circular curve bearing to the right, having a radius of 168.75 feet, and a length of 149.60 feet;
4. S 68° 30' 30" W, 324.13 feet;

THENCE the following two (2) courses:

1. S 32° 29' 00" W, 553.40 feet;
2. N 73° 52' 50" W, 236± feet; to the county line;

THENCE in a northerly direction along said county line 3,078± feet;

THENCE the following nine (9) courses:

1. S 83° 29' 00" E, 128± feet;
2. N 80° 05' 00" E, 346.89 feet;
3. N 01° 57' 00" W, 159.32 feet;

3-12-2012

- 4. N 03° 46' 00" W, 81.90 feet;
- 5. N 01° 16' 10" E, 150.00 feet;
- 6. N 44° 16' 10" E, 579.03 feet;
- 7. N 70° 37' 40" E, 58.11 feet;
- 8. S 47° 03' 10" E, 207.33 feet;
- 9. N 89° 46' 10" E, 204.03 feet; to the easterly side of East Gate Drive.

THENCE along said road line; Southerly along the arc of a circular curve bearing to the left, having a radius of 483.00 feet, and a length of 107.37 feet;

THENCE the following seven (7) courses:

- 1. N 49° 50' 50" E, 50.00 feet;
- 2. S 40° 09' 10" E, 29.99 feet;
- 3. Northerly along the arc of a circular curve bearing to the right, having a radius of 20.17 feet, and a length of 36.65 feet;
- 4. S 68° 15' 40" E, 872.84 feet;
- 5. N 28° 50' 20" E, 100.05 feet;
- 6. S 75° 09' 00" E, 139.00 feet;
- 7. N 11° 15' 30" E, 149.85 feet; to the southerly side of Green Meadow Lane.

THENCE along said road line; the following four (4) courses:

- 1. Easterly along the arc of a circular curve bearing to the left, having a radius of 1,435.00 feet, and a length of 77.68 feet;
- 2. Easterly along the arc of a circular curve bearing to the right, having a radius of 600.00 feet, and a length of 184.62 feet;
- 3. S 66° 30' 00" E, 300.04 feet;
- 4. Southerly along the arc of a circular curve bearing to the right, having a radius of 109.79 feet, and a length of 117.62 feet; to the westerly side of Forestdale Drive.

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 COUNTY OF WASHINGTON
 DEPARTMENT OF PUBLIC WORKS

THENCE along said road line; the following three (3) courses:

- 1. Southerly along the arc of a circular curve bearing to the left, having a radius of 597.03 feet, and a length of 83.36 feet;
- 2. S 13° 07' 10" E, 650.01 feet;
- 3. Southerly along the arc of a circular curve bearing to the left, having a radius of 260.00 feet, and a length of 157.92 feet;

THENCE the following four (4) courses:

- 1. S 46° 13' 30" W, 84.07 feet;
- 2. S 15° 06' 20" E, 106.15 feet;
- 3. S 01° 50' 10" E, 462.89 feet;
- 4. S 35° 47' 50" W, 210.74 feet; to the northerly side of East Gate Drive.

THENCE along said road line; the following five (5) courses:

1. N 38° 46' 10" W, 318.90 feet;
2. N 40° 35' 10" W, 377.42 feet;
3. N 38° 19' 10" W, 190.07 feet;
4. N 33° 42' 40" W, 89.20 feet;
5. N 53° 31' 00" W, 128.02 feet;

THENCE the following ten (10) courses:

1. N 58° 15' 20" E, 415.75 feet;
2. N 25° 46' 20" W, 103.77 feet;
3. N 00° 07' 50" W, 81.94 feet;
4. S 89° 23' 50" W, 117.75 feet;
5. N 14° 32' 30" W, 33.34 feet;
6. N 34° 16' 40" W, 19.01 feet;
7. N 71° 04' 20" W, 19.01 feet;
8. S 89° 22' 10" W, 246.13 feet;
9. N 69° 35' 00" W, 471.80 feet;
10. S 78° 56' 00" W, 57.28 feet; to the westerly side of East Gate Drive.

THENCE along said road line; the following eight (8) courses:

1. S 40° 15' 40" E, 732.66 feet;
2. S 45° 15' 50" E, 78.78 feet;
3. S 53° 31' 00" E, 158.90 feet;
4. S 33° 42' 40" E, 82.48 feet;
5. S 38° 19' 10" E, 193.07 feet;
6. S 40° 35' 10" E, 377.62 feet;
7. S 38° 46' 10" E, 414.72 feet;
8. Southerly along the arc of a circular curve bearing to the right, having a radius of 50.00 feet, and a length of 95.05 feet; to the POINT or PLACE of BEGINNING.

2012 JUN 11 P 3:54
 COUNTY OF...
 DEPARTMENT OF...
 RECORDS &...
 1100...
 1100...

Containing within said bounds: 154.91 acres

201291

PARCEL B

BEGINNING at a point on the easterly side of West Gate Drive, said point being distant approximately 165 feet (per SCTM) along the easterly side of West Gate Drive from the northerly end of a curve connecting said road line with the northerly side of Promenade Avenue.

RUNNING THENCE along the easterly side of West Gate Drive the following two (2) courses:

1. N 32° 29' 00" E, 522.46 feet;
2. N 68° 30' 30" E, 246.81 feet;

THENCE the following five (5) courses:

1. S 59° 20' 00" E, 638.58 feet;
2. S 01° 21' 20" E, 140.00 feet;
3. N 85° 37' 20" E, 24.47 feet;
4. S 01° 21' 20" E, 180.00 feet;
5. S 38° 56' 30" E, 294.42 feet; to the northerly side of Jericho Turnpike (NYS Route 25);

THENCE along said road line; the following two (2) courses:

1. Westerly along the arc of a circular curve bearing to the right, having a radius of 1,007.07 feet, and a length of 451.31 feet;
2. S 88° 03' 55" W, 119.21 feet;

THENCE the following four (4) courses:

1. N 01° 40' 10" W, 311.19 feet;
2. N 27° 56' 00" W, 22.60 feet;
3. S 89° 51' 40" W, 257.52 feet;
4. N 73° 52' 50" W, 465.81 feet; to the POINT or PLACE of BEGINNING.

Containing within said bounds: 14.62 acres

REC'D 11 MAR 2011
12 36 PM
COUNTY CLERK
SHERMAN COUNTY

3-12-2012

**ENVIRONMENTAL ASSESSMENT FORM
PARTS II & III**

RESIDENCES AT OHEKA (#2011-ZM-387) REZONING

PROJECT DESCRIPTION: The project involves the land of the Cold Spring Hills Country Club and Oheka Castle. The purpose of the R-OSC zone is to allow development of large open space properties without losing the open space. The application proposes to accomplish this by transferring the development rights from the golf course and undeveloped land to a proposed 18.38-acre parcel in between the golf course clubhouse and the mansion. On this parcel would be built a single building complex containing up to 190 residential condominium units. The density transfer would result in the permanent preservation of approximately 150 acres from future development. The golf course use is allowed to remain, and Oheka would continue to operate as a catering hall and hotel. The residential development would be accessed from East Gate Drive, and the Expanded Environmental Assessment Form (EEAF) submitted by the applicant indicates that a traffic signal would be installed at the intersection of Jericho Turnpike (NYS 25) and East Gate Drive to better handle the increased traffic flow projected with the development.

All of the residential units are proposed to be sold as condominiums. The units will range in size from a 1,000 sq. ft one-bedroom to a 2,400 sq. ft. four-bedroom. The proposed breakdown of unit sizes is as follows: 37 one-bedroom with den, 48 two-bedroom, 57 two-bedroom with den, 29 three-bedroom with den, and 10 four-bedroom. The EEAF lists high anticipated prices for these units. The estimated tax assessments are based on a sale price of almost \$1 million for a one-bedroom unit, increasing in price to almost \$2.5 million for a four-bedroom unit. As a result of these high prices significant tax revenue will be generated, projected to be slightly more than ten times the current amount on the golf course alone. The tax estimate does include a 40% reduction in assessment because of its condominium ownership status. Since the units are being developed as shared-building condominiums instead of detached single-family homes, the number of schoolchildren is expected to be lower than the amount that would be generated from conventional single-family home subdivision development. A tax surplus of \$2,748,717 is projected for the South Huntington School District.

There is a significant difference in elevation between the mansion and clubhouse, with the mansion sitting on the top of a hill. The draft site plan shows a vertical difference of 72 feet between the northwest and southeast limits of proposed construction activity. The residential building is comprised of four sections, each with a base elevation ten (10) feet above or below the adjacent section(s). The building would be four stories along most of its length, except for a section in the middle that would have three stories with a swimming pool instead of the fourth story. The highest point of the building would be similar in elevation to the base of Oheka Castle. The floor plans show 262 parking spaces in the cellar of the building, in addition to 130 surface spaces in a lot. There are also 74 parking spaces in a lot that would be built into the hillside under a raised deck with tennis courts.

RESIDENTIAL YIELD ISSUES: The project as proposed contains 190 residential dwelling units. A review of the yield calculations prepared by the applicant shows residential units being generated from the entire Cold Spring Country Club property, as well as the new residential lot composed of land from both Oheka Castle and the country club. The project may not be able to achieve the proposed yield since this calculation includes land in the Town of Oyster Bay and property that is being used for the country club, including the buildings, parking lot, and surrounding grounds. The same is true for any land providing required parking for Oheka Castle.

The land proposed for development currently contains a parking lot used by the Country Club. While the EAF describes this as an overflow parking lot, parking calculations for the Country Club would have to be provided to determine if this is the case. It is noted that the new residential development will provide parking in excess of the Zoning Code requirements, and that some of this parking will be open for use by the Country Club. However, according to existing site conditions and the proposed plans the new development would reduce the available parking for the Country Club. Some of this shortage could be ameliorated by landbanking additional parking spaces on the new development parcel.

The land that Oheka is giving to the new development is shown on their site plan (revised 6/15/04) as providing 436 landbanked parking spaces for the catering hall and hotel uses. Only 179 of those spaces were shown as required spaces; the other spaces were shown as optional spaces in excess of the Town Code requirements. The landbanked parking spaces could be moved elsewhere on the Oheka property, but since most of the open space around the facility is sloped, the provisions of the Steep Slopes Conservation Law (Article X of the Zoning Code) would apply. However, based upon the topography shown on the previous site plan, it is believed that the majority or all of the required landbanked parking spaces could be relocated on the smaller proposed Oheka lot.

The overall residential density of the project by itself conforms to Suffolk County Department of Health Services' standards for the installation of septic systems, but when the retention of the golf course, clubhouse, and catering hall/hotel are considered, it is likely that the permitted yield using septic systems would be greatly diminished in accordance with the Health Department's General Guidance Memorandum #17 – Agricultural and Golf Course Density. The tightly clustered design of all of the housing units in one location would also make septic systems infeasible, especially due to the project's location in the West Hills-Melville Special Groundwater Protection Area (SGPA). The developer has proposed connecting to the Nassau County sewer system to handle the wastewater flow. As part of the project Oheka Castle and the clubhouse would also be connected to the Nassau sewer system.

COMPREHENSIVE PLAN: The Horizons 2020 Comprehensive Plan Update Future Land Use Map recommends future land use of the property as Parks, Recreation & Conservation Land, Low-Density Residential, and Commercial, matching the existing zoning or land use. The

Comprehensive Plan Map almost always follows the existing zoning and land use, but that does not mean that zoning should not be changed in accordance with other non-location specific recommendations in the Plan. One of the major focal points of the Comprehensive Plan was focusing development in appropriate locations, making good use of existing infrastructure and development patterns and preserving environmentally sensitive land and open space resources. The following Comprehensive Plan strategies are applicable to the proposed development:

A.1.6 – Require minimum open space acreage (e.g., 20-30%) within new developments (see Environmental Resources and Open Space Policy A.8).

A.8.1 – Require a minimum open space set aside (e.g., 20-30%) within new developments, together with standards to ensure that the open space is meaningful (e.g., central greens or greenway linkages) and publicly accessible.

A.8.2 – Encourage voluntary open space dedications through conservation subdivisions (see Environmental Resources and Open Space Policy A.1).

A.9.1 – Work with private landowners and non-profit land conservation organizations (e.g., the North Shore Land Alliance) to protect privately owned open space through techniques such as conservation easements and limited development options.

A.9.3 – Investigate use of the Transfer of Development Rights program enabled by the Town Code to preserve open space.

In addition, there are two action items that would apply to the development proposal in a R-OSC zoning district:

A.14 – Work with private landowners and land conservation organizations to protect privately owned open space.

A.20 – Establish new open space/recreational and institutional zoning districts.

SURROUNDING LAND USE, ZONING AND DEVELOPMENT: The subject property is located in a residential neighborhood just north of Jericho Turnpike (NYS 25). The Cold Spring Hills Country Club golf course is set among homes in a residential community with the same Cold Spring Hills name, and a mix of R-10, R-20, R-40, and R-80 zoning, although R-20 zoning covers more area than the other three residential zones combined. Oheka Castle is a catering hall and hotel set approximately in the middle of the golf course. The clubhouse and a wholesale greenhouse operation are on the eastern side of the property; it is in this area that the C-6 General Business zoning is found. The greenhouse parcels are not part of this zone change application. The far western edge of the golf course is in the Town of Oyster Bay / Nassau County.

To the west in the Town of Oyster Bay is a residential neighborhood with 1-acre lot sizes. To the east, a thin strip of the R-20 Cold Spring Hills community abuts R-5 and R-7 zoning along streets named after famous military commanders. South of the development is Jericho Turnpike, which in this section is zoned residential on the north side of the street and C-6 General Business on the south side of the street. No homes have driveway access from Jericho Turnpike. The largest grouping of Cold Spring Hills homes lies to the north of the golf course. They are bounded on the north by railroad tracks and the Cold Spring Harbor railroad station on the north side of the tracks. Further north is low-density residential zoning and development.

SEQRA CLASSIFICATION: The Town Board action is hereby classified as **Type I** pursuant to SEQRA, 6 NYCRR 617.4(b)(9), since the action involves an Unlisted action (zone change application) proposing the construction of 190 dwelling units on property adjacent to a site on the National Register of Historic Places. The Town Board will be established as Lead Agency for the purpose of complying with SEQRA (6 NYCRR 617.6(b)(1)). The action has been coordinated with all identified involved agencies, including the Town's Planning Board, which has jurisdiction over the subdivision and site plan approval processes that are necessary to develop the property as proposed.

Should the Town Board determine the action will not be further entertained, then it may be reclassified as a Type II action per 6 NYCRR 617.5(c)(37) and no further SEQRA review shall be required.

SEQRA RECOMMENDATION: It is suggested that the proposed rezoning of the Cold Spring Country Club property and a portion of the Oheka Castle property to the R-OSC zone for The Residences at Oheka project be issued a ***negative declaration*** pursuant to SEQRA as the proposed property rezoning will not have significant environmental impacts as identified in the following sections. The rezoning would decrease the potential development density of the rezoned land and would allow it to be developed while at the same time preserving the open space and recreational assets of the golf course. It is able to connect to the public sewer system in Nassau County, and will also connect to the existing golf course clubhouse and Oheka. It meets the intent of the recently-created R-OSC zone.

If the Planning Board or Town Board believes that certain elements of the Plan, such as the building design and its impact on community character, aesthetics, traffic, and historic resources is a serious issue, it may want to consider a positive declaration.

This assessment considers possible implementation of the proposed rezoning and the future subdivision and site plan as best as can be anticipated at this time by review of potential impacts explored in the applicant's Expanded Environmental Assessment Form, dated November 2011, prepared by Nelson, Pope & Voorhis, LLC, as well as the proposed subdivision map and site plans included in the Expanded EAF.

IMPACT ON LAND:

1. Will the proposed action result in a physical change to the project site?

*Yes. There will be significant land disturbance within the 18.38-acre parcel that will be created for the new residential units. Approximately 6.7 acres will be regraded, with a planned net removal from the site of 113,000 cubic yards of soil. This will include cuts of up to 12 feet deep and areas raised by up to 18 feet high. The predominant area of grading work is on the slopes leading down from Oheka to the residential development, and the reconstruction of the existing driveway in this location along with the planned parking lot with tennis courts on top. The sloped area proposed for disturbance is classified as CuC (Cut and fill land, 8% to 15% slopes) soil. This indicates the soil here was previously manipulated, likely during the construction of Oheka Castle and its grounds. With the exception of the edges of the lot, most of the undisturbed ground will be on the north end of the new lot, which is a mostly forested area of CpE (Carver and Plymouth sands, 15% to 35% slopes) soils. The EEAF indicates that 3.47 acres will remain undisturbed. This area is not recommended for any type of development, whether it be housing, parking, landscaping, or golf course.

Approximately a quarter of the residential lot is open lawn area that was part of the Oheka property and was available for overflow parking. This area will be the least changed, as the proposed grading will be minimal, and except for a large building area a lot of this land will remain or be redeveloped as lawn. The remaining flat portions of the lot were used by the country club for maintenance buildings and parking and clubhouse parking. All existing developed areas will be demolished for the new development. Any possible replacement of the maintenance buildings and parking on the Cold Spring Country Club lot should be considered at this time because any land that is encumbered with a conservation easement could not be used for parking or building construction. Reserving land for future construction would further reduce the potential yield of the residential development.

While there will be some changes to the physical characteristics of the site, it will be minimal compared to the physical changes that would be required if the country club was closed and redeveloped in accordance with existing zoning. A subdivision application could include 178 acres of land, more than ten times the current application. Significant grading would also likely occur. The intent of the R-OSC zone is to avoid this major impact on land. The greater land impact would also increase almost all of the impacts identified below in this EAF.

2. Will there be an effect to any unique or unusual land form(s) found on the subject site? (i.e., cliffs, dunes, etc.)

*No.

IMPACT ON WATER:

3. Will the proposed action affect any body of water designated as protected under Articles 15, 24, 25 of the NYS Environmental Conservation Law or Town of Huntington Marine Conservation Law?

*No. There are no protected bodies of water on site or in the immediate vicinity. Wastewater from the project will be treated by the Cedar Creek Sewage Treatment Plant in Nassau County before discharge into the ocean.

4. Will proposed action affect any non-protected existing or new body of water?

*No. There is a small man-made pond / water hazard on the golf course to the south and downhill of the proposed development. While the project removes wooded areas uphill of the pond, this should not impact the pond because the project will be required to maintain all drainage on site. The land will be graded to minimize offsite runoff, and formal drainage systems will be installed where needed.

5. Will the proposed action affect surface or groundwater quality or quantity?

Surface Water: *No. See #3 and #4 above.

Groundwater: *Yes. The overall impact of the proposal should be positive on groundwater quality but negative on groundwater quantity. The water pumped out of the ground and used by the new residents will not be returned to the ground because it will be sent into the Nassau County sewer system. That can be considered a negative impact because of its location in the West Hills-Melville Special Groundwater Protection Area (SGPA). The SGPAs are supposed to be areas that promote recharge of the groundwater supply by limiting water use and maximizing natural flow into the ground. The sewer connection provided to the project, however, will have a benefit on groundwater quality. It will eliminate nitrogen discharges and other household chemicals from reaching the ground through septic systems. The Long Island Comprehensive SGPA Plan identifies this tradeoff between quantity and quality and recommends that open space areas, where developed, cluster the development and use public sewers to dispose of wastewater outside of the SGPA. This is the best option for water quality. Water quantity, while decreased, does benefit by having a greater land area for natural recharge. This is most specifically stated as a recommendation for the West Hills-Melville SGPA on Page 3-39: "The Town of Huntington should facilitate the transfer of development rights and the use of clustering wherever feasible, to preserve the maximum amount of open space."

The most significant improvement in water quality in this case is that the public sewer line would also be connected to Oheka Castle and the country club clubhouse. These are significant peak load sanitary users that produce a lot of wastewater from food service and cleaning operations. Right now they are discharging their wastewater to septic systems. Although these sites are not directly involved in the current application, the owners of these sites are the involved parties in

this application, so it would not be unreasonable to require their connection to the Nassau County sewer system as a condition of zone change approval.

When the SGPA Plan recommended cluster development on large open space parcels, it was anticipated that the clustering would result in the creation of open space areas that were left fallow to maximize groundwater recharge quantity and quality. That is not the case here. The continued operation of the golf course means that they will continue to use fertilizer and other chemicals on the grounds, and their irrigation well, which likely provides water from the Upper Glacial aquifer to maintain the greens and fairway. So the benefit of having the open space from a groundwater perspective is not realized. The way to improve this situation would be to decrease irrigation use and reduce the utilization of fertilizers and chemicals that impact groundwater in the current operation of the golf course.

Based upon the long-term golf course use on the property and the presence of maintenance buildings in the area to be developed, Phase I and Phase II Environmental Site Assessments (ESAs) were conducted to determine if any soil contamination (and therefore groundwater contamination) issues existed (this will be described in detail in the Impact on Public Health section). The soil testing found contaminants in several locations, including various semi-volatile organic compounds, a pesticide, and three toxic heavy metals. Mercury was the most common contaminant of concern found. All locations where contaminants were found will have to be cleaned up as part of the development of the property. The test results indicate that there could be groundwater contamination concerns from the golf course use, although it should be noted that all of these contaminants do not migrate down through soil into groundwater. The cleanup will remove any further concerns from the residential development area. Strict adherence to the Suffolk County Health Code should address future groundwater concerns if the use of these chemicals continues in the maintenance and operation of the golf course at another location.

Public Water Supply

The subject area lies within a supply area of the South Huntington Water District. The Water District has been informed of the application and has indicated that improvements may have to be made to the system based upon the age, size, and layout of the existing pipe network. This may result in significant costs to the developer. It is not anticipated that this project, by itself, would affect supply well capacity.

6. Will proposed action alter drainage flow or patterns of surface water run-off?

*Yes. The property currently depends on the natural recharge of precipitation through the ground. Due to the large amount of open space and limited human use of the property, especially during inclement weather, drainage issues have not been a concern. The area of the site that will be redeveloped will use an engineered drainage system designed to capture all runoff from storm events. This is necessary because of the large increase in impervious surface, the slopes of the property, and the constant presence of people in a residential setting. The new drainage system

will reduce any downhill runoff that was occurring on the property.

IMPACT ON AIR:

7. Will proposed action affect air quality?

*Yes. Actual property development as proposed, particularly excavation and earth moving activity, may pose temporary impacts to air resources through dust loading and motor vehicle emissions. The EEAF indicates that a large amount of soil, approximately 113,000 cubic yards, will be removed from the property. This will require heavy equipment usage and numerous truck trips into and out of the site, which can temporarily impact local air quality. Proper use of control agents with cover (vegetative or structural, e.g., seeding, tarps, wetting) and retention of mature vegetation along property lines can mitigate dispersion of dust off-site to surrounding properties. The Cold Spring Country Club would be the most impacted by the grading activity. The closest residences to the construction activity are partially protected by a forested buffer along the edges of the golf course; while ideally this should be permanently retained, it is especially important to keep these trees until the completion of construction.

The increase in the number of residential units will result in an increased number of automobiles on the property, although this number would not be considered high enough to have an air pollution impact. The additional traffic will be a small percentage of the daily traffic on Jericho Turnpike. The multifamily condominium building proposed for the project would be expected to produce much less traffic than a development of detached single-family homes. The proximity to the Cold Spring Harbor train station could result in fewer and shorter trips than would be expected of the typical residential development, but that would not have an impact on air quality because of the small number of trips involved. Mass transit produces fewer impacts on air quality than automotive use.

IMPACTS ON PLANTS AND ANIMALS:

8. Will the proposed action affect any threatened and/or endangered species? (as per Federal or State Law)

*No.

9. Will proposed action substantially affect non-protected, non-threatened or non-endangered species?

*No. The area that is proposed for development has flora and fauna typical of the surrounding community. Most of the area has seen some degree of human disturbance and manipulation. The buffers should maintain existing vegetation where possible, and use native plant materials for new plantings to reduce future water, fertilizer and pesticide demand, as well as provide habitat for native species.

IMPACT ON AGRICULTURAL LAND RESOURCES:

10. Will the proposed action affect agricultural land resources?

*No. Due to the forested steep slopes and existing improvements on the site, this property is unlikely to be used for agriculture.

IMPACT ON AESTHETIC RESOURCES:

11. Will proposed action affect aesthetic resources?

*Yes. The new proposed building would be a noticeable structure at 498,574 sq. ft. in size and would be the largest residential building in the Town of Huntington. For comparative purposes, the Oheka Castle is approximately 109,000 sq. ft. in size. Oheka is a historic estate on the National Register of Historic Places and a Town of Huntington Historic Landmark under Article VI of the Zoning Code. The new residential building would be linear, as the building is designed with a central hallway and units on both sides, with a width of 95 feet along most of its frontage. It is not straight, as there are three points at which the walls change direction. Oheka looks more like a square, especially with the court in front of the main entrance, but the main building mass is "I" shaped, with a rectangular main section and two perpendicular wings at the ends. But while the shape is different, the preliminary architectural drawings show that the architecture will be similar. The new condominium building follows some of the basic design elements of the mansion, such as the tall, steep hipped roof, the arched full-story windows in a few locations, the tall casement windows, the numerous rectangular chimneys at the top of the roof, and numerous window projections in the roof. But there are slight differences. The new building windows barely project from the roof, while the Oheka windows are clearly in dormers. Oheka had lines of windows breaking the cornice line, while the new building has none. The new building shows shutters. One element that will affect the aesthetic appearance of the site is the vertical separation between Oheka and the new residential building. The Site Section provided in the EEAF shows that the peak of the new building roof will be at approximately the same elevation as the base of Oheka Castle. The horizontal separation is approximately 400 feet.

The Town Board, with the assistance of the Historic Preservation Commission, will have architectural review over the new building because it is being built on a portion of the Oheka property and the Oheka landmark designation extends throughout the entire existing parcel of land. As a result the Town will be able to comment on whether the close relationship between the two buildings architecturally is desirable or not. It should be noted that the Planning Board also has architectural review powers in this case. The building height limit can only be increased from 35 feet to 50 feet in accordance with Town Code Section 198-21.3(E)(3).

There is also an aesthetic impact on nearby residences from the large building. The closest residence is approximately 450 feet away. The elevation difference is not known at this time. While the site photographs and aerial photographs show a forested buffer along the country club

property lines, it is also noted that most of the trees are deciduous. There may be different aesthetic impacts in the summer and winter. Local residents may have varying opinions on the aesthetic impact of the introduction of a building of this scale and design into the community. If the building was smaller or more spread out, it might have to be moved closer to the adjacent residents. There would also be a much different aesthetic impact if the property were subdivided into conventional single-family home lots. That would place houses much closer to neighbors, and it would eliminate the view of the golf course

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES:

12. Will the proposed action impact any site or structure of historic, prehistoric or paleontological importance?

*Yes. The new residential building will be close to Oheka Castle, a historic estate on the National Register of Historic Places and a Town of Huntington Historic Landmark under Article VI of the Zoning Code. As was covered in the previous section, this could have an impact on aesthetics. Oheka Castle, when built, was the second largest private home in the United States (after the Biltmore Estate in North Carolina). The proposed residential building would be significantly larger in size at 498,574 sq. ft., relative to the existing 109,000 sq. ft. Oheka Castle. The Town Board will have to take into consideration how the vertical and horizontal separation between the proposed building and Oheka Castle will affect its historic characteristics. As noted earlier, the Town Board will have architectural control over the design of the new building.

An archaeological study was prepared to investigate any potential archaeological resources on the property. The study found no evidence of buildings on the property until the 20th century. Construction started on Oheka in 1917. No artifacts were found during shovel testing.

IMPACT ON OPEN SPACE AND RECREATION:

13. Will the proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities?

*Yes. The subject parcel is shown on the Town's Open Space Index as Parcel #NW44. Although there are scattered patches of woodland, the property's value as open space is for recreational use with the golf course. The Cold Spring Country Club operates a full 18-hole course with a clubhouse. The proposed zone change to R-OSC Residence-Open Space Cluster zone would permanently protect the open space on the property, both the golf course and much of the woodland area. Although this land is privately owned, it does provide an important recreational resource to its members. The land will never be under threat of development.

Some of the land will be lost to the residential development. However, the loss of this land does not damage the recreational resource or harm the environment. Much of this land was likely cleared and regraded as part of the construction of Oheka Castle. There is some woodland, lawn

area, and parking and maintenance facilities for the golf course. Some of this area contains environmental contaminants that will be cleaned as part of the development, preventing them from entering the groundwater or spreading onto the recreational land. If the land was developed as a conventional residential subdivision, most of the open space would be lost, with the only likely exception the 10% of the property that the subdivider would have dedicate as parkland in accordance with New York State Town Law.

IMPACT ON CRITICAL ENVIRONMENTAL AREAS:

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

*No.

***IMPACT ON TRANSPORTATION:**

15. Will there be an effect to existing transportation systems?

The Expanded EAF includes a traffic study that examined Jericho Turnpike and several nearby intersections that have traffic signals, as well as the unsignalized intersection with East Gate Drive, which is proposed for a traffic signal as a result of this project. It should be noted that the volume count data was obtained prior to the recent NYSDOT restriping project that converted a shoulder on the southern side (eastbound) of the road to a "suicide" two-way left turn lane in the center of the road. The data and review of the traffic issues are grouped by topic below:

Generation

The 190 residential units are expected to generate 86 total vehicle trips during the AM peak hour, 102 trips during the PM peak hour, and 98 trips during the Saturday peak hour. These estimates assume that nobody will walk to the nearby bus or train station (discussed further in mass transit section below).

Level of Service

The Level of Service calculations show no real affect on the existing signalized intersections in the neighborhood. While the AM peak hour grade of the intersection of Jericho Turnpike with West Gate Drive and Avery Road changes from "B" to "C", the actual timing change is insignificant at 0.3 seconds per vehicle. The only major Level of Service change is at the Jericho Turnpike and East Gate Drive intersection. The existing intersection grades for southbound traffic are a "D", "E", and "F" during the three peak-hour measurements. But they all easily become "F" with the traffic from the proposed project factored in to the calculations. This is understandable because of the high volume and speeds of traffic on Jericho Turnpike. The poor ratings led to the recommendation for a traffic signal at this intersection. With the signal added as mitigation the Level of Service grades for southbound traffic become a "B", "C", and "C" during the three peak hour measurements.

Accident History - Safety

Accident data at the intersection of Jericho Turnpike and East Gate Drive shows that three of the six crashes between 2004 – 2007 were rear-end accidents. It is likely that at least one of these crashes was due to vehicles stopped in an eastbound lane of traffic waiting to make a left turn onto East Gate Drive. The recent lane restriping on this section of Jericho Turnpike should eliminate this problem because a left turn lane is now available. The accident data also only shows two collisions in three years on East Gate Drive between Jericho Turnpike and Colonial Drive. This appears to contradict the testimony of neighbors that this section of the road is dangerous because of the short distance to the stop sign.

Mass Transit

The property is located within walking distance of bus routes on Jericho Turnpike and the Cold Spring Harbor train station, which is half a mile away. There is a pedestrian connection from the train station to the Cold Spring Hills neighborhood, but it can also easily be reached by car. The proximity to the train station should be a desirable feature for potential residents.

IMPACT ON ENERGY:

16. Will the proposed action have an adverse effect on the community's sources of fuel or energy supply?

*No. Although the site will require new utility service, the residential development should not have a significant effect on the Town's energy supply.

NOISE AND ODOR IMPACTS:

17. Will there be objectionable odors, noise or vibration as a result of proposed action?

*Yes. The construction activity required for the proposed action will result in temporary impacts to the surrounding community during site development, particularly due to the grading work and the large amount of soil that will have to be transported off of the site. Noise, odors, and vibration can all be expected from heavy trucking activity. This will affect the residential neighbors as well as visitors to the country club and Oheka. Noise can typically be expected from any construction activity. A conventional single-family subdivision would produce noise, odors, and vibration for a longer period of time because of the additional land that would be developed, and it would also occur closer to neighboring residences.

Once the development is complete the community will produce noise and odor impacts similar to any other residential neighborhood. The clustered community will have many people and vehicles that may produce impacts, but the lack of private outdoor space should result in less noise than the typical single-family dwelling. There will likely be less outdoor activity, with the exception of the outdoor pool on the top of the building. The parking garage under the building should reduce a lot

of auto-related noise. It also helps that the bulk of the building screens most of the outdoor parking from neighboring residences.

The one item that may be a concern is the location of any outdoor utilities or equipment. With such a large building it can be expected that there will be significant support equipment that could raise noise concerns. Any outdoor equipment needs to be shown on the future site plan and it must be screened to limit noise transmission towards neighbors, or moved inside or covered wherever possible. This may require false walls or structures with added soundproofing, or additional landscaping.

IMPACT ON PUBLIC HEALTH:

18. Will proposed action adversely affect public health and safety?

*No. The various required mitigation measures for the project should improve public health and safety. As previously indicated, due to the golf course use, maintenance activity, and visible evidence of dumping / debris piles, Phase I and II ESAs were prepared and included in the EAF. The sites sampled included four locations where dumping was believed to have occurred (two samples from each pile), three locations near where golf course equipment was being washed down, two leaching pools providing drainage for the parking lot, and the two septic systems on the property to be redeveloped. With the exception of one of the septic systems, every other test site showed results that require the soil to be remediated (although three of the eight dump site samples did not violate any standards). Three of the test sites exceeded standards for various polycyclic aromatic hydrocarbons (PAHs), which are commonly found as byproducts of coal or petroleum combustion. They could have come from oil leaks and spills or asphalt paving and sealing, so it is not a surprise that they were found in both of the parking lot leaching pools. Chlordane, a pesticide, was found exceeding standards in one of the equipment washing area test sites. Arsenic and lead were each found in one of the dump pile tests in excess of cleanup standards, although lead was also found in other test samples slightly under the established standard. Mercury was found exceeding standards in six of the fifteen test sites, including the dump piles, equipment washing areas, and one of the septic tanks. Some of these locations greatly exceeded the action limit, and other locations found high levels but under the maximum allowed level.

The Town handles soil contamination issues by requiring the applicant to submit a Soil Management Plan prepared in accordance with SCDHS & NYSDEC guidelines. The Plan will be reviewed by consultants hired by the Town, at the applicant's expense, to review and approve mitigation measures for the soil contamination, which could include burial and capping or excavation and removal from the site to an approved disposal facility. The implementation of the Soil Management Plan, as well as installation of erosion and sedimentation control measures as outlined in the Expanded EAF and required by Town regulations, will eliminate any potentially significant adverse impacts associated with the soil.

The project proposes the installation of a traffic signal at the intersection of Jericho Turnpike and

East Gate Drive. Due to the high speeds of travel on Jericho Turnpike, the provision for protected turning movements out of East Gate Drive should improve traffic safety. Also providing a traffic safety benefit is the recent restriping of Jericho Turnpike to provide a left turn lane for eastbound Jericho traffic to enter East Gate Drive. Several residents have complained to the Town about traffic safety issues at the intersection of East Gate Drive and Colonial Drive, which is halfway in between Jericho Turnpike and the proposed development. This intersection is controlled by stop signs from all directions. The most common complaint is that vehicles are not stopping for the stop signs, particularly high-speed traffic coming from Jericho Turnpike. There is little that the Town can do if traffic control devices are being ignored. Enforcement would have to come from the Suffolk County Police Department. Contrary to the belief of the residents, however, greater traffic through the intersection is likely to improve safety, not decrease safety, because additional vehicles on the road will force other drivers to go slower.

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD:

19. Will the proposed action affect the character of the existing community?

*Unknown. The new development is a large one compared with the surrounding Cold Spring Hills community. The proposed building is large in size and will have many residents. But there may be limited interaction with the surrounding community because there are few homes along East Gate Drive between the project and Jericho Turnpike, which is going to be the traffic outlet for most trips. A key factor for community impact is going to be the number of homes that can see the new residential building. If it is visible to many people, than it could have an impact. But many residents should not notice that it is there.

A conventional subdivision would likely have an even greater impact. The golf course does provide an identity to the neighborhood. All of the golf course views would be gone, and there would be limited open space in the neighborhood. Traffic would likely be dispersed among several intersecting roads. There would be a long period of construction, possibly over several years.

There are no other properties in this neighborhood to which the R-OSC zoning could be applied, so it would not have an effect on future development applications in the area. There are other golf courses in the Town to which it could be applied, but a lack of public sewers is likely to be a problem at most of them, unless the golf course use was abandoned or the residential development was not built to full site density.

The *Principles of Smart Growth and Livability* checklist adopted by the Town Board on October 5, 1999 (see attached) shows that the zone change proposal both meets several of the adopted principles. The development application was anticipated by the Town and the R-OSC zone was created in anticipation of golf course development. The project preserves open space and has access to public sewer, although it does bring sewer into a greenfield area far from neighborhood centers. The proposed housing serves a limited portion of the population.

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts that may result if the proposed action is implemented?

*Yes. Several residents have raised concerns about the application, particularly in regard to traffic flow and safety.

January 11, 2012

Huntington Town Department of Planning and Environment

THE PRINCIPLES OF SMART GROWTH & LIVABILITY
CONSISTENCY CHECKLIST FOR THE RESIDENCES AT OHEKA REZONING

Town Board resolution 1999-610 of October 5, 1999 accepted *The Principles of Smart Growth & Livability*, as adopted by the Huntington Smart Growth Steering Committee, and advised Departments and Boards in the Town to consider these principles in their review of applications, land use decisions and amendments to the Town Code and regulations.

Check if proposed action/project meets Smart Growth & Livability Principle(s). Otherwise, indicate if principle is not applicable (NA) to or inconsistent (IC) with the proposed action/project or if there is not sufficient information (NSI) to make a determination.

- √ The proposed action/project encourages comprehensive land use planning that is ongoing, community-based and consistent with the needs and objectives of the local community, adjacent communities, and the region as a whole.
The R-OSC zone was created in anticipation of golf courses coming in for development. The applicants have met with members of the community before submitting the application.
- NA The proposed action/project encourages development that contains a mix of uses essential to the daily life of its residents, which includes housing, shops, work places, schools, parks, and civic facilities ideally situated within easy walking distances of each other or otherwise within short travel distances.
- √ The proposed action/project encourages land uses that link economic development decisions with environment and quality of life, and protect the property values of its residents.
The property is being developed to its full capacity while preserving open space and recreational resources.
- NA The proposed action/project encourages efficient development that is pedestrian-friendly, is attractive, reduces automobile dependency, provides transportation alternatives, and is focused around existing or newly designed transportation centers.
- √/IC The proposed action/project encourages development that enhances existing communities, and which particularly targets downtown and neighborhood centers for expanded or new development. The proposed action/project is directed to areas of existing infrastructure or where infrastructure can be upgraded or introduced to foster redevelopment, rather than toward areas of open spaces, and, when consistent with the community goals, include recycling of existing structures.
- IC The proposed action/project encourages a sufficiency of housing to meet the needs of the residents of the Town, and which includes a natural diversity of housing types and facilities to enable citizens from a wide range of age groups, ethnic backgrounds, and economic levels to live within the neighborhood boundaries and interact.
- NA The proposed action/project encourages planning, decision-making, and development practices that emphasize extensive and broad-based community participation, dialogue, the use of visual models, consensus-building and envisioning.

Consistent with the principles of Smart Growth & Livability, the proposed action/project results in:

- | | | |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | Protection of open space and the environment | Permanent preservation of golf course |
| <input checked="" type="checkbox"/> | Strengthening of the local economy | Numerous construction jobs expected in short term, tax revenue increase in longer term |
| <input type="checkbox"/> | An improved sense of community | NA |
| <input type="checkbox"/> | A decrease or stabilizing of traffic congestion | NA |
| <input type="checkbox"/> | A reduction in auto dependency | NA |
| <input type="checkbox"/> | Preservation of historic structures | NA |
| <input type="checkbox"/> | Enhancement of the community character and aesthetics | NA |
| <input type="checkbox"/> | Efficient use of public money | NA |
| <input type="checkbox"/> | Safe and secure communities | NA |
| <input type="checkbox"/> | An improvement in the overall quality of life. | NA |