



# Appendix 2-3

## MFM FGEIS Findings Statement and MFM Zoning District



Findings Statement - State Environmental Quality Review Act (SEQRA)  
Application for Building Zone Ordinance Amendments, Rezoning of Certain Parcels, and  
Approval of a Comprehensive Master Plan for Development of The Lighthouse at Long Island

Town of Hempstead

Town Board: Building Zone Ordinance Amendments, parcel rezoning, Comprehensive Master Plan and site plan approval

Highway Department: curb cuts, highway work permit approval

Water Department: public water connection

New York State

Department of Health: expansion of the Uniondale Water District

Department of Environmental Conservation: State Pollutant Discharge Elimination System (SPDES) Permits and Notice of Intent, well permit, approval of the modified WSA

Department of Transportation, Region 10: curb cuts, highway work permits

Office of the Comptroller: expansion of the Uniondale Water District

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**SEQRA AND PROJECT HISTORY AND DESCRIPTION**

**1. SEQRA History**

The SEQRA process began with the submission of a complete application for The Lighthouse at Long Island, which included Part 1 of an Environmental Assessment Form (“EAF”) in late January, 2008. The proposed project was subject to coordinated review with all Involved Agencies, thus, the EAF was circulated to Involved and Interested Agencies on March 4, 2008, with the Town of Hempstead Town Board (hereinafter the “Town Board”) expressing its desire to be the Lead Agency and preliminarily classifying the Proposed Action as Type I, indicating its potential to have significant adverse environmental impacts.

None of the Involved Agencies objected to the Town Board serving as Lead Agency. Therefore, the Town Board declared itself Lead Agency and issued a Positive Declaration, indicating that preparation of an environmental impact statement (“EIS”) would be required, on April 8, 2008. Based upon the Positive Declaration, a Draft Scope was prepared by the Applicant in anticipation of public scoping meetings to be held by the Town Board. Scoping meetings were held on May 22, 2008 and May 27, 2008, and the Town Board issued a Final Scope for preparation of a Draft Generic Environmental Impact Statement (DGEIS) on February 24, 2009.

The Applicant submitted an initial DGEIS analyzing potential adverse environmental impacts associated with the Proposed Action prepared pursuant to Part 617.9 and Part 617.10 on February 24, 2009, which was reviewed, found to be incomplete, and comments were submitted to the Applicant. A revised DGEIS responding to the comments was submitted April 28, 2009, and a final revised version of the DGEIS was submitted June 11, 2009. The June 11, 2009 DGEIS was accepted by the Town Board as adequate with respect to scope and content for the purpose of commencing public review on July 7, 2009, and a Notice of Completion was filed. The completed DGEIS was circulated to all Involved and Interested Agencies and persons, and the public comment period began. Though not required, the Town Board conducted SEQRA public hearings on the DGEIS on August 4, 2009, and received oral, written, and emailed comments regarding the Proposed Action until the close of the public comment period on August 17, 2009.

The Town Board conducted a zoning hearing regarding the Lighthouse Proposed Action on September 22, 2009.

A draft FGEIS responding to the substantive comments received at the public hearing and during the public comment period was prepared by the Applicant pursuant to Part 617.9 and Part 617.10 and submitted to the Town Board on or about October 1, 2009. The responses, information, and analysis in the draft FGEIS were reviewed by the Town Board, and Town staff and consultants, for accuracy and adequacy with respect to scope and content and the responses, information, and analysis were found to be inaccurate and inadequate. In order to complete the FGEIS, and ensure that all comments pertaining to the DGEIS would be accurately and adequately addressed in the FGEIS, the Town Board directed its staff and consultants to revise the FGEIS based on research and analysis performed on behalf of the Town Board to verify and supplement information and analysis included

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in the responses and appendices provided by the Applicant.

In addition, based on the information and analysis provided by the Applicant in the DGEIS and the FGEIS, and the additional analysis performed on behalf of the Town to verify and supplement the analyses provided by the Applicant, it became apparent that certain significant adverse impacts related to the extremely high density, size and scale of the Lighthouse Proposed Action, including impacts related to transportation and parking, water supply, air quality, community services, stormwater management and community character, among others, could not be feasibly or reasonably mitigated by any of the measures incorporated into the Proposed Action. Therefore, the Town Board directed its consultants to analyze how these impacts might be eliminated, reduced, or mitigated and the last date for filing and completion of the FGEIS was extended because it was determined that problems with the Proposed Action requiring material reconsideration and modification were identified, and additional time would be required to prepare the statement adequately.

New zoning, traffic and environmental analysis determined that lowering the density and reducing the size and scale of a potential mixed-use district could eliminate, reduce, and/or mitigate the significant adverse impacts associated with the Lighthouse Proposed Action, while providing the benefits of such new development to the under-developed Nassau Veterans Memorial Coliseum property, the Marriott Hotel property and the residents of the Town of Hempstead. The Town Board directed its consultants to develop a lower-density, reduced-size and scale alternative to the Proposed Action that could be analyzed in the FGEIS. A new Mitchel Field Mixed-Use (MFM) District Lower-Density Alternative was developed from additional analysis that determined: (a) the density, size and scale of a district that would reduce impacts to the point they could be mitigated by feasible and reasonable means; and (b) the roadway connections, layout, and other measures related to transportation and other environmental issues that would mitigate any significant adverse impacts related to the lower-density alternative expected to occur based on additional analysis.

The Town Board reviewed the lower-density MFM District and directed that it be added to the FGEIS as an alternative to the Proposed Action: (a) to comply with the requirements of SEQRA regarding alternatives; (b) in response to information and analysis provided in the DGEIS by the Applicant, and additional information and analysis commissioned by the Town regarding the extent and significance of potential adverse impacts associated with the Lighthouse Proposed Action; and (c) in response to substantive comments and concerns received during the public hearing and the public comment period for the DGEIS.

Addition of the MFM District Alternative complies with the requirement in 6NYCRR Part 617.2(n), which states that an environmental impact statement (EIS) should provide “a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts; alternatives and mitigation.” [Emphasis added.]

The draft FGEIS was revised by the Town’s consultants and it was submitted to the Town Board on February 7, 2011 for review and evaluation. The Town Board reviewed and evaluated the revised document and accepted the FGEIS dated February, 2011 as adequate with respect to scope and

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content on May 3, 2011 (the "Accepted FGEIS"). A Notice of Completion of a Final Generic EIS was published, the Notice of Completion and the Accepted FGEIS were filed with all Involved and Interested Agencies and persons on or about May 16, 2011, and the Accepted FGEIS was posted on the Internet pursuant to 6NYCRR Part 617.

## **2. Project History**

The project began in 2000, when Charles B. Wang bought the New York Islanders Hockey Club, as the National Hockey League considered moving the team from Long Island due to the team's inadequate facility, disappointing attendance and poor performance. In March, 2001 the New York Dragons of the Arena Football League played for the first time in the Nassau Veterans Memorial Coliseum after Mr. Wang purchased the team in order to bring a new entertainment option to Long Island.

In early 2003, Nassau County was becoming unable to meet its financial commitment to maintain a first-class arena for the Islanders. Mr. Wang and then Nassau County Executive Tom Suozzi designed a plan to fund the revitalization of the Nassau County Veterans Memorial Coliseum by redeveloping the 77-acre property. In September, 2004 Mr. Wang and Mr. Suozzi revealed plans for rehabilitation of the Nassau Coliseum and the revitalization of the area surrounding the Coliseum property. By October, 2004, Mr. Wang completed a memorandum of understanding ("MOU") with Nassau County to develop the property. Thereafter, Nassau County determined that a Request for Proposal ("RFP") would be issued for redevelopment of the Nassau Coliseum site.

On August 12, 2005, Nassau County issued a RFP No. CE0812-0557 entitled "Request for Proposals for the Redevelopment of the Nassau Veterans Memorial Coliseum Site" to solicit alternative competitive proposals for the disposition of the Coliseum parcel. The Lighthouse Development Group, LLC, a joint venture between Charles Wang, and RXR (formerly RexCorp Realty, LLC.), (hereinafter "LDG") was one of four groups that were issued invitations to submit a Best and Final Offer ("BAFO"). In December 2005, Charles Wang bought the Long Island Marriott Hotel, which became a component of The Lighthouse at Long Island development proposal. On February 16, 2006, the County Executive approved the Evaluation Committee's recommendation to negotiate with two of the four groups to determine whether a specific agreement could be reached that would achieve the County's goals, with particular emphasis on sports, transportation, housing and revenue objectives. On March 3, 2006, the Evaluation Committee met separately with each of the two finalists.

On March 15, 2006, the County's Evaluation Committee recommended that LDG be selected to redevelop the property, based upon a review of all written materials, oral presentations, negotiations, the revised BAFO, and specific scoring of the proposal. Thereafter, Nassau County and the Applicant, LDG, entered into a MOU, dated June 29, 2006 (last revised December 28, 2006) which sets forth, among other things, LDG's various responsibilities with respect to the redevelopment of the subject property. The operative document that outlines LDG's responsibilities is found in the "Final Revised BAFO," which is annexed as Schedule B to the MOU.

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The Final Revised BAFO includes a discussion of the development of a minor league ballpark “to be constructed at MAC<sup>1</sup> Park or in another location reasonably acceptable to the County.” According to the “Final Revised BAFO:”

*“The County’s obligation to go forward with the Project<sup>2</sup> is expressly conditioned upon the construction and operation by Lighthouse or by a third party of the Ballpark at MAC Park or such other location reasonably acceptable to the County, for use by a minor league or an independent league baseball team. Lighthouse acknowledges the construction of the Ballpark might be the subject of a separate RFP process and commits to participate in such RFP process. Lighthouse acknowledges that the County shall not be obligated to select Lighthouse as the developer of the Ballpark; provided, however, that if another party is selected as the developer of the Ballpark, and the requisite approvals are obtained, the construction of the Ballpark shall cease to be a condition to the Project.”*

Although the development of a minor league ballpark is contemplated by the County at some point in the future, the specifics of such a ballpark have not been determined at this time.

When the Joint Venture was formed between Charles Wang and RXR on January 25, 2007, the partnership decided to add existing structures owned or controlled by the Joint Venture, the Omni Building, RXR Plaza East and West, and the Marriott Hotel, to the 77-acre Nassau Coliseum site, to expand the Lighthouse at Long Island development area, which increased area of the site for the Lighthouse Proposed Action to approximately 150 acres.

In late January, 2008, LDG submitted a complete application for The Lighthouse at Long Island, which was accepted by the Town of Hempstead.

### **3. Project Description**

The application submitted by LDG proposes (a) amendments to the Building Zone Ordinance of the Town of Hempstead (hereinafter “Building Zone Ordinance”), including the Building Zone Map, to establish a new zoning district entitled “Planned Development District” (hereinafter “PDD”); (b) change of the zoning classifications of certain parcels, designated as Nassau County Tax Map Numbers: Section 44 - Block F - Lots 326, 351, 384-387 and 401-403 and Section 50 - Block 340 - Lots 466G, 466H and 483 now classified in the Mitchel Field Hotel (“MFH”) District, Mitchel Field Office (“MFO”) District, Mitchel Field Office II (“MFO-II”) District and B Residence District zoning districts, so as to include such parcels in the newly-established zoning district, and (c) redevelopment of the reclassified parcels in accordance with the aforesaid PDD, into a community to be known as “The Lighthouse at Long Island.”

The Lighthouse Proposed Action Site consists of approximately 150 acres (specifically 149.98 acres) situated on both the north and south sides of Hempstead Turnpike between Earl Ovington Boulevard and the Meadowbrook Parkway, in the Hamlet of Uniondale, in the Town of Hempstead.

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<sup>1</sup> Mitchel Athletic Complex.

<sup>2</sup> That is, The Lighthouse at Long Island development.



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According to the Applicant, the purpose of the Lighthouse Proposed Action is the transformation of the Nassau Veterans Memorial Coliseum so that the New York Islanders and New York Dragons would have a state-of-the-art venue in which to play, in accordance with the Development Plan Agreement executed with Nassau County. The principal goals of the Proposed Action are to 1) transform the Coliseum into a premier facility for the New York Islanders and the New York Dragons; 2) develop a world-class sports, entertainment and cultural destination for Long Island; 3) create a new, efficiently-designed, mixed-use community that includes sports venues, entertainment, recreation facilities, and residential, lodging, retail, restaurant, office and employment opportunities; 4) provide pedestrian-friendly, interconnected streets that allow flexibility, so development can respond to changing needs and market conditions; 5) provide economic stimulus and additional tax revenue; and 6) provide development that encourages energy efficiencies and reduces dependence on automobiles.

Proposed Amendments to the Building Zone Ordinance for the Lighthouse Proposed Action:

Planned Development District ("PDD") Zoning Ordinance

***"ARTICLE \_\_\_\_\_. Planned Development District***

*Section 1. Legislative Intent. In 1963, the federal government allocated various portions of the former Mitchel Field Air Force Base ("Mitchel Field") to private institutions, Nassau Community College and the County of Nassau. The County of Nassau (the "County") has, in the past, entered into agreements with private developers for the development of its holdings at Mitchel Field and is currently under such an agreement for the redevelopment and the revitalization of the Nassau Veterans Memorial Coliseum (the "Coliseum Site")' In order to further complement redevelopment of the Coliseum Site, additional parcels in the surrounding area have been assembled into the "Development Site" (as defined in Section 5 hereof) The viability of the Coliseum Site is of great significance to the Town of Hempstead (the "Town") and the County. Placed in a proper land use setting, the Nassau Veterans Memorial Coliseum (the "Coliseum") can provide economic and socioeconomic growth opportunities and benefits to the residents of the Town and the County. In order to transform the Coliseum into a state-of-the-art venue which will serve as an economic and socioeconomic engine, the Town has determined that a comprehensive zoning plan shall be enacted which offers an incentive for the transformation of the Coliseum. To accomplish this goal, the Town has decided to rezone the Development Site from "B Residence District", "Mitchel Field Hotel District", "Mitchel Field Office District" and Mitchel Field Office II District" to create a "Planned Development District" designation. Further, the Town has provided for the expansion of the Planned Development District to include a minor league baseball park to be located in close proximity to the Development Site (the "Minor League Ballpark"). The Planned Development District will create mixed-use zoning subdistricts to include entertainment, sports, hotel, residential, retail, office and commercial uses as well as public land use, in a fiscally-prudent and environmentally-responsible manner.*

*Section 2. Title. This Article shall be known and cited as the "Planned Development District*

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*Article" (PDD).*

*Section 3. Applicability. The provisions of this Article shall apply to the Development Site which consists of approximately 150 acres and is situated on both the north and south sides of Hempstead Turnpike and east and west of Earl Ovington Boulevard, in the Hamlet of Uniondale, Town of Hempstead, County of Nassau, State of New York, more specifically designated on the Nassau County Land and Tax Maps as Section 44, Block F, Lots 326, 351, 384 through and including 387 and 401 through and including 403 and Section 50, Block 340, Lots 466 G, 466 H and 483 (the "PDD" or "Development Site"). The Town recognizes that the County is considering making additional land available at Mitchel Field for the private development of a Minor League Ballpark. Accordingly, the provisions of this Article may be extended to a development parcel designated for the Minor League Ballpark which is in close proximity to the Development Site so as to utilize the infrastructure of the Development Site, including without limitation, shared parking, in an efficient and complementary manner.*

*Section 4. Purpose. The purpose of the PDD is to allow innovative mixed-use development which combines commercial, office, residential, hotel, retail, entertainment, sports and public land uses, anchored by a revitalized state-of-the-art Coliseum. The objective of the PDD is to provide a zoning mechanism that is responsive to the process of comprehensive planning for such development which stimulates creative and flexible building design and land use patterns in a manner that protects the public health, safety, and quality of life within the Town. The PDD extends and improves upon the entertainment and cultural activities of the existing Coliseum, the commercial uses of the Omni and RexCorp Plaza office buildings, and the hospitality uses of the Marriott Hotel and is intended to foster economic growth in the Town.*

*Section 5. Definitions.*

*ARENA: Sports, entertainment, recreational, and cultural facilities which provide for any of, or a combination of, the following:*

- (1) Stadium, arena or similar type of sports facility.*
- (2) Concert hall, museum, amphitheater or similar type of recreational or cultural facility.*
- (3) Convention/exposition and trade centers.*
- (4) Sports and recreation complex.*
- (5) Ancillary and support facilities, including without limitation, concessions, restaurants, sports and entertainment and related retail, offices, and other similar uses.*

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*CONCEPTUAL MASTER PLAN: Plan for the long-term and overall redevelopment of the Development Site in accordance with the goals of the PDD.*

*DEVELOPMENT SITE: Those parcels consisting of approximately 150 acres of land situated on both the north and south sides of Hempstead Turnpike and east and west of Earl Ovington Boulevard, in the Hamlet of Uniondale, Town of Hempstead, County of Nassau, State of New York, more specifically designated on the Nassau County Land and Tax Maps as Section 44, Block F, Lots 326, 351, 384 through and including 387 and 401 through and including 403 and Section 50, Block 340, Lots 466 G, 466 H and 483.*

*FLOOR AREA: The sum, in square feet, of the areas of all floors of a building or buildings, measured horizontally in a plane to the exterior faces of perimeter walls or from the center line of walls separating buildings. Exemptions from Floor Area shall be as follows:*

- (1) The Floor Area of a cellar and/or basement and/or grade levels of buildings and structures provided that the Floor Area of such cellar and/or basement and/or grade levels of buildings and structures is used exclusively for off-street parking facilities.*
- (2) The Floor Area of uses accessory to buildings such as an employee lounge, day-care center, gym facility and conference facility where no such accessory use, combined or individually, occupies an area totaling more than ten percent (10%) of the gross Floor Area of all buildings within the applicable Subdistrict and where the accessory use shall be limited to the employees or residents of the building or buildings within such Subdistrict.*
- (3) The Floor Area of an arcade, covered plaza or atrium, provided that such area is not used for any purpose other than pedestrian traffic.*
- (4) The Floor Area of a pedestrian mall/plaza.*
- (5) The Floor Area of maintenance, service and utility buildings, and of maintenance, service and utility spaces within buildings.*
- (6) The Floor Area of transportation facilities.*
- (7) The Floor Area of an Arena and of its ancillary and support uses.*

*FLOOR AREA RATIO ("FAR"): The ratio of the Floor Area of a building or buildings to the total area in square feet of the Subdistrict in which the building or buildings is or are located.*

*GATEWAY BUILDING: Any building permitted in the Development Site with architectural significance that establishes and fosters a unique signature or sense of place for the PDD community and provides a focal-point for or gateway thereto. A Gateway Building may*

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*include one or more permitted uses:*

- (1) Hotel/Convention Center (including hotel condominiums).*
- (2) Conference center.*
- (3) Condominium.*
- (4) Retail.*
- (5) Office.*

*HOTEL/CONVENTION CENTER: A building or part of a building in which:*

- (1) Living or sleeping accommodations are used primarily for transient occupancy and rented on a daily basis.*
- (2) One (1) or more common entrances serve all such living or sleeping accommodations.*
- (3) Twenty-four hour desk and associated services are provided to patrons; and/or*
- (4) Convention center and/or exposition facilities are provided; and/or*
- (5) Accessory uses and structures of a nature customarily incidental and subordinate to the principal use or structure, including, but not limited to, restaurants, public banquet halls, ballrooms, meeting rooms, convention center and/or exposition facilities, swimming pools, tennis courts, boutiques, gift shops, drugstores and other business uses, are provided.*

*HOUSING: A building or buildings containing one or more dwelling units.*

*LEED: The Leadership in Energy and Environmental Design rating system established by the U.S. Green Building Council.*

*OPEN SPACE: Those publicly or privately held areas of the Development Site, including, but not limited to, recreation areas, courtyards, plazas, gardens, promenades, pedestrian walkways, water features, landscaped areas and buffer areas.*

*PUBLIC LAND USE: The portion of the Development Site designated for community facilities, recreational areas and/or Open Space, that is open to the public and that will be complementary to the Development Site and contribute to the civic or recreational life of the community, including, but not limited to, parks, plazas and squares.*

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*NEXT GENERATION HOUSING: A dwelling unit offered at a sales price of one hundred twenty percent (120%) of the median household income for a family of four in the Town multiplied by 25.*

*SUBDISTRICT: A designated area within the Development Site.*

*Section 6. Designation of Subdistricts.*

*A. Required Subdistricts and Public Land Use Component.*

*(1) The PDD shall include a Core Subdistrict, a Residential Village Subdistrict, and an Office Subdistrict as such terms are defined in Section 6.B hereof. The PDD shall have a Public Land Use component as described in Section 7 hereof.*

*B. The following Subdistricts shall be depicted on the Conceptual Master Plan:*

*(1) Core Subdistrict This Subdistrict is planned to contain the focal point for cultural, entertainment and employment opportunities within a mix of retail, civic, residential, Public Land Use and Open Space uses.*

*(a) Permitted Principal Uses - The principal uses for this Subdistrict shall be Arena, Hotel/Convention Center and retail uses and, may also include, residential (incorporating a variety of housing types such as luxury, active adult, multifamily and Next Generation Housing), entertainment, restaurant and other uses as set forth in Section 8.A(1) below.*

*(b) The uses within this Subdistrict may be situated to provide shared access and parking, complementary architecture, landscaping, and signage thereby creating a visual and physical connection to the overall Development Site.*

*(c) Mixed-use buildings combining residential, retail or office uses within a single building or hotel are permitted.*

*(d) Residents and employees shall be able to walk or bike to jobs, stores, restaurants, entertainment venues and service providers located in this Subdistrict.*

*(e) Pedestrian paths shall be provided to connect building entries with adjacent streets, uses and parcels.*

*(f) Pedestrian paths should be visually distinguishable and separated from parking areas by curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.*

*(2) Residential Village Subdistrict. This Subdistrict shall contain the primary residential use within the Development Site with provisions for individuals to live, work, and*

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recreate.

(a) *Permitted Principal Uses - This Subdistrict shall be comprised of predominantly residential uses and other uses as set forth in Section 8.B.(1) below.*

(b) *This Subdistrict shall include a blend of housing types such as luxury, active adult, multifamily and Next Generation Housing.*

(3) *Office Subdistrict. This Subdistrict shall contain the primary office use within the Development Site.*

(a) *Permitted Principal Use - The principal uses for this Subdistrict shall be office buildings and other uses as set forth in Section 8.C(1) below.*

(b) *Mixed-use buildings combining office, retail and restaurant uses within a single building are permitted within this Subdistrict*

(c) *Residential uses shall not be permitted within this Subdistrict.*

*Section 7. Standards and Requirements for the Development Site.*

*A. Required Land Use Components.*

(1) *The minimum and maximum percentages of the land area of any Subdistrict to the total land area of the Development Site are set forth in the Table 1 below.*

**Table 1: Minimum and Maximum Percentage Required Land Use Mix**

<i>Subdistrict</i>	<i>Minimum Percentage (Subdistrict s.f. /PDD s.f.)</i>	<i>Maximum Percentage (Subdistrict s.f. /PDD s.f.)</i>
<i>Core Subdistrict</i>	25%	50%
<i>Residential Village Subdistrict</i>	15%	25%
<i>Office Subdistrict</i>	25%	50%

(2) *Public Land Use Requirements.*

(a) *There shall be a Public Land Use component in the Core Subdistrict of at least five percent (5%).*

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*(b) Public Land Uses should be located adjacent to public streets, entertainment areas, residential areas, and retail uses.*

*(c) The Public Land Use component of the Development Site shall be deemed to satisfy the Town Law or local ordinance requirements for a reservation of parkland or fee in lieu thereof.*

*(3) Floor Area Ratio.*

*(a) Except for the Maximum FAR set forth in Table 2 below, the total FAR within any Subdistrict shall not exceed the Base FAR established for said Subdistrict as set forth in Table 2 below:*

*Table 2: Base FAR and Maximum FAR*

<i>Subdistrict/Land Use</i>	<i>Base FAR</i>	<i>Maximum FAR</i>
<i>Core Subdistrict</i>	<i>1.25</i>	<i>1.5</i>
<i>Residential Village Subdistrict</i>	<i>0.75</i>	<i>1.15</i>
<i>Office Subdistrict</i>	<i>0.5</i>	<i>1.0</i>

*(4) Maximum FAR. Provided that an agreement is entered into between the applicant and the County which provides for the renovation and transformation of the Coliseum into a state-of-the-art venue for professional sports, concerts, and other cultural activities, the Base FAR for all Subdistricts set forth in Table 2 above shall be increased to the Maximum FAR.*

*Section 8. Regulations applicable to the Subdistricts.*

*A. Core Subdistrict Regulations.*

*(1) Permitted Principal Uses.*

- (a) Arena.*
- (b) Cinemas.*
- (c) Day-care center.*
- (d) Educational uses.*
- (e) Entertainment uses.*
- (f) Gateway Buildings.*

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- (g) Health clubs.*
  - (h) Hotel/Convention Center.*
  - (i) Housing (including a variety of housing types such as luxury, active adult, multifamily, and Next Generation Housing).*
  - (j) Medical offices and clinics and dental offices and clinics.*
  - (k) Memorials.*
  - (l) Offices.*
  - (m) Public Land Use and Open Space.*
  - (n) Performing arts centers.*
  - (o) Recreational facilities.*
  - (p) Retail.*
  - (q) Restaurants, luncheonettes and cafes.*
  - (r) Transportation facilities.*
  - (s) Other uses similar to those permitted within this Subdistrict and consistent with the Conceptual Master Plan.*
- (2) Permitted Accessory Uses.*
- (a) Outdoor sidewalk seating in connection with permitted restaurants or cafes.*
  - (b) Bars and clubs associated with restaurants, cafes and other permitted uses.*
  - (c) Parking lots and garages.*
  - (d) Signs.*
  - (e) Kiosks.*
  - (f) Other customary accessory uses, provided that such uses are incidental to the authorized principal use.*
- (3) Height No building, other than Gateway Buildings, shall exceed two hundred seventy-*



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*five feet (275') in height. Gateway Buildings shall not exceed four hundred fifty feet (450') in height.*

*K. Residential Village Subdistrict Regulations.*

*(1) Permitted Principal Uses.*

*(a) Cinemas.*

*(b) Civic uses, including but not limited to, assembly spaces, meeting halls, auditoria, recreational and sports facilities, community facility buildings, community service buildings, civic buildings, post offices, and libraries.*

*(c) Educational uses.*

*(d) Medical offices and clinics and dental offices and clinics.*

*(e) Office.*

*(f) Housing (including a variety of housing types such as luxury, active adult, multi-family, and Next Generation Housing).*

*(g) Public Land Use and Open Space.*

*(h) Retail.*

*(i) Transportation facilities.*

*(j) Other uses similar to those permitted within this Section and consistent with the Conceptual Master Plan.*

*(2) Permitted Accessory Uses.*

*(a) Recreation uses, including but not limited to community buildings, gymnasias, indoor or outdoor swimming pools, health clubs, tennis courts, and similar facilities.*

*(b) Maintenance and utilities.*

*(c) Parking lots and garages.*

*(d) Other customary accessory uses, provided that such uses are incidental to the authorized principal use.*

*(3) Height. No building shall exceed one hundred fifty feet (150') in height.*

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*C. Regulations applicable to the Office Subdistrict.*

*(1) Permitted Principal Uses.*

*(a) Banks.*

*(b) Civic uses, including but not limited to, assembly spaces, meeting halls, auditoria, recreational and sports facilities, community facility buildings, community service buildings, civic buildings, post offices and libraries.*

*(c) Conference centers.*

*(d) Day-care centers.*

*(e) Educational uses.*

*(f) Health clubs.*

*(g) Offices.*

*(h) Medical offices and clinics and dental offices and clinics.*

*(i) Public Land Use and Open Space.*

*(j) Research and Development.*

*(k) Free-standing retail buildings provided they do not exceed ten percent (10%) of the Floor Area in this Subdistrict.*

*(l) Restaurants, luncheonettes, cafes.*

*(m) Transportation facilities.*

*(n) Other uses similar to those permitted uses within this Subdistrict and consistent with the Conceptual Master Plan.*

*(2) Permitted Accessory Uses.*

*(a) Parking lots and garages.*

*(b) Signs.*

*(c) Kiosks.*

*(d) Other customary accessory uses, provided that such uses are incidental to the*

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*authorized principal use.*

*(3) Prohibited Uses. Residential uses of any kind are prohibited in the Office Subdistrict.*

*(4) Height. No building shall exceed one hundred seventy-five feet (175') in Height.*

*Section 9. Parking. The mixed-use, pedestrian character and transportation-oriented design of the PDD reduces the need for on-site parking for individual uses in the PDD and promotes a shared parking concept. Adherence to the standard on-site parking requirements for the other zoning districts in the Town, as set forth in § 319 of the Town of Hempstead Building Zone Ordinance would result in unneeded parking spaces and a reduction in land available for Public Land Uses, landscaping and streetscape in the PDD. To avoid such an undesirable condition and to create an economically viable project for the transformation of the Coliseum into a state-of-the-art venue, a specific method of computing parking requirements is provided in this Section.*

*A. For the PDD, a Shared Parking Study (the "Shared Parking Study") shall be prepared by an appropriate professional. The Shared Parking Study shall demonstrate that the parking supply recommended therein will be adequate to serve the parking needs of the Development Site. The Shared Parking Study may be based upon accepted industry standards as described in the current edition of "Shared Parking" as published by the Urban Land Institute, or based on actual experience of or studies of; or known to the professional preparing the Shared Parking Study, The Shared Parking Study shall consider parking demand variations due to factors such as time of day, weekday in contrast to weekend demand, monthly variations in parking demand, as well as noncaptive and modal splits which would affect peak accumulated parking demand.*

*B. As part of the Conceptual Master Plan review under this Article, the Town Board shall consider the Shared Parking Study when approving an overall parking requirement for the Development Site. Such approval shall include the total recommended number and location of parking spaces to be provided both on and off the Development Site.*

*C. The Town Board may grant waivers of the parking requirements set forth in the approved Conceptual Master Plan after a public hearing.*

*D. At least seventy-five percent (75%) of the required spaces shall be full-sized spaces.*

*E. Underground parking structures shall be permitted within any required setback.*

*F. On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted shall be counted toward the minimum number of parking spaces as required by the approved Conceptual Master Plan.*

*G. The parking requirements of any Subdistrict may be met on-site or off-site at a distance of*

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*up to two thousand feet (2,000') from the use to which such parking is allocated.*

*H. Off-site parking may be provided through a lease, shared parking agreements, easements with adjacent land owners or through municipal parking.*

*I. Loading standards.*

*(1) Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Section shall provide a minimum number of off-street service/delivery parking spaces.*

*(2) In non-residential areas, permanently established off-street loading spaces shall be provided based on the aggregate square footage of all uses within a building or block, as follows:*

*(a) In hotels and office uses:*

*(i) From 25,000 to 100,000 square feet of Floor Area - one (1) parking space.  
From 100,000 to  
300,000 square feet of floor area - two (2) parking spaces.*

*(ii) For each additional 300,000 square feet of Floor Area or major fraction thereof - one (1) additional parking space.*

*(b) In retail and service uses:*

*(i) From 10,000 to 50,000 square feet of Floor Area - one (1) parking space.  
From 50,000 to 150,000 square feet of Floor Area - two (2) parking spaces.*

*(ii) For each additional 150,000 square feet of Floor Area or major fraction thereof - one (1) additional parking space.*

*(3) No loading spaces shall be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas.. These driveways should be perpendicular to the street right-of- way.*

*(4) Loading Spaces shall be an off-street space available for the loading or unloading of goods. Each shall be not less than fourteen feet (14') wide, twenty-five feet (25') long, and fourteen feet (14') high, and have direct usable access to a street or alley. Notwithstanding the foregoing, where more than one such loading space is contiguous to such first loading space, then all such loading spaces need not be wider than twelve feet (12').*

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*J. Landscaping and Aesthetic Screening.*

*(1) All surface parking lots for more than ten (10) vehicles, service entrances or utility structures associated with a building, loading docks or spaces and outdoor storage of materials, all stock and equipment shall be screened from view of adjacent property and from any public street.*

*(2) Dumpsters or trash handling areas shall be screened from adjacent property and from public view with a minimum six foot (6') high solid and finished masonry wall with a solid and closeable gate. A solid wooden fence may be substituted if the dumpsters or trash handling areas are not visible from a public street*

*K. Structured Parking Facilities.*

*(1) Structured parking facilities shall be designed to encourage and complement pedestrian interest and activity.*

*(2) In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade, they shall be decorative and be an integral part of the overall building design. The remainder of the street level frontage shall be an architectural facade designed to screen the parking areas of the structure and to encourage pedestrian activity.*

*Section 10. Supplementary Regulations.*

*A. Required Setbacks. All buildings and structures shall have a minimum setback of:*

*(1) twenty feet (20') from any property line adjacent to Hempstead Turnpike;*

*(2) twenty feet (20') from any property line adjacent to Glenn Curtiss Boulevard;*

*(3) twenty feet (20') from any property line adjacent to Earl Ovington Boulevard;*

*(4) twenty feet (20') from any property line adjacent to James Doolittle Boulevard.*

*B. Street and Sidewalk Regulations in the PDD.*

*(1) Street Pattern. The layout of the street system shall be in a grid pattern or modified grid pattern, emphasizing interconnected streets and the ability to reach local destinations without crossing major streets or primary arterials. It is desirable to have streets with block faces of five hundred feet (500') in length or less.*

*(2) Street Trees. The design of any public right-of-way should provide for planting street*

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*E. Building Articulation. Building facades shall be varied and articulated to provide visual interest to pedestrians. This may be accomplished by incorporating offsetting planes, changes in wall texture and color, special architectural elements, plazas and courtyards, and trees and vines into the design of the buildings.*

*Section 11. Procedure.*

*A. PDD Application Procedure and Approval. The PDD application and approval procedure shall consist of two (2) phases which may occur simultaneously: Phase I, Conceptual Master Plan review for the PDD; and, Phase II, detailed site plan review for individual phases or individual lots within the Development Site.*

*(1) PDD Conceptual Master Plan Approval.*

*(a) Upon receipt of a complete application a public hearing shall be scheduled.*

*(b) Subsequent to compliance with the New York State Environmental Quality Review Act ("SEQRA"), the Town Board shall by resolution act to approve, conditionally approve or disapprove the PDD change of zone application and Conceptual Master Plan application.*

*(c) A PDD zone change application shall only be granted in conjunction with the simultaneous approval or conditional approval of the PDD Conceptual Master Plan.*

*(d) For the purpose of furthering the comprehensive planning goals of this Article and to encourage flexibility in the Conceptual Master Plan and site design, the Town Board may grant a special exception for the modification of the permitted FAR and/or land use mix for the Subdistricts as set forth in this Article.*

*(2) Site Plan Approval.*

*(a) No construction of any new building or structure shall take place on the Development Site except in accordance with site plan approval by the Town Board, as set forth in §305 of the Town of Hempstead Building Zone Ordinance.*

*(b) Renovations to existing buildings located within the Development Site shall not require site plan review.*

*(c) Site plan review for proposed construction of any building or structure which varies from the approved Conceptual Master Plan shall require either:*

*(i) A finding of the Town Board that such site plan is consistent with the Conceptual Master Plan; or*

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*(ii) an application to the Town Board for an amendment to the Conceptual Master Plan which shall be made in conjunction with the site plan application and reviewed accordingly by the Town Board. A variation of ten percent (10%) or less in the permitted FAR and/or land use mix in an application for site plan approval shall be deemed to be consistent with the Conceptual Master Plan. Upon the approval of such site plan, the Conceptual Master Plan shall be deemed amended to reflect such revised FAR and/or land use mix.*

*B. Expansion of PDD to include the Minor League Ballpark. The PDD may be expanded to include the Minor League Ballpark. The expansion of the PDD shall occur in two (2) phases which may occur simultaneously: (i) Phase I, petition for change of zone for the expansion of the PDD including the creation of a "Ballpark Subdistrict" and conceptual site plan review, and (ii) Phase II, detailed site plan review for the site on which the development of the Minor League Ballpark is proposed.*

*(1) PDD Expansion Conceptual Site Plan Approval.*

*(a) Upon receipt of a complete petition and conceptual site plan for the expansion of the PDD and subject to compliance with SEQRA, a public hearing shall be scheduled.*

*(b) Subsequent to compliance with SEQRA, the Town Board shall by resolution act to approve, conditionally approve or disapprove the PDD change of zone for the expansion of the PDD and conceptual site plan application for the Minor League Ballpark.*

*(2) Site Plan Approval.*

*(a) No construction of any new building or structure shall take place on the Minor League Ballpark site except in accordance with site plan approval by the Town Board, as set forth in § 305 of the Town of Hempstead Building Zone Ordinance.*

*(b) Renovations to existing buildings located within the Minor League Ballpark site shall not require site plan review.*

*Section 12. Special Permits. Special permits from the Town Board shall be granted only where said Board shall determine:*

*A. That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in the surrounding area or impair the value thereof*

*B. That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the Development Site.*

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*C. That the safety, health, welfare, comfort, convenience or order of the Town will not be adversely affected by the proposed use and its location.*

*D. That the use will be in harmony with and promote the general purposes and intent of this Article.*

*Section 13. Open Development Area. Pursuant to § 280-a of the New York State Town Law, the Town Board hereby declares the Development Site an open development area within the Town, wherein building permits may be issued for the erection of structures to which access is given by right-of-way or easement, upon such conditions or regulations as may be prescribed by the Town Board.*

*Section 14. Interpretation; Conflicts with other Regulations.*

*A. In interpreting and applying the provisions of this Article, the rules of interpretation applicable to legislation shall be used so that the spirit and intent of this Article shall be observed.*

*B. In the event of a conflict between the provisions of this Article and the Town of Hempstead Building Zoning Ordinance, this Article shall control.*

*Section 15. Severability. If any clause, sentence, section, paragraph or provision of this Article shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the Article, but shall be confined in its operation to the clause, sentence, section, paragraph or provision directly involved in the controversy in which such judgment shall have been rendered.”*

\* \* \*

The Lighthouse Proposed Action and its Comprehensive Master Plan include the following development based on the proposed amendments to the Building Zone Ordinance:

1. The Transformed Coliseum and Sports Complex. The transformed Coliseum, consisting of approximately 1,203,000 square feet (“SF”) and approximately 20,000 seats, is envisioned by the Applicant to be a state-of-the-art arena, with luxury suites, restaurants, fan-experience amenities, and the most up-to-date technology designed to serve as a premier destination. The transformed arena will be part of a larger sports complex comprising approximately 371,500 SF of the total 1,203,000 SF. It would include basketball courts, a fitness and recreation center, and ice rinks within the building. Four National Hockey League-sized (“NHL”) rinks would be installed to attract local, regional and National Collegiate Athletic Association (“NCAA”) tournaments. The Sports Complex would also house ground-level retail/entertainment and restaurant facilities.
2. Residential Uses. A total of 2,306 residential units are proposed, of which 95 percent



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would be owner-occupied, and five percent would be renter-occupied. Of the owner-occupied units, 461 (20 percent) would be next-generation units, while 1,361 units would be market rate units, and 368 would be luxury units. Of the five percent rental units, 59 would be for seniors and 57 would be for students from the surrounding colleges.

3. Hotels. The existing 466,000-square-foot, 617-room Marriott Hotel and Conference Center is proposed to be renovated and enlarged to increase its capacity for conferences and conventions (no additional guest rooms are proposed). A five-star hotel, consisting of 308,456 SF of space with 300 guest rooms, is also proposed. This five-star hotel would house the 368 luxury condominium units referenced above. In addition, this hotel is proposed to provide convention, exhibition and meeting space (described below) as well as a spa/fitness center, a restaurant and lounges.
4. Convention/Exhibition/Meeting/Event Space. Existing and new convention, exhibition, meeting, and event space totaling over 250,000 SF, would be included within the proposed development. This space would be located within the existing Marriott Hotel, the new five-star hotel and in the transformed Coliseum.
5. Retail/Restaurant/Cinema. Approximately 500,000 SF of total retail space, including 435,000 SF of entertainment-oriented lifestyle and neighborhood retail development, and a 65,000 SF cinema, are proposed. The entertainment-oriented lifestyle retail development will feature pedestrian-oriented, small-scale shops and restaurants with indoor and outdoor facilities. Examples of such entertainment-oriented lifestyle retail include sports-oriented restaurants, an Islanders store, sporting goods shops, "museum" shops, and the cinema. Neighborhood retail development would consist of uses found in neighborhood shopping centers, such as convenience goods stores selling food, drugs, sundries, etc., and personal service businesses that meet the daily needs of the neighborhood, such as banks, medical and dental offices, health clubs, and travel agencies. The 65,000-square-foot, 2,600-seat cinema would anchor the western end of the main east-west retail and entertainment district, located southwest of the Coliseum/Sports Complex.
6. Office Space. Approximately 1,000,000 SF of Class A office space within four new buildings is proposed. Two of the new office buildings are proposed to be located south of Hempstead Turnpike, and the other two new office buildings will flank a landscaped green space located west of the Coliseum/Sports Complex. A portion of the new office buildings is proposed to accommodate a Sports Technology Center.
7. Uses Open to the Public. In addition to the Coliseum/Sports Complex, various other uses and open spaces including Celebration Plaza, parks, and plazas would be open to the public to serve as gathering areas for passive and active recreation.
8. Minor League Ballpark. The Final Revised BAFO includes discussion regarding the development of a minor league ballpark to be constructed at MAC Park or in another

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location acceptable to the County. Although the development of a minor league or independent league ballpark is contemplated at some point in the future, the specific location for the ballpark has not been determined. The agreement requires the Applicant to bid on any request for proposals that Nassau County may issue regarding the ballpark; however, there is no guarantee that the Applicant will be the successful bidder. The Applicant is also required to provide parking for the ballpark on a shared parking basis on the Omni Building property.

9. Parking. In addition to shared parking at the Omni Building for the ballpark, the Final Revised BAFO requires that adjacent parking sites owned or controlled by RXR or its affiliates, be available for use by visitors to the Coliseum. In conformance with the requirement, the Lighthouse Proposed Action includes shared parking that incorporates the use of parking on the other properties that are part of the Proposed Action Site, which are controlled by the Applicant and/or RXR.

**DESCRIPTION OF THE  
LOWER-DENSITY MITCHEL FIELD MIXED-USE (MFM) DISTRICT ALTERNATIVE**

The lower-density MFM District Alternative was added to the FGEIS by the Town of Hempstead Town Board: (a) to comply with the requirements of SEQRA; (b) in response to information and analysis provided in the DGEIS by the Applicant, and additional information and analysis commissioned by the Town regarding the extent and significance of potential adverse impacts associated with the Lighthouse Proposed Action; and (c) in response to substantive comments and concerns received during the public hearing and the public comment period for the DGEIS.

Addition of the MFM District Alternative complies with the requirement in 6NYCRR Part 617.2(n), which states that an environmental impact statement (EIS) should provide “a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation.” [Emphasis added.]

The MFM District Alternative was developed from the results of zoning, planning and environmental analysis commissioned by the Town of Hempstead Town Board during review of the Lighthouse application when concerns surfaced regarding the high density and potentially significant environmental impacts of the Proposed Action, especially those impacts related to transportation and parking, water supply, air quality, community services, stormwater management and community character. Based on information and analysis provided by the Applicant, and additional analysis performed on behalf of the Town for verification of the DGEIS analyses provided by the Applicant, it became apparent that certain impacts of the Proposed Action could not be feasibly mitigated by reasonable measures incorporated into the Proposed Action. Therefore, an alternative that would reduce the impacts of the Lighthouse Proposed Action was developed from additional analysis conducted to determine: (a) the development density that would reduce impacts to the point they could be mitigated; and (b) the roadway connections and layout, and other measures related to other environmental issues that would mitigate any impacts that might be expected to occur as a result of

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implementation of the MFM District Alternative.

In comparison to the Lighthouse Proposed Action, the MFM district would reduce the overall size and density of development on the MFM District Site (Parcel A of the Proposed Action) to an FAR of 1.6, while allowing a wide variety of complimentary uses. The allowable uses in the new MFM District are the same as, or similar to, those incorporated into the Proposed Action, including the arena use of an existing, renovated or new Nassau Veterans Memorial Coliseum. The MFM District Alternative would require a Comprehensive Master Plan for development of the new district, and encourage mixed-use commercial and residential buildings and a planned, walkable, destination neighborhood that would compliment the Nassau Veterans Coliseum, and surrounding neighborhoods and communities.

The MFM District Alternative would create a 91.29-acre mixed-use zoning district encompassing the 77-acre Nassau Veterans Memorial Coliseum property (Section 44, Block F, Lots 351 and 403) and the 14.29-acre Marriott Hotel property (Section 44, Block F, Lots 326, 401, and 402) (hereafter referred to as the "MFM District Site"), which is the land area identified in the Lighthouse Proposed Action Conceptual Master Plan as "Parcel A." The Omni Building (Lighthouse Parcel B) and the RXR Plaza East and West properties (Lighthouse Parcels C and D), which are part of the Proposed Action would not be part of the MFM District Alternative. Under the MFM District Alternative, Parcel B (Omni Property), and Parcels C and D (RXR Plaza East and West Properties) would remain within the Mitchel Field Office II (MFO-II), and Mitchel Field Office (MFO) zoning districts respectively.

The overall density of the MFM District would be lower than that of the Lighthouse Proposed Action, and important requirements for the provision of public rights-of-way and public open space, lower building heights, and housing are included to reduce the impacts associated with the redevelopment of Mitchel Field that were identified during review of the Lighthouse Proposed Action.

The MFM District Alternative Amendments to the Building Zone Ordinance:

***"§ 146.1 MFM Mitchel Field Mixed Use District (MFM).***

- A. *There is hereby established a Mitchel Field Mixed Use District (MFM). In the Mitchel Field Mixed Use District, buildings and structures may be erected, altered or used, and lots or premises may be used in accordance with the provisions of this section, and not otherwise.*
- B. *Additional legislative purpose. In addition to the legislative purpose established in § 135 of this Article, the Mitchel Field Mixed Use District is conceived and enacted to promote and protect the public health, safety, general welfare and amenities of the Town of Hempstead. Its purposes include the following:*

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- (1) *To preserve and protect the special character of the greater Mitchel Field area and those of surrounding neighborhoods.*
- (2) *To promote the desirable and suitable use of land within the greater Mitchel Field area and to provide opportunities for development or redevelopment of land surrounding the Nassau Veterans Memorial Coliseum in a manner consistent with sound planning principles.*
- (3) *To promote, encourage and achieve the highest quality sustainable development that preserves, protects and enhances the environmental, economic and human resources of the Town of Hempstead.*
- (4) *To promote innovative and quality site and architectural design for mixed use buildings and neighborhoods that will encourage economic investment and development, and will provide housing, amenities and employment opportunities for current and future residents in accordance with a well-considered Conceptual Master Plan for the district.*
- (5) *To create an attractive physical environment that provides daily amenities and services for the use and enjoyment of working, resident and visiting populations.*
- (6) *To achieve harmonious visual and functional use relationships within the district and with adjacent neighborhoods.*
- (7) *To promote integration of pedestrian amenities and public transportation into the public streets and roadways of new mixed use neighborhoods to facilitate walking, encourage the use of public transportation, and accommodate alternate modes of transportation that provide access to destinations within the district, and to and from surrounding communities within the Town.*

C. *Permitted uses. A building or structure may be erected, altered or used for one or more of the following purposes, and for no other. In addition to the Nassau Veterans Memorial Coliseum, a lot or premises shall be used for at least two or more of the following purposes;*

- (1) *Arena, convention center, exhibition facility or theatre(s), and similar entertainment uses as may be approved by the Town Board.*
- (2) *Hotel or conference center.*
- (3) *Offices, bank or financial institution.*
- (4) *Medical or dental office or clinic.*

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- (5) *Store for the sale, at retail, of articles to be used off the premises, except that a freestanding retail building shall not exceed 100,000 square feet of floor area.*
- (6) *Restaurant, café or luncheonette, excluding a diner, lunch wagon, drive-in restaurant, drive-in luncheonette, drive-in counter or drive-in refreshment stand.*
- (7) *Personal service establishment, such as retail hand laundry, custom tailoring, hand dressmaking or shoe repairing.*
- (8) *Research and development facilities.*
- (9) *Hospital.*
- (10) *Public school, parochial school, private school for the instruction of elementary grades, academic grades, or both, chartered by the Board of Regents of the State of New York; college or university; music, dancing or other instructional school; dormitory for educational institutions.*
- (11) *Senior citizen congregate care facility or nursing home.*
- (12) *Daycare facility.*
- (13) *Health club or spa.*
- (14) *Club, fraternal organization, lodge or philanthropic use.*
- (15) *Townhouse and multiple-family dwellings containing no more than six (6) dwelling units per building.*
- (16) *Post office, library or other municipal building.*
- (17) *Religious uses.*
- (18) *Non-commercial park, recreational and open space uses.*
- (19) *Public transportation facilities.*

D. *Permitted accessory uses.*

- (1) *In relation to hotels, accessory uses and structures on the same lot or premises with, and of a nature customarily incidental and subordinate to the principal use or structure, including restaurants, cocktail lounges, public*

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*banquet halls, ballrooms, meeting rooms, swimming pools, tennis courts, boutiques, gift shops, drugstores and other business uses customarily incidental to the operation of a hotel and conference center.*

- (2) *In relation to offices, accessory uses and structures permitted on the same lot or premises with the principal use or structure shall be limited to uses customary and incidental to the principal use, recreational facilities, cafeterias, retail and service shops and facilities.*
  - (3) *Clubhouse and meeting rooms.*
  - (4) *Outdoor in-ground or indoor swimming pools and tennis courts.*
  - (5) *Open surface parking and parking structures.*
- E. *Signs. The only permitted signs shall be those which are authorized under the provisions of Article XXIV of the Building Zone Ordinance of the Town of Hempstead.*
- F. *Floor area ratio (FAR). The maximum floor area ratio permitted in the MFM District is one and six tenths (1.6).*
- G. *Exceptions to floor area. In the MFM District, the following portions of a building or structure shall be excluded from the calculation of Floor Area as defined in §1, Definitions, of the Town of Hempstead Building Zone Ordinance:*
- (1) *A basement or cellar located entirely below grade. Such basement or cellar may be used all or in part for required parking spaces.*
  - (2) *The portion of a building or free-standing parking structure used for required parking spaces that is located on the ground or first story of the building or parking structure.*
  - (3) *An arcade, covered plaza or atrium that is not used for any purpose other than pedestrian traffic.*
  - (4) *A pedestrian mall or plaza.*
  - (5) *All free-standing or attached parking structures providing the required parking spaces for the Nassau Veterans Memorial Coliseum.*

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- H. *Height of non-residential and mixed use (i.e., residential and non-residential) buildings.*
- (1) *For all non-residential and mixed (i.e., residential and non-residential) uses, no building shall be greater in height than two (2) stories and shall not exceed a maximum height of thirty (30) feet, except that on lots that contain two (2) or more acres and have a lot depth in excess of one hundred (100) feet, no building shall exceed four (4) stories in height or a maximum of sixty (60) feet, provided that the Town Board finds during the Conceptual Master Plan approval process that the height of the building would not adversely affect adjacent uses and the height is consistent with the legislative purposes of the MFM District.*
  - (2) *A hotel may be a maximum of one hundred (100) feet in height, which shall be expressed as the vertical distance measured from the highest level of the established center-line grade of the street adjacent to the building to the highest point of the exterior surface of the roof, with the exception specifically of chimneys, parapet walls not exceeding three (3) feet in height, flagpoles, aerials, flues, elevator or stair bulkheads or any mechanical equipment, provided that they are less than twelve (12) feet in height and do not occupy more than thirty percent (30%) of the area of the roof upon which they are located. Such height shall be permitted provided that the Town Board finds during the Conceptual Master Plan approval process that the height of the building would not adversely affect adjacent uses and the height is consistent with the legislative purposes of the MFM District.*
  - (3) *A free-standing parking structure for non-residential and mixed (i.e., residential and nonresidential) uses, or the portion of such building where parking spaces are located shall have a maximum height not exceeding forty (40) feet.*
- I. *Front yards for non-residential and mixed use (i.e., residential and non-residential) buildings.*
- (1) *For all non-residential and mixed (i.e., residential and non-residential) uses, not less than 10 feet. In the case of a corner lot, a front yard shall be required on each street.*
  - (2) *Notwithstanding the foregoing, a bay window, roof, cornice, gutter, mansard, awning or similar projection not exceeding twenty-four (24) inches into the required front yard setback shall be a permitted encroachment.*
- J. *Rear yards for non-residential and mixed use (i.e., residential and non-residential) buildings. For all non-residential uses, rear yards shall be at least ten (10) feet. The*

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*depth of the rear yard shall be increased five (5) feet for each ten (10) feet or portion thereof by which the building exceeds forty (40) feet in height.*

- K. *Required yards for a building of a height that exceeds 60 feet. Yards shall be provided along all street frontages and lot lines, the depth of which shall be not less than twenty (20) feet for the first sixty (60) feet of building height, facing thereon, with an increased setback of one (1) foot for each three (3) feet of height above sixty (60) feet.*
- L. *Off-street and on-street parking for non-residential uses.*
- (1) *All non-residential uses shall provide off-street parking in conformance with §319 of this ordinance. All parking areas or parking structures shall have sufficient self-contained drainage, adequate means of ingress and egress, suitable paving and adequate levels of lighting. The required parking spaces may be provided in a parking facility located in the same building or in a free-standing structure on the same lot or premises as the permitted use(s) on a lot or within three hundred (300) feet of the perimeter of the lot upon which the permitted use(s) is located.*
  - (2) *When off-street parking for a permitted use(s) is provided in the same building as the use(s), or a free standing parking structure on the same lot or within 300 feet of the premises of said use(s), a maximum of one (1) level of parking may be located in a basement one (1) level below the ground story of the building or parking structure.*
  - (3) *The application for a Conceptual Master Plan for the MFM District shall require a Shared Parking Analysis to be prepared by a qualified professional. The Town Board shall consider the Shared Parking Analysis to determine the overall parking requirement for the uses proposed in the Conceptual Master Plan.*
  - (4) *Freestanding, non-residential parking structures and structured ground-floor parking provided in the same building(s) as a permitted non-residential use(s) with frontage on new 120-foot right-of-way within the district shall locate retail or service uses along the ground floor street frontages of the building. The primary pedestrian entrances and display windows for such uses shall be located on the ground floor along the public street.*
  - (5) *On-street parking along the street frontages of lots or premises used for non-residential purposes on all new rights-of-way within the district shall be permitted. On-street parking along street frontages shall count towards the off-street parking requirements of the permitted uses located on such lots or premises.*



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- (6) *For all non-residential uses, no surface parking area shall be located closer than fifteen (15) feet to any property line. The open area abutting any property line shall be suitably landscaped to screen views of the parking area from streets and adjacent properties.*
- M. *Off-street loading zone/space/berth for non-residential uses. Off-street loading shall be provided in the amount of one (1) truck space for the first forty thousand (40,000) square feet of space in a building or attached group of buildings, plus one (1) additional space for the next eighty thousand (80,000) square feet or major part thereof, plus one (1) space for each additional two hundred thousand (200,000) square feet or major part thereof. Each truck space shall be at least twelve (12) feet in width and thirty (30) feet in length.*
- N. *Requirements for residential uses.*
- (1) *Notwithstanding any other provisions of this Article, no more than five-hundred (500) dwelling units may be located within the MFM District.*
- (2) *At least 20% of the total number of dwelling units in a MFM project shall be Affordable and/or Next Generation/Workforce housing units as defined in this article.*
- (3) *Building area shall not exceed thirty-five percent (35%) of the lot area.*
- (4) *No building used only for residential purposes shall be greater in height than three (3) stories and shall not exceed a maximum height of 40 feet.*
- (5) *All accessory buildings, structures and uses shall conform to §105 of this Ordinance.*
- (6) *Front yards shall be a minimum of 25 feet. In the case of a corner lot, a front yard shall be required on each street.*
- (7) *Rear yards shall be a minimum of 25 feet.*
- (8) *Side yards. There shall be a minimum twenty (20)-foot side yard on each side of the building, except where there are two (2) or more buildings on a lot. In such a case, the minimum side yard requirement of twenty (20) feet shall apply only along the side lot lines of the entire lot.*
- (9) *Permitted residential uses shall provide surface parking or parking garage facilities adequate to accommodate four (4) automobiles for each three dwelling units. Such garage facilities shall not include space for more than eight (8) cars in each accessory building.*

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- (10) *In addition to the parkland required by § 146.1.O(2) hereof, for buildings containing only dwelling units, no dwelling shall be erected or maintained unless the lot on which it is erected shall have an area of usable open space of at least one thousand (1,000) square feet for each family accommodated or intended to be accommodated. For mixed use (i.e., residential and non-residential buildings), the required area of usable open space shall be five hundred (500) square feet for each family accommodated or intended to be accommodated.*
- (11) *Gated residential communities are prohibited.*
- (12) *Notwithstanding any other provisions of this Article, townhouse and multiple-family dwellings and the lot or premises on which they are erected shall comply with the provisions of Article IX of this Ordinance.*

**O. *Supplementary regulations.***

- (1) *Fences and walls. No fence or wall more than six (6) feet in height may be erected without a permit and except when authorized by the Board of Appeals pursuant to Article XXVII hereof.*
- (2) *Establishment of public open space. At least 3% of the total land area of the MFM District, exclusive of land set aside for public rights-of-way, shall be set aside as public parkland. Open space required by § 146.1.N(10) hereof, or created by required building setbacks, stormwater retention and detention ponds, parking areas and driveways shall not be counted toward the required parkland.*
- (3) *Establishment of public rights-of-way.*
  - a. *A 120-foot wide north/south right-of-way shall be created to connect Glenn Curtiss Boulevard to Charles Lindbergh Boulevard.*
  - b. *A 120-foot wide east/west right-of-way shall be created to connect Earl Ovington Boulevard to James Doolittle Boulevard.*
  - c. *An 80-foot wide east/west right-of-way shall be created to connect the Glenn Curtiss Boulevard/Charles Lindbergh Boulevard connecting right-of-way to Earl Ovington Boulevard.*
  - d. *An 80-foot wide north/south right-of-way shall be created to connect Hempstead Turnpike with the east/west right-of-way connecting Earl Ovington Boulevard with the Glenn Curtiss Boulevard/Charles Lindbergh Boulevard connecting right-of-way.*

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- (5) *Complete streets. Public rights-of-way shall be developed according to the following criteria and shall conform to the requirements of the Town of Hempstead Highway Department:*
- a. *Rights-of-way that are 120 feet wide shall include the following elements.*
1. *Four (4) vehicular travel lanes (two in each direction).*
  2. *A planted median along the centerline of the street, dividing opposing travel lanes. All medians shall contain plantings consisting of shrubs and herbaceous plants no higher than 30 inches at maturity and shade trees located forty (40) feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven (7) feet from the ground to maintain visibility for motorists and pedestrians.*
  3. *A bicycle lane located between the travel lane and the on-street parking lane. The bicycle lane shall be clearly demarcated on the street pavement and by signage to alert motorists and pedestrians.*
  4. *An on-street parking lane located between the bicycle lane and the face of the curb.*
  5. *A planted landscape strip located between the curb and the pedestrian walkway on both sides of the street to serve as a buffer between pedestrians and the street. The strip shall contain a grass lawn, shrub plantings where appropriate, and shade trees located forty (40) feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven (7) feet from the ground.*
  6. *Pedestrian walkways at ground level on both sides of the street located between the planted landscape strip and the front property lines of lots adjacent to the right-of-way.*
  7. *Where public transportation such as a bus route is present, a transportation lane and sheltered transit stops.*
  8. *Pedestrian crossings at all street intersections. Where the distance between street intersections is greater than 1,300 feet, a mid-block crossing shall be provided.*

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- b. *Rights-of-way less than 120 feet wide shall include the following elements.*
  1. *At least two (2) vehicular travel lanes (one in each direction).*
  2. *A planted landscape strip located between the pedestrian pathway and the curb to serve as a buffer between pedestrians and the vehicular travel lanes. The strip shall contain grass, shrubs or other plantings as appropriate, and shade trees located forty (40) feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven (7) feet from the ground to maintain visibility for motorists and pedestrians.*
  3. *Pedestrian walkways at ground level on both sides of the street located between the planted landscape strip and the front property lines of lots adjacent to the right-of-way.*
  4. *Pedestrian crossings at all street intersections. Where the distance between street intersections is greater than 1,000 feet, a mid-block crossing shall be provided.*
- (5) *Green site and building requirements. All development proposals shall include sustainable site and building practices regarding design, construction methods, and post-construction operation and maintenance of a proposed project to quantifiably decrease anticipated energy demand, water use, generation of solid and liquid waste, stormwater run-off, and the use of private cars, and to preserve and protect the natural resources, air quality and water supply of the Town of Hempstead. Such measures shall be part of the application for Conceptual Master Plan approval and all proposed site and building plans.*
- (6) *Design guidelines. All development proposals shall include detailed plans as part of the application for Conceptual Master Plan approval for architectural, streetscape and landscape design to ensure an efficient development of uses that is architecturally and visually appealing. The guidelines included in this Article are intended to encourage master plan elements that provide appropriate location, arrangement and design of buildings, parking areas and parking structures, and open space and site amenities to promote quality site, building and landscape design and to integrate the architecture, landscape architecture and streetscape of the MFM District.*
  - a. *Building design. In general, building design shall consider building*

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*façade elements and significant design features, such as color, exterior materials and treatments, roof structure, aesthetic treatment of exposed mechanical equipment, lighting, and service and storage areas. Building materials and methods of construction shall be used in a creative manner to ensure aesthetically pleasing architectural design. The following basic standards shall apply to all new or renovated buildings and lots within the MFM District and as the foundation for the project-specific design guidelines required as part of a Conceptual Master Plan for development within the District.*

- 1. Development of building plans and site plans that include open space, commons, or small pedestrian plazas with amenities such as benches or other seating, water features, night lighting, public art, bicycle parking and landscape plantings.*
- 2. Design parking lots, parking structures, access driveways, and pedestrian walkways to avoid or minimize the potential for pedestrian/ vehicle conflicts and provide a safe and amenable pedestrian environment.*
- 3. Installation of a safe, continuous, pedestrian walkway system within a lot or premises. The walkway system must connect building entrances to one another, to parking areas, and to public streets, sidewalks and open space.*
- 4. Artful treatment of building facades and exterior walls to provide appropriate street level scale and architectural interest through the aesthetic use of setbacks, surface textures, fenestration, pedestrian entrances, lighting, and other building features such as porticos, balconies, bay windows, canopies, dormers, and columns.*
  - [a] Facades should be articulated to reduce the scale and uniform appearances of exterior building walls and provide visual interest that is consistent with the surrounding community character and scale.*
  - [b] Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian.*
  - [c] Ground-floor facades that face public streets or publically assessable open space should include a*

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*combination of setbacks, arcades, display windows, entry areas, canopies, awnings or other such features to promote a visually interesting pedestrian environment.*

[1] *Buildings adjacent to or within 50 feet of a public street should include at least one public entrance that is clearly visible and directly accessible from the street.*

[2] *At least 25% of the first floor building facades of residential uses should be composed of transparent windows and/or entrances.*

[3] *At least 50% of the first floor building facades of non-residential uses should be composed of transparent windows and/or entrances.*

[4] *Blank building facades or exterior building walls should not exceed 50 feet in length.*

[d] *Building facades and treatments should be varied throughout the district to provide an eclectic neighborhood aesthetic.*

5. *Artful treatment of building roofs to provide neighborhood level scale and architectural interest.*

[a] *Variations in roof lines should be used to add interest to the buildings.*

[b] *Roofs should have at least one of the following features:*

[1] *Parapets concealing flat roofs and rooftop equipment such as heating, ventilating and air-conditioning (HVAC) units from public view. Such parapets should feature three-dimensional cornice treatments.*

[2] *Overhanging eaves, extending past the supporting walls.*

[3] *Sloping roofs that do not exceed the average*

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*height of the supporting walls.*

6. *Building materials and colors that are appropriate to the building style, and are aesthetically pleasing and compatible with those of the surrounding communities.*
  - [a] *Facade and exterior wall building materials should be high-quality materials such as brick, wood siding, glass, natural or synthetic stone, tinted, textured, decorative concrete masonry, or other materials that are complementary or sympathetic to the community aesthetic.*
  - [b] *Facade colors should be varied and complementary to the community aesthetic.*
7. *Building facades and setbacks appropriately enhanced by well designed landscape plantings, or otherwise appropriately treated to address the orientation of the buildings.*
8. *Use and location of small green spaces, courtyards, squares, plazas, and similar spaces that also function as community gathering places to provide transitions between lots or premises and ensure compatibility with other uses.*
9. *Parking structures. In general, the design of free-standing parking structures, and first floor and above portions of buildings used for other purposes that are devoted to parking, should include all the building design standards required herein and the following additional basic standards:*
  - [a] *Locate where visibility of the structure from first floor and street level areas of activity is reduced.*
  - [b] *Include retail or service uses on the first floor along street and open space frontages.*
  - [c] *Pedestrian and vehicular access points should be articulated to add visual interest.*
  - [d] *Should include architectural elements that enhance the structure, break up its mass and complement the building(s) the structure serves.*

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[e] *Should be designed to screen the visibility of vehicle headlights from outside the structure.*

[f] *Provide bicycle parking facilities commensurate with anticipated demand near entrances.*

b. *Landscape design. In general, landscape design shall consider the elements and significant design features of open space and a site, including the pedestrian and vehicular circulation systems, vehicle and bicycle parking areas, paving, vegetation, water features, irrigation systems, recreation and play equipment, transit-stop shelters, freestanding and retaining walls, fences, exterior stairs and ramps, site furnishings, public art, signage, and site lighting, such as color, texture, scale, placement, materials and treatments, efficiency, aesthetic integration of features, screening, buffers, and treatment of exposed mechanical equipment and service and storage areas. Building materials and methods of construction shall be used in a creative manner to ensure aesthetically pleasing site and landscape architectural design. The following basic standards shall apply to all new or renovated lots and premises within the MFM District and as the foundation for the project-specific design guidelines required as part of a Conceptual Master Plan for development within the district.*

1. *Development of site plans that includes open space, commons, or small pedestrian plazas with amenities.*

2. *Design of parking lots, access driveways, and pedestrian walkways to avoid or minimize the potential for pedestrian/vehicle conflicts and provide a safe and amenable pedestrian environment.*

3. *Installation of a safe, continuous, pedestrian walkway system throughout the MFM District. The walkway system should connect buildings and premises to one another, to parking areas and structures, and to public streets, sidewalks and open space.*

[a] *Provide pedestrian connections between the MFM District and uses within the surrounding communities.*

[b] *Facilitate access and mobility for persons of all ages and physical abilities.*

[c] *Connect uses to public transportation stops within the*



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*district and those within adjacent surrounding communities.*

4. *Building materials and colors that compliment building styles, and are aesthetically pleasing and compatible with those of the surrounding communities.*

*[a] Building materials should be high-quality materials such as brick, wood, glass, metal, natural or synthetic stone, tinted, textured, decorative concrete masonry, or other materials that are complementary or sympathetic to the community aesthetic.*

*[b] Colors should be varied and complementary to the community aesthetic.*

5. *Street, open space and premises planting plans that are artfully designed to provide visual and physical amenity for the MFM District and the surrounding communities.*

*[a] Provide a spatial and visual transition between the MFM District and surrounding uses.*

*[b] Define outdoor spaces and activity areas, highlight the changing seasons, provide color and interest throughout the year, provide shade, shelter and a street level buffer between large buildings and pedestrians, and contribute to the spatial and visual unity of individual premises and the district.*

*[c] Provide interesting, supportive environments for passive and active recreational activities.*

*[d] Provide trees and other plantings to shade and screen views of surface parking areas.*

*[e] Respond to the unique characteristics of a location, regarding sun and shade, soil, climate, wind, slope, water availability, views, and user activities.*

*[f] Select high-quality, well-grown, deciduous and evergreen trees shrubs, vines and ground covers that are complementary or sympathetic to the aesthetic of buildings and uses, the district and the surrounding*

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*communities.*

*[f] Select, locate and install plants to facilitate the establishment, growth, health and continued maintenance of all newly installed and existing vegetation.*

*[h] Reduce stormwater run off by increasing local infiltration.*

*[i] Provide local microclimate mitigation.*

6. *Use and location of small green spaces, courtyards, squares, plazas, and similar spaces that also function as community gathering places to provide transitions between lots or premises and ensure compatibility with other uses in the district and the surrounding community.*

7. *Selection of street and open space furnishings, lighting and signage that are part of a designed system of elements that create a district wide identity and individual identities for parks, open spaces, plazas, courtyards and squares that are public or part of individual premises or lots. Furnishings include drinking fountains, light standards, litter receptacles, benches, bollards, kiosks, small pavilions, informational and directional graphics, public telephones, moveable planters, tree grates, tree guards, public art and similar items.*

T. *Application procedure.*

(1) *Any application made pursuant to the provisions of this section shall originate by an application to the Town Board. Such application shall include a Conceptual Master Plan for the MFM District.*

(2) *In the event that the Town Board approves said application, it may attach certain conditions to said approval, which conditions shall become an integral part thereof. The Town Board, may, by resolution, dispense in part with conformity with the provisions applicable to the Mitchel Field Mixed Use District, and may impose safeguards and conditions as it may deem appropriate, necessary or desirable to promote the spirit and objectives of this section, including but not limited to restrictive covenants pertaining to any area within the district that is the subject of an application, including the site plan submitted on behalf of the application, together with other agreements, if any, in recordable form and running with the land.*

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*New Definitions*

*AFFORDABLE HOUSING UNIT – A dwelling unit which is restricted as to sale or rent to remain affordable to a household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 80% of the Nassau County median annual income for its household size (based on the US Census and as updated by the Department of Housing and Urban Development (HUD), by generally not exceeding 30% of the aggregate gross income of the household. Said housing unit must be the primary residence of the household and shall not be sublet without the consent of the Town Board or its designee. In addition, the net assets of the household at the time prior to purchase or lease may not exceed 50% of the purchase price of the unit, except where such households rely, due to age or disability, on the assets in lieu of income.*

*ARCADE – A covered, but not enclosed, pedestrian passageway located on the ground level of a building and attached to the building.*

*ARENA – A building used for the presentation of sporting contests, performances and similar events.*

*COMPLETE STREETS – Streets that are designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and abilities can safely move along and across a complete street. Elements found on a complete street include sidewalks, bike lanes (or wide paved shoulders), special public transit lanes, comfortable and accessible transit stops, frequent street crossing opportunities, median islands, curbside planting strips, accessible pedestrian signals and curb extensions.*

*CONCEPTUAL MASTER PLAN – A design for the MFM District that includes and defines, but is not limited to, building and land use size and placement, roads and streets, parking and open space.*

*DWELLING UNIT – A residence occupied by one family.*

*NEXT GENERATION/WORKFORCE HOUSING UNIT – A dwelling unit which is restricted as to sale or rent to remain affordable to a household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 120% of the Nassau County median annual income for its household size (based on the US Census and as updated by the Department of Housing and Urban Development (HUD), by generally not exceeding 30% of the aggregate gross income of the household. Said housing unit must be the primary residence of the household and shall not be sublet without the consent of the Town Board or its designee. In addition, the net assets of the*

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*household at the time prior to purchase or lease may not exceed 50% of the purchase price of the unit, except where such households rely, due to age or disability, on the assets in lieu of income.*

*NURSING HOME – A facility which provides skilled or acute nursing care to sick, invalid, infirm, disabled or convalescent persons in addition to lodging, board, physical care or other health-related services, or any combination of the foregoing, and in addition thereto may provide nursing care and health-related services or either of them to persons who are not occupants of the facility. Nothing herein shall be construed as authorizing construction of any building or structure, or conduct of any use, for which approval by any agency of the State of New York is required by law, unless and until a valid letter of intent or necessity therefrom shall be issued and a copy received by the Department of Buildings.*

*PEDESTRIAN PLAZA – A walk or area for the use of pedestrians erected below, at, or above grade, but not exceeding thirty-five (35) feet in height over grade. “Pedestrian plazas” shall be deemed open space and shall not be deemed buildings or structures. Space beneath a “pedestrian plaza” may be used for any use otherwise permitted in this Article.*

*RESEARCH AND DEVELOPMENT FACILITY – Operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and which are not engaged in the manufacture of products for commercial sale.*

*SENIOR CITIZEN CONGREGATE CARE FACILITY – A facility which provides lodging, board, physical care or assisted-living services to elderly persons 65 years or older, including, but not limited to, the recording of health information, dietary services, and supervision and/or assistance with various daily activities such as cooking, cleaning, housekeeping, laundry, transportation, recreation and other activities designed to help maintain an independent lifestyle. Nothing herein shall be construed as authorizing construction of any building or structure, or conduct of any use, for which approval by any agency of the State of New York is required by law, unless and until a valid letter of intent or necessity therefrom shall be issued and a copy received by the Department of Buildings.*

*SHARED PARKING ANALYSIS – A study conducted to determine the total number of parking spaces required by all non-residential uses in a mixed-use development to adequately serve estimated parking demands, taking into consideration that it may be possible to allocate a single parking space to more than one use because of different parking demands among the various uses during difficult times of the day.”*

\* \* \*

In order to compare the Lighthouse Proposed Action, which proposes Building Zone Ordinance amendments in the form of a new Mitchel Field PDD and a Comprehensive Master Plan based on the proposed PDD regulations to the MFM District Alternative, and to identify and analyze the potential

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impacts of the alternative district, a set of uses and potential floor area build outs for each use, based on the proposed MFM regulations was developed to create a “worst case” test scenario for review. While the test data set is not, in any way, a Comprehensive Master Plan for the MFM District, it was used in analyses to identify and gauge potential impacts and mitigation measures for the District that may be compared and contrasted with those of the Lighthouse PDD and Comprehensive Master Plan, as presented in the June 2009 DGEIS and the FGEIS.

It should be noted that the regulations and requirements of the MFM District Alternative were designed to generally eliminate or reduce potential significant impacts related to the Lighthouse Proposed Action to the extent they may be feasibly and reasonably mitigated. The most important features of the MFM District and the regulations are the reduced size of the new district, its’ reduced density and building heights, the restriction of a maximum of 500 residential units, and the required public rights-of-way within the district with specified connections to major roadways surrounding the district.

**FINDINGS AND MITIGATION MEASURES**

The findings are organized by each of the areas of potential environmental impact that development of the Lighthouse Proposed Action and the MFM District Alternative may create that were discussed and analyzed in the DGEIS and the FGEIS.

Upon due consideration and among the reasonable alternatives available, the Town Board determined that the following represents a statement of (a) its findings, and (b) the mitigation measures to be incorporated into the decision to ensure that potential significant adverse environmental impacts related to the Lighthouse Proposed Action will be avoided or minimized to the maximum extent practicable:

**1. Geology, Subsurface Conditions, Soils and Topography**

The descriptions of the geology, subsurface conditions, soils and topography of Parcel A of the Lighthouse Proposed Action, which is the land area proposed to be included in the lower-density MFM District Alternative, as provided in the Lighthouse Proposed Action DGEIS and FGEIS, are also applicable to the Mitchel Field Mixed-Use (MFM) Lower Density District Alternative.

The Lighthouse Proposed Action would disturb a total of 150 acres of land, and on Parcel A, the soil would be disturbed on most of the parcel. In certain areas of the parcel, soil would be disturbed to a depth of at least 30 feet below existing grade to create two levels of sub-surface parking and basement space.

The limitation of the size of the MFM District to the already-developed Nassau Coliseum and Marriott Hotel properties (Parcel A of the Proposed Action) would reduce the potential land area to be disturbed by construction from approximately 150 acres to 91.2 acres. In addition, the limitation

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in the MFM District regulations to only one level of parking below grade would reduce the depth of the disturbance in the district, further reducing the amount of soil that would be disturbed or would require removal from the site.

The descriptions of the Phase I and II Environmental Site Assessments (ESA) for Parcel A, as provided in the Lighthouse Proposed Action DGEIS and FGEIS, are also applicable to the MFM District Alternative, which encompasses only Parcel A of the Proposed Action. The Lighthouse DGEIS presented data for existing sub-surface conditions based on several ESA reports and provides procedures and best practices to address concerns regarding known sub-surface contaminants and unknown contaminants located in areas of the Lighthouse Site that were not tested.

The same or similar procedures and best practices to mitigate disturbance of known sub-surface contaminants and unknown contaminants located in areas of the Site that were not tested would be appropriate and applicable to development in the MFM District Alternative. When a Comprehensive Master Plan for development in the MFM District is submitted for approval, it will be reviewed. At that time, based on the specific plan presented, plan-specific mitigation measures for hazardous materials appropriate to the plan will be required.

The regulations and requirements of the MFM District Alternative were designed to generally eliminate or reduce potential significant impacts related to the Lighthouse Proposed Action to the extent they may be feasibly and reasonably mitigated. The important features of the MFM District regulations that would limit impacts related to soil are the reduced size and density of the new district, and the limitation of one basement level below grade, which would reduce impacts regarding soils as compared to the Lighthouse Proposed Action.

## **2. Water Resources**

The Lighthouse Proposed Action includes 2,306 residential units, which typically have high water demand, on approximately 150 acres of high-density development. The proposed Planned Development District (PDD) zoning for the Lighthouse Proposed Action does not include standards for water conservation, although information in the FGEIS indicates that the Comprehensive Master Plan does in so far as it proposes water conserving plumbing fixtures and using non-potable water for irrigation and HVAC needs.

The following table supplied by the Applicant details the estimated water use of the Lighthouse Proposed Action:

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Table C189-A: Proposed Water Design Flows within Project Area: Revised 07-31-09

PROPOSED USES	AREA		WATER	
RETAIL – RESTAURANT	82,000 SF	3,280 SEATS	38 GPD/SEAT**	124,640 GPD
RETAIL – GENERAL	353,000 SF		0.02 GPD/SF**	7,060 GPD
CINEMA	65,000 SF	2,600 SEATS	3 GPD/SEAT*	7,800 GPD
NEW OFFICE	1,057,500 SF		0.06 GPD/SF**	63,450 GPD
EXISTING REXCORP OFFICE	1,097,614 SF		0.06 GPD/SF**	65,857 GPD
EXISTING OMNI OFFICE	538,640 SF		0.06 GPD/SF**	32,318 GPD
CONVENTION FACILITIES – NEW	60,000 SF	2,400 OCC	7.5 GPD/OCC*	18,000 GPD
CONVENTION FACILITIES - MARRIOTT (NEW)	29,400 SF	1,176 OCC	7.5 GPD/OCC*	8,820 GPD
BANQUET/BALLROOM – NEW	30,500 SF	1,017 SEATS	7.5 GPD/OCC*	7,628 GPD
BANQUET/BALLROOM – MARRIOTT	30,800 SF	1,027 SEATS	7.5 GPD/OCC*	7,703 GPD
LUXURY HOTEL	SF	300 ROOMS	272 GPD/ROOM**	81,600 GPD
LUXURY HOTEL RESTAURANT/LOUNGE	SF	700 SEATS	38 GPD/SEAT**	26,600 GPD
MARRIOTT HOTEL	SF	617 ROOMS	272 GPD/ROOM**	167,824 GPD
MARRIOTT RESTAURANT	SF	316 SEATS	38 GPD/SEAT**	12,008 GPD
FITNESS & RECREATION – ACTIVE	211,000 SF	1,750 OCC	0.30 GPD/SF*	63,300 GPD
F&R - ADD'L OCCUPANTS	124,500 SF	1750 OCC	0.1 GPD/SF*	12,450 GPD
COLISEUM – ARENA	650,000 SF	20,000 SEATS	1.71 GPD/OCC***	34,200 GPD
COLISEUM – RETAIL	60,000 SF		0.02 GPD/SF**	1,200 GPD

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COLISEUM - RESTAURANT	10,000 SF	400 SEATS	38 GPD/SEAT**	15,200 GPD
COLISEUM - MTG/BANQUET	54,000 SF	1,800 SEATS	7.5 GPD/OCC*	13,500 GPD
1 BDRM RES	800 - 1,800 SF	426 UNITS	225 GPD/UNIT*	95,850 GPD
2 BDRM RES	1,000 - 2,200 SF	1,362 UNITS	300 GPD/UNIT*	408,600 GPD
3 BDRM RES	1,200 - 2,600 SF	518 UNITS	300 GPD/UNIT*	155,400 GPD
<b>GROSS DOMESTIC WATER DEMAND:</b>				<b>1,431,007 GPD</b>

Notes:

\* Water volume is calculated based on rates as described in the Suffolk County DPW Manual for On-Site Sewage.

\*\* Unit water consumption rate provided by the Town of Hempstead Water Department ("TOHWD").

\*\*\* No rate described in DPW Manual, actual consumption rate is provided.

Based on the information provided by the Applicant in the DGEIS and the FGEIS, it cannot be determined if the water supply in the Town is sufficient to meet the needs of the Lighthouse Proposed Action. According to the DGEIS/FGEIS, the domestic water demand for the Proposed Action is estimated to be over 1.4 million gallons per day. The Applicant proposes to draw water from the Uniondale Water District (UWD) that is currently operating under a theoretical deficit for meeting "maximum-day plus fire-flow" demand.

Presently, the UWD has a current actual supply-well capacity of 9.88 mgd and a storage capacity of 1.25 mg for a total of 11.13 mgd (based on applying available storage in a 24-hour time period). The historical peak maximum-day recorded for the UWD was 11.3 mgd during 1999. Adding a maximum fire-flow value of 1.20 mgd, and 1.337 mgd for the Lighthouse Proposed Action yields a maximum-day plus fire-flow demand of 13.85 mgd, which would increase the theoretical deficit to 2.72 mgd.

The Proposed Action includes development of a new 1.98 mgd supply well to increase the available maximum capacity to 13.11 mgd. The analysis provided by the Applicant in the DGEIS/FGEIS states that the expected increase in capacity would reduce the theoretical deficit. However, the proposed well 8A drilling site was selected by the Applicant without pump tests of the well, a Phase I ESA report, or a Phase II Soil and Groundwater Report. Therefore, the suitability of the proposed well or the well site cannot be determined at this time.

Based on information provided for nearby wells sampled in the past, the Proposed Action includes treatment for the water drawn from the new well to deal with expected contamination from Volatile Organic Compounds or any other contaminants discovered. However, at this time lacking a Phase I



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ESA report, or a Phase II Soil and Groundwater Report, it is probable not all contaminants have been identified. Therefore, it cannot be determined at this time if suitable treatment is available. In addition, based on the data supplied in the DGEIS/FGEIS, it was not demonstrated, nor can it be verified that water pressure from the new water source will meet the standards required by the Uniondale fire department, or that pumping of the magnitude proposed will have no effect on salt water intrusion or in-stream flow of the Meadow Brook.

Mitigation proposed by the Lighthouse Proposed Action includes using non-potable water for irrigation and HVAC needs, and meeting LEED interior water standards. According to information supplied by the Applicant, these mitigation measures would save 221,790 gpd and 108,343 gpd, respectively. However, the impact of drawing water from the shallow Upper Glacial aquifer non-potable well on surface water resources, such as the Meadow Brook cannot be determined or verified by information provided by the Applicant in the DGEIS or the FGEIS.

DGEIS/FGEIS states that water consumption would be reduced to 25-70 percent below the baseline prior to the promulgation of the 1984 revised NYS Plumbing Code. The proposed reduction claimed in the DGEIS/FGEIS for meeting LEED standards is ambiguous because the baseline used for LEED is different from that of the Proposed Action. The LEED baseline is the requirements of the Energy Policy Act of 1992, and subsequent rulings by the Department of Energy, the requirements of the Energy Policy Act of 2005, and the fixture performance standards in the 2006 editions of the Uniform Plumbing Code or International Plumbing Code as to fixture performance. In order to meet LEED standards, water usage in new buildings and buildings undergoing major renovations as part of the Lighthouse Proposed Action must be an average of 20% less than in baseline buildings. Therefore, the method used in the DGEIS/FGEIS to calculate the water-use volume reductions referenced therein cannot be verified.

The extremely high density, size, and large number of residential units of the Lighthouse Proposed Action would create potential significant environmental impacts to the public water supply of the Town, and the feasibility and adequacy of mitigation measures proposed as part of the Lighthouse Proposed Action are not verifiable or supported by the data provided in the DGEIS or the FGEIS.

A water supply analysis was conducted for the Potential Development Scenario in the MFM District Alternative. Using the test development scenario, a reduction of water design flows in the MFM District Alternative of approximately 382,485 gallons per day to an estimated 0.728 mgd is realized from the 1.11 mgd net use in the Lighthouse Proposed Action. Although it is likely a new well will be needed to meet the water demand of development in the MFM District, water demand in the MFM District would be substantially reduced from that of the Lighthouse Proposed Action based on the parameters and regulations of the district.

Firstly, the size of the MFM District Alternative is 91.2 acres as compared to the Lighthouse Proposed Action Site of approximately 150 acres, which would limit the total area of higher-density development. Secondly, based on the proposed FAR of 1.6 of the MFM District, the total allowable development in the MFM District would be 5.4 million square feet, which is a significant reduction from the 10.3 million square feet of development proposed by the Lighthouse Proposed Action.

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Finally, the maximum number of residential units, which typically have high water demand, allowable in the MFM District would be 500 units compared to the 2,306 units in the Comprehensive Master Plan for the Proposed Action. All of these factors would contribute to a water demand in the MFM District that is significantly less than that of the Lighthouse Proposed Action before mitigation is included in a development plan.

The following table provided by the Town of Hempstead Water Department details the estimated water use of potential development in the MFM District Alternative:

**Table C189-C: Proposed Water Design Flows within Project Area: Revised 1/18/11  
 Based on Potential Development Scenario in the MFM District**

PROPOSED USES	AREA		WATER	
RETAIL – RESTAURANT	90,500 SF		38 GPD/SEAT**	137,560 GPD
RETAIL – GENERAL	275,000 SF		0.02 GPD/SF**	5,500 GPD
CINEMA		2,012 SEATS	3 GPD/SEAT*	6,036 GPD
NEW OFFICE	150,000 SF		0.06 GPD/SF**	9,000 GPD
EXISTING REXCORP OFFICE	1,097,614 SF		0.06 GPD/SF**	65,857 GPD
EXISTING OMNI OFFICE	538,640 SF		0.06 GPD/SF**	32,318 GPD
CONVENTION FACILITIES – NEW	207,000 SF		7.5 GPD/OCC*	62,100 GPD
BANQUET/BALLROOM – MARRIOTT	30800 SF	1027	7.5 GPD/OCC	7,703 GPD
HOTEL	SF	1353 ROOMS	272 GPD/ROOM**	368,016 GPD
MARRIOTT HOTEL	SF	617 ROOMS	272 GPD/ROOM**	167,824 GPD
MARRIOTT RESTAURANT	SF	316 SEATS	38 GPD/SEAT**	12,008 GPD
COLISEUM – ARENA	650,000 SF	20,000 SEATS	1.71 GPD/OCC***	34,200 GPD
RESIDENTIAL	1,000 - 2,200 SF	468 UNITS	300 GPD/UNIT*	140,400 GPD
<b>GROSS DOMESTIC WATER DEMAND:</b>				<b>1,048,522 GPD</b>

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The reduced overall density, 500-unit residential maximum, and smaller size of the MFM District would reduce water demand and impacts to the water supply compared to the Lighthouse Proposed Action. In addition, the MFM District regulations include sustainable design guidelines that would require mitigation measures and practices to quantifiably decrease water use, liquid waste production and stormwater runoff in the district. These measures would be required as part of an application for Conceptual Master Plan approval for development in the district, and for all proposed site and building plans submitted for site plan approval in accordance with an approved Master Plan.

The reduced density, size and number of residential units allowable in the MFM District Alternative will minimize impacts to the Town water supply by significantly reducing water demand as compared to that of the Lighthouse Proposed Action, without additional mitigation. And, the MFM District regulations include sustainable design guidelines that would mitigate the smaller increase in water demand of the MFM District by requiring measures and practices to quantifiably decrease water use, liquid waste production and stormwater runoff in the district.

### **3. Stormwater Management**

The descriptions of erosion and sediment control and stormwater management activities, as provided in the Lighthouse Proposed Action DGEIS and FGEIS are also applicable to the Mitchel Field Mixed-Use (MFM) District Alternative.

The DGEIS/FGEIS for the Lighthouse Proposed Action includes general stormwater management information as well as expected controls, inspection and maintenance activities for development proposed. Further, the Lighthouse DGEIS/FGEIS states that stormwater management plans would be prepared in accordance with NYSDEC GP-0-08-001 (stormwater general permit). The same standards, procedures and regulations would be applicable to a Comprehensive Master Plan and site plans submitted for approval of development in the lower-density MFM District.

The MFM District Alternative FAR of 1.6 would result in significantly less development and impervious surface coverage within a smaller district (Proposed Action Parcel A) than that of the Lighthouse Proposed Action. The MFM District would not include additional development of the already developed Omni (Proposed Action Parcel B) and RXR Plaza (Proposed Action Parcel C) properties, or the vacant RXR Plaza property (Proposed Action Parcel D), as these properties, already built at or above current zoning limits, would not be rezoned into the higher-density MFM District. Therefore, it is expected that significantly less stormwater run-off would be produced by development within the MFM District before mitigation measures are included in a development plan as compared to the Lighthouse Proposed Action.

Upon approval of a Comprehensive Master Plan for development in the MFM District SWPPP plans would be completed, and all necessary approvals (NYSDEC, NCDPW, NYSDOT, etc.) would be required to be obtained by an applicant for site plan approval.

The type of development allowable in the MFM District would be similar to that of the Lighthouse

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Proposed Action; therefore, it is expected that stormwater management measures similar to those outlined in the Lighthouse Proposed Action would be sufficient to mitigate stormwater impacts in the MFM District. Furthermore, the MFM District regulations include sustainable design guidelines that would further reduce the smaller increase in stormwater run-off in the MFM District by requiring measures and practices to quantifiably decrease water use, liquid waste production, and stormwater runoff in the district, making the impacts to stormwater run-off from development in the MFM District less significant than those of the Lighthouse Proposed Action.

#### **4. Ecological Resources**

The Lighthouse Proposed Action would encompass 8.15 acres of undeveloped land on the RXR West Parcel (Proposed Action Parcel D) impacting grassland habitat that could support existing wildlife populations, and is the remaining open land area that could potentially be restored to Hempstead Plains habitat. The habitat found on RXR West Parcel (see Figure 3.4-1 of the June 2009 DGEIS) is somewhat similar to the Hempstead Plains community described by Edinger et al. (2002) because it contains representative herbaceous vegetation, specifically wild indigo, dwarf cinquefoil, gray (rough) goldenrod, early goldenrod, and stiff-leaf aster according to information in the DGEIS.

Proposed mitigation for impacts to this grassland included in the Lighthouse Proposed Action is incorporating native grasses into the natural area adjacent to the East Meadow Brook corridor (approximately 1.03 acres existing buffer plus an additional 3.72 acres that is currently lawn area). While this would change some of the existing community from maintained lawn to native grasses, it would not replace the approximately 8.15 acres of native grassland. The "Roadside Matrix Upland Seed Mix," proposed as mitigation to seed the area adjacent to the Meadow Brook does not contain any of the unique Hempstead Plains species. The expanded natural area is not likely to attract rare wildlife due to its relatively small size compared to the habitat requirements of sensitive species discussed in the section of the DGEIS entitled Rare and Endangered Species/Unique Habitat Potential. Also, this small open area adjacent to the East Meadow Brook is sloped and shaded by buildings and trees. It is questionable if planting this area with grassland species would recreate the Hempstead Plains grassland, which requires full sun.

Additionally, the Lighthouse DGEIS proposes mitigation for impacts, such as minimal use of fertilizers, pesticides and herbicides in landscaped areas, no fertilizer use within natural areas, invasive plant control, and marking the limits of disturbance to avoid unnecessary impacts to natural vegetation. However, none of these measures can be considered mitigation for loss of grassland because they are a required part of the management strategy for the site to ensure its future sustainability.

It is the Applicant's opinion that the Lighthouse Proposed Action would establish a basis for integrated strategies to ensure that adjacent existing preserved areas are enhanced as a result of the proposed development. Strategies proposed include transplanting programs for native herbaceous plant species found on the RXR Plaza West Parcel to be relocated to the Hempstead Plains at Nassau Community College, or the Francis T. Purcell Preserve in coordination with Friends of Hempstead

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Plains and Nassau County Department of Parks and Recreation. Additionally, as per the Final Revised BAFO, the Applicant is committed to providing funding for programs intended to increase public awareness and enjoyment of the Hempstead Plains. However, the dollar amount for funding implementation of these strategies has not been determined. It is not clear how a one-time transplanting activity and an undetermined monetary donation would ensure the long term maintenance of such areas to ensure future viability of the Hempstead Plains located there.

Aside from the impact to rare grasslands, the Lighthouse Proposed Action would impact over 20 linear miles of wetland, wetland buffer and associated wildlife due to the proposed expansion of Meadowbrook Parkway required to mitigate the significant increased traffic created by development of the Lighthouse Comprehensive Master Plan. These wetlands may be regulated by the United States Army Corps of Engineers and the Town of Hempstead as well as the New York State Department of Environmental Conservation. A proposal to include wetland mitigation in the Lighthouse Proposed Action was not made, nor have areas been set aside for future mitigation. The Applicant is proposing the preparation of a wetland buffer management plan as mitigation for potential impacts; however, it cannot be determined from the information provided by the Applicant in the DGEIS or the FGEIS if the plan would be adequate mitigation for impacts to wetlands.

Additional impacts to the Meadow Brook may be expected as a result of the proposed water withdrawals from the Upper Glacial aquifer by the Lighthouse Proposed Action to meet the water demand of the project. It cannot be determined from information in the Lighthouse DGEIS, or FGEIS, if alteration of hydrology caused by development of the Lighthouse Proposed Action would adversely impact the flow of the Meadow Brook. There may be impacts to base stream flow from groundwater withdrawals for water supply, and alterations for required stormwater management measures.

It is likely that the Lighthouse Proposed Action would create significant adverse impacts to ecological resources of the Town, including loss of the last grassland habitat that could be restored to Hempstead Plains, and impacts to wetlands, wetland buffers and groundwater. Furthermore, the DGEIS and the FGEIS did not provide information and analysis that demonstrates the impacts would be mitigated by the measures proposed, or could be mitigated by any other measures.

In contrast, the Mitchel Field Mixed Use (MFM) District Alternative zoning regulations would reduce the density and the size of the mixed-use district, thereby minimizing impacts to ecological resources from development in the district. The number of acres that could be developed would be reduced from 150 acres in the Lighthouse Proposed Action to 91.2 acres in the MFM District Alternative (Parcel A of the Lighthouse proposal) that are already developed. In addition, the actual density of development (calculated using the current definition of floor area in the Hempstead BZO) would be reduced from an estimated actual FAR of 3.0 and 4.0 for the Lighthouse Proposed Action to an FAR of 1.6 under the MFM District Alternative. By limiting the size of the district to 91.2 acres of developed land, and decreasing the density of the site by almost fifty percent, the MFM District Alternative would reduce the impacts to wetlands, wetland buffer habitats, remaining grassland habitats and associated resident wildlife. It would also reduce the amount of water and energy



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resources needed to support development in the district, and limit the impacts from resultant infrastructure improvements, including road improvements.

The vacant RXR West parcel is not included in the MFM District; therefore impacts to this parcel, which contains areas with Hempstead Plains habitat would be avoided. According to the US Fish and Wildlife Service only 65 acres of the Hempstead Plains habitat remain on Long Island. These 65 acres are found on two areas directly adjacent to the Nassau Coliseum property. One is 19 acres (Hempstead Plains north) actively managed by The Nature Conservancy, and the other is 46 acres (Hempstead Plains south) managed by the Nassau County Department of Recreation and Parks. These areas represent the remaining 0.2% of the original extent of the Hempstead Plains grasslands. Avoiding removal of the grassland located on the RXR West parcel for development would eliminate impacts to a significant portion this rare ecological resource.

The MFM District Alternative would not require the extensive Meadowbrook Parkway improvements required by the Lighthouse Proposed Action for mitigation of traffic impacts, so impacts to wetlands and wetland buffers would be reduced to only those impacts resulting from limited interchange improvements on the Meadowbrook Parkway at Hempstead Turnpike. Based on the traffic study conducted by Frederick P. Clark Associates located in Appendix E of the FGEIS, the interchange improvements necessary for the mitigation of traffic impacts from development in the MFM District Alternative would be less extensive compared to those required by the Lighthouse Proposed Action, thereby reducing the amount of impervious surface coverage of on/off ramps in the wetland buffer. The areas that would not be disturbed could be restored as mitigation for the wetland buffer impacts.

Results of the micro-simulation for the Study Area key intersections shows that the traffic generated by the Study Scenario build out for the MFM District will not significantly impact the Study Area traffic operations. The reduced traffic volume and mitigation of the traffic impacts from development in the MFM District would reduce automobile emissions from what would be expected from the Lighthouse Proposed Action, reducing the impacts to air quality that would affect local ecological communities.

The MFM District Alternative regulations contain additional provisions to reduce the impacts to ecological resources by development in the district beyond what is proposed in the Proposed Action discussed above, including "green site and building requirements" which state that a Comprehensive Master Plan and site plans for specific projects demonstrate quantifiable decreases from standard practices regarding energy demand, water use, generation of solid and liquid waste, stormwater runoff, and the use of private cars to "preserve and protect the natural resources, air quality and water supply of the Town of Hempstead." Additionally, the MFM District Alternative requires that 3% of the developable land in the district be set aside for parkland that could potentially be restored Hempstead Plains grassland.

Implementation of the MFM District Alternative would eliminate or reduce impacts to local ecological resources to a greater degree than the Lighthouse Proposed Action without mitigation, and the district regulations require a Comprehensive Master Plan and site plans for specific projects that

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demonstrate quantifiable decreases from standard practices regarding energy demand, water use, generation of solid and liquid waste, stormwater run-off, and the use of private cars.

5. Land Use, Zoning and Community Character

*Land Use*

Both the Nassau County Comprehensive Plan and the Hub/MIS contain goals and objectives that are applicable to the Lighthouse Proposed Action. The applicable transportation and land use goals and objectives of the Hub/MIS are:

- “1. *Transportation Goal: Provide a safe, high-quality, multi-modal transportation service to the Nassau Hub Corridor*
  - *Develop a transportation service that will:*
    - *Reduce future dependency on the use of automobiles and enhance the viability of mass transportation as a means of access to, and circulation within, the Nassau Hub*
    - *Expand transit service within the Nassau Hub Corridor*
    - *Improve the attractiveness of public transit by making it faster, more reliable, more convenient to use, and more effective to existing and future destinations*
    - *Promote a seamless regional transportation system*
    - *Promote integration and coordination between transit modes*
    - *Improve the cost-effectiveness and efficiency of the transportation system*
    - *Use transit to enable more intensive land uses*
  
2. *Land Use Development Goal: Develop Transit Supportive Land Use Plans and Policies for the Nassau Hub Corridor*
  - *Identify land use plans and policies that will:*
    - *Support Local Land Use and Development Policies*
    - *Promote compact mixed-use development in downtown centers to reduce auto dependence*
    - *Encourage redevelopment of existing downtown centers (Mineola, Garden City and Hempstead) and redevelopment of underutilized parcels (Nassau Coliseum and the former Roosevelt Raceway)*
    - *Enhance the use of public transportation to help maximize transit ridership*

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- Reinforce existing activity centers: Mineola; Hempstead; Hofstra University; Nassau Community College; Nassau Coliseum; Museum Row; Roosevelt Field Shopping Center; Roosevelt Raceway Planned Unit Development
- Maximize transit ridership by supporting efficient (transit-friendly) growth patterns
  - Focus development and redevelopment within a ¼-mile radius of transit stations or stops
  - Provide for easy access to the transit system by passengers and easy access to Nassau Hub activity centers once passengers have arrived at their destination. How the areas around the transit stations or stops are developed will, to a great extent, determine their success
- Address Future Land Uses and Projected Growth
  - Accommodate anticipated growth in the area
  - Accommodate projected increased development from the transfer of development which would have occurred in other automobile-dependent locations
- Redevelop under-performing properties to their highest and best use
  - Develop properties to their highest and best use and to an intensity that could better support a transit-oriented development scenario
- Promote mixed-use development and land uses as an alternative to the existing dispersed, auto-dependent, and single-use pattern of development
  - Promote more pedestrian activity and reduce auto dependency by providing a variety of services and uses within close proximity
  - Discourage large areas of single land use
  - Encourage shared parking
  - Generate transit ridership during both peak and off peak hours
- 3. Design Goal: Create a sense of place for the Nassau County Transit Station Areas
  - Design transit nodes to become focal points of their community
    - Provide a focus for mixed-use transit-oriented development
    - Establish a gateway for the community; transit users should have a sense that they have arrived at a destination and be able to orient themselves quickly to their surroundings



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- *Develop adequate and attractive signage*
  - *Provide effective signage for quick and effective user orientation*
  - *Recognize the unique characteristics and potential of each transit node*
  - *Create an identity for development nodes*
  - *Establish a direct link between the transit infrastructure and development*
  - *Recognize the importance of the transit nodes within the context of their community and within the context of the transit system*
- *Reinforce ties surrounding communities*
  - *Support development that fits within the context of its immediate environment*
  - *Support development that complements businesses and other uses in nearby communities*
- *Create open space as an organizational tool for new development*
  - *Incorporate useable, public, open space as an organizing element*
- *Encourage uses at street level that will support a lively streetscape with pedestrian scale and diverse activity*
  - *Design streets for multiple users, not just for the moving of traffic, to support an activated streetscape*
  - *Provide street-level pedestrian access to structures and buildings*
- *Encourage walking and bicycling as alternate modes of transportation within the Nassau Hub corridor as part of an integrated transportation system*
  - *Reduce dependency on the automobile by supporting alternative modes of transportation*
  - *Provide comfortable and safe sidewalks and linkages where streets can be easily crossed*
- *Encourage intermodal transfers*
  - *Design intermodal facilities to better integrate multiple modes of transportation and to encourage transfers between modes*
- *Cluster compact development along proposed high-capacity transit networks*

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- *Provide amenities such as open space and parks, active and pedestrian friendly streetscapes, hiking and cycling paths to attract development and users*
- *Parking should support development and not be the primary driving force*
  - *Maximize on-street parking*
  - *Require parking garages to activate the ground floor with pedestrian friendly uses”*

Although some of the Hub/MIS goals and objectives are applicable to Transit Station Areas, which the Lighthouse Proposed Action is not, many are appropriate for higher-density mixed-use development, regardless of where in the Hub corridor such development is located. However, the estimated actual FAR of the Lighthouse Proposed Action (calculated using the current definition of floor area in the Hempstead BZO, see the Zoning discussion in this section) would be 3.0 and 4.0, which is too high for an area of the Hub corridor still primarily dependent on private automobiles for transportation because it is not in walking distance to a Transit Station Area.

According to information presented in the DGEIS and FGEIS, even though certain concepts expressed in the Nassau County Comprehensive Plan and the Hub/MIS are appropriately incorporated into the Lighthouse Proposed Action, such as a mix of uses complementing the Nassau Coliseum and increased density, among others, there are aspects of the PDD zoning and the Conceptual Master Plan that are not consistent with the Nassau County Comprehensive Plan and the Hub/MIS, including proposed building heights, the degree to which the density of the site would be increased, the lack of public streets within the site, and that it is not within walking distance to a major transit station, and it does not include effective integration of the public transportation system into the new community to help mitigate the significant traffic impacts related to its extremely high density.

Although, the draft PDD zoning of the Proposed Action requires bicycle paths along the rights-of-way of Hempstead Turnpike, Earl Ovington Boulevard and James Doolittle Boulevard adjacent to the site perimeter, it does not require bicycle paths on Charles Lindbergh Boulevard or as internal connections between on-site destinations, or between on-site uses and new bicycle paths on three of the boulevards surrounding the site, which would not encourage use of the bicycle as an alternate mode of transportation.

Pedestrian paths within the Lighthouse development, as shown on the Lighthouse Conceptual Master Plan would be located for the most part alongside the private driveways that would serve as the “streets” of the development. The draft PDD zoning includes only two requirements for these paths in the Core Sub-district: (a) that paths be provided to connect building entries with adjacent streets, uses and parcels; and (b) that they are visually distinguishable and separated from parking areas by use of physical barriers such as curbs or landscaping. The PDD regulations provide only limited impetus for development of a pedestrian-friendly environment.

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The Lighthouse Proposed Action includes 2,306 residential units, which typically have high water demand, on approximately 150 acres of high-density development. As discussed in Section 2, Water Resources, the extremely high density, size, and large number of residential units of the Lighthouse Proposed Action would create potential significant environmental impacts to the public water supply of the Town, and the feasibility and adequacy of mitigation measures proposed as part of the Lighthouse Proposed Action are not verifiable or supported by the data provided in the DGEIS or the FGEIS. In addition, as discussed in Section 9, Socioeconomics, the high number of residential units would result in a high number of new school-age children in the Uniondale School District.

Proposed building heights, an estimated actual FAR of 3.0 to 4.0, the lack of public streets within the site, the high number of residential units (2,306 units), and the absence of effective integration of the public transportation system into the new community to help mitigate significant traffic impacts, are land use elements of the Lighthouse Proposed Action that would create significant adverse impacts. Furthermore, based on information provided in the DGEIS/FGEIS, it is not possible to verify that the measures included in the Proposed Action would mitigate the significant adverse impacts. The Traffic Access and Impact Study prepared by Frederick P. Clark Associates concluded that the potential significant traffic impacts of the very high density Lighthouse Proposed Action could not be mitigated by the measures proposed in the Comprehensive Master Plan.

In contrast, the MFM District would create a regulatory framework for the implementation of the transportation, land use development, and design goals and objectives of the Nassau County Hub MIS and the Nassau County Comprehensive Plan. Creation of the MFM District would encourage redevelopment of the under-developed Nassau Coliseum site by allowing mixed-use development, and its FAR of 1.6 would provide an increased population of potential riders for the existing public transportation system. It would create a sense of place for the site and provide public rights-of-ways of sufficient width to accommodate future expansion of the public transportation system as recommended by the Hub MIS, and it would promote a transit-friendly growth pattern within the district to the extent that it may be supported by existing public transportation, and encourage use of future public transportation options.

The streetscape and design guidelines for the MFM District would encourage the integration of public transportation access points into the pedestrian environment of the new community, and facilitate walking and biking through development of pedestrian-oriented street level uses, open space, and amenities, which in turn would encourage economic development within and around new development in the district.

However, as compared to the Lighthouse Proposed Action, the reduced density of the MFM District recognizes that the district is not located within walking distance of the regional railroad transportation system or within one of the existing downtown centers, which requires residents and visitors to the district to make an inter-modal transfer to utilize public transportation for an entire trip. The lower density recognizes that the inconvenience and extra time added to a trip by the inter-modal transfer would limit the number of people willing to use public transportation for their entire trip, which typically results in a larger percentage of car trips as residents and visitors utilize private cars for the entire trip or to access the rail station. Therefore, the land uses and development

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regulations of the district take into account that many people travelling to and from the site will continue to utilize private cars instead of public transportation.

The MFM District Alternative proposes regulations that are designed to integrate existing and future transportation options into the district. The District regulations would require the establishment of specific public rights-of-way within the new district, and connection of the new rights-of-way to the existing roadway street and sidewalk network surrounding the site to provide access to destinations within the district and to and from the development and surrounding neighborhoods and destinations. The new rights-of-way would be "complete streets" that, by definition, are streets designed and operated to enable safe access for all users - pedestrians, bicyclists, motorists and transit riders of all ages and abilities - who can safely move along and across the complete streets. Elements required for the complete streets in the MFM District would include in addition to vehicular travel lanes, sidewalks and bike lanes on both sides of the street, special public transit lanes, comfortable and accessible transit stops, frequent street crossing opportunities, planted median islands, curbside planting strips along sidewalks, accessible pedestrian signals and curb extensions for safety.

The MFM District Alternative would by its design, and regulations eliminate, reduce or mitigate the potential significant adverse impacts that would be created by the Lighthouse Proposed Action by creating a regulatory framework for the implementation of the transportation, land use development, and design goals and objectives of the Nassau County Hub MIS and the Nassau County Comprehensive Plan. Creation of the MFM District would encourage redevelopment of the underdeveloped Nassau Coliseum site by allowing mixed-use development, and its FAR of 1.6 would provide an increased population of potential riders for the existing public transportation system without causing traffic impacts that could not be mitigated. It would create a sense of place for the site and provide public rights-of-ways of sufficient width to accommodate future expansion of the public transportation system as recommended by the Hub MIS and encourage a transit-friendly growth pattern within the district to the extent that it may be supported by existing public transportation. It would also encourage use of future public transportation options.

### *Zoning*

Even though there are other high density mixed-use zoning districts in the Town of Hempstead and it is acknowledged that additional density would be beneficial for the Site, there are aspects of the PDD zoning in the Lighthouse Proposed Action that are significantly out of character with other zoning districts in the Town, including the newer high-density mixed-use districts. These aspects of the PDD, including allowable building heights, density and FAR, calculation of the floor area of buildings, and allowable building area, would result in development that would be, as evidenced by the Comprehensive Master Plan proposed pursuant to the proposed Lighthouse PDD, significantly more intense than new high-density districts in the Town and surrounding neighborhoods, creating potential significant impacts from such intense development related to community character, transportation and parking, water supply, and production of liquid and solid waste, among others.

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Table 2.5-7 from the DGEIS compares the key requirements of the Lighthouse PDD zoning in the Core SubDistrict (Parcel A of the Proposed Action) with the development proposed by the Lighthouse Comprehensive Master Plan.

**Table 2.5-7, PDD Zoning Compliance of Core Subdistrict**

Zoning Parameter in Proposed PDD	Limitation Per Proposed PDD	Applicant's Proposal
FAR (Sec 7 A. (3))	1.25 min / 1.5 max*	1.46
Height (Sec 8 A. (3))	450 feet Gateway Building(s) / 275 feet all other buildings	450 feet/222 feet
Setbacks (Sec 10 A.)	20 feet	20 feet
Land Use Mix (Sec 7 A. (1))	25% min / 50% max	37±%
Public Land Use (Sec 7 A. (2))	5% min	9.5±%
Residential Density	N/A	24.5 units/acre
Lot Coverage	N/A	48%

\* Maximum FAR only permitted if project includes renovation and transformation of the Coliseum into a state-of-the-art venue (Section 7 A.(4) of the PDD ordinance)

According to the DGEIS/FGEIS, the FARs of the various subdistricts of the Lighthouse Comprehensive Master Plan, calculated according to the proposed PDD regulations would be:

1. Core Subdistrict 1.46
2. Residential Subdistrict 1.13
3. Overall Office Subdistrict 0.92

Based on Table C12, the overall allowable maximum FAR of the proposed Lighthouse PDD would be 1.22 pursuant to the proposed PDD regulations. However, the effective FAR of the district would be significantly higher because the regulations do not include significant amounts of building floor area in the calculation of Floor area ratio (FAR), which is the ratio of the calculated floor area of any building to be located on a lot to the area of the lot. Therefore, the method by which floor area is defined and calculated influences the FAR of proposed development. Currently, the floor area of a building is defined in the Town of Hempstead Building Zone Ordinance (BZO) as follows:

*"FLOOR AREA [Effective 4-29-1989] -- The sum, in square feet, of the areas of all floors of a building or buildings, measured horizontally in a plane to the exterior faces of perimeter walls or from the center line of walls separating buildings. Included are the areas of cellars, basements, interior balconies and mezzanines, enclosed porches, partitions, columns,*

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*stairwells, elevator shafts, duct shafts, elevator rooms, pipe spaces, mechanical penthouses and the floor area of accessory buildings and structures. Mechanical rooms, pipe spaces, spaces having a headroom of less than six (6) feet, balconies projecting beyond exterior walls, covered terraces, covered walkways, covered porches and similar spaces shall have their measured floor area multiplied by zero and fifty-hundredths (0.50) when calculating total "floor area." Exemptions from "floor area" shall be as follows:*

- A. The floor area of a cellar and/or basement and/or grade levels of buildings and structures shall be excluded from the calculation of "floor area," provided that the floor area of such cellar and/or basement and/or grade levels of buildings and structures is used exclusively for off-street parking facilities.*
- B. The floor area of an arcade, covered plaza or atrium shall be excluded from the calculation of "floor area," provided that the floor area of such space is not used for any purpose other than pedestrian traffic.*
- C. The floor area of a pedestrian mall/plaza shall be excluded from the calculation of "floor area."*

Floor area would be defined differently in the Lighthouse PDD zoning regulations created for the Proposed Action:

*"Floor Area: The sum, in square feet, of the areas of all the floors of a building or buildings, measured horizontally in a plane of the exterior faces of perimeter walls or from the center line of walls separating buildings. Exemptions from Floor Area shall be as follows:*

- 1. The Floor Area of a cellar and/or basement and/or grade levels of buildings and structures provided that the Floor Area of such cellar and/or basement and/or grade levels of buildings and structures is used exclusively for off-street parking facilities.*
- 2. The Floor Area of uses accessory to buildings such as an employee lounge, day-care center, gym facility and conference facility where no such accessory use, combined or individually, occupies an area totaling more than ten percent (10%) of the gross Floor Area of all buildings within the applicable Subdistrict and where the accessory use shall be limited to the employees or residents of the building or buildings within such Subdistrict.*
- 3. The Floor Area of an arcade, covered plaza or atrium, provided that such area is not used for any purpose other than pedestrian traffic.*
- 4. The Floor Area of a pedestrian mall/plaza.*

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5. *The Floor Area of maintenance, service and utility buildings, and of maintenance, service and utility spaces within buildings.*
6. *The Floor Area of transportation facilities.*
7. *The Floor Area of an Arena and of its ancillary and support uses."*

Calculation of floor area under the proposed Lighthouse PDD District regulations would not include significant amounts of building floor area that contribute to size and bulk of buildings. These discounts in turn would lower the overall calculated FAR of proposed buildings in the district because the floor areas of the buildings would be, by definition, significantly smaller than what would actually be built.

If the current definition of floor area in the Hempstead Building Zone Ordinance is used, it is estimated that the overall FAR of the Lighthouse Comprehensive Master Plan would be between 3.0 and 4.0, which more accurately reflects the proposed size and bulk of buildings, and the density of the Lighthouse Proposed Action.

In addition, the proposed PDD regulations of the Lighthouse Proposed Action would allow up to a maximum 10% increase in the overall density of the site, which, according to the regulations would be considered to be consistent with an approved Conceptual Master Plan. As such, a site plan application with a 10% increase in FAR from what was proposed by an approved Conceptual Master Plan would not require an amendment of the approved Conceptual Master Plan, increasing the density of the district as of right. Upon approval of such site plan, the Conceptual Master Plan would be deemed amended to reflect such revised FAR and/or land use mix.

Although the Lighthouse Comprehensive Master Plan does not propose big-box retail in the Office Subdistrict, as written, the PDD zoning regulations proposed as part of the Lighthouse Proposed Action would allow a free standing big-box store of approximately 263,600 square feet that would conflict with the stated goals of the development

There are aspects of the PDD zoning in the Lighthouse Proposed Action that are significantly out of character with other zoning districts in the Town of Hempstead, including allowable building heights, density and FAR, calculation of the floor area of buildings, and allowable building area that would result in development that would be significantly more intense than new higher-density districts in the Town and surrounding neighborhoods, creating potential significant adverse impacts from such intense development related to transportation and parking, water supply, air quality, community services, stormwater management and community character.

In contrast, the MFM District Alternative provides a lower-density alternative for redevelopment of the Coliseum property that would mitigate significant zoning and environmental impacts associated with the Lighthouse Proposed Action while encouraging improvement or re-building of the Nassau Coliseum. In addition, the MFM District regulations do not allow deviation from an approved

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Conceptual Master Plan, and the maximum floor area of a free-standing retail use would be 100,000 square feet.

In comparison to the Lighthouse Proposed Action, the MFM district would reduce the overall size and density of development on the MFM District Site (Parcel A of the Proposed Action) to an FAR of 1.6, while allowing a wide variety of complimentary uses. The allowable uses in the new MFM District are the same as, or similar to, those incorporated into the Proposed Action, including the arena use of an existing, renovated or new Nassau Veterans Memorial Coliseum. The MFM District Alternative would require a Comprehensive Master Plan for development of the new district, also a feature of the Proposed Action, and encourage mixed-use commercial and residential buildings and a planned, walkable destination neighborhood that would complement the Nassau Veterans Coliseum, and surrounding neighborhoods and communities.

Transportation and parking, air quality, noise, and stormwater management issues were identified and studied by additional technical studies performed at the request of the Town to identify and analyze potential impacts that might be created by development under the lower-density MFM District Alternative regulations. The FGEIS provided and summarized the results of the additional analysis performed and presented a comparison of the MFM District Alternative to the Lighthouse Proposed Action related to key potential adverse impacts, and proposed measures to mitigate impacts of the Lighthouse Proposed Action and the lower-density MFM District Alternative. It incorporated by reference, analyses and evaluations in the DGEIS that were determined to be, after review, factually and analytically reliable, and applicable to the Lighthouse Proposed Action and/or the MFM District Alternative.

The size of the MFM District was reduced. The Omni and RXR Plaza East properties, located in the Mitchel Field PDD are fully built out under their higher-density zoning at FARs of 0.56 and 0.89 respectively. Reducing the size of the district would allow these properties to act as buffers between the surrounding lower-density neighborhoods because they are compatible, in scale, density and use with the proposed MFM District uses and FAR of 1.6, but have a lower density that is also compatible with surrounding lower-density neighborhoods.

The undeveloped RXR Plaza West property is also not proposed to be part of the MFM District. It was re-zoned into the Mitchel Field Office (MFO) zoning district in 1981. Should it be developed under the MFO District regulations at the allowable FAR of 0.4, it also would be compatible in scale, density and use with the higher-density MFM District and the lower-density surrounding neighborhoods, and would function as a transition property.

In addition to the purposes of the Mitchel Field PDD set out in Section 135 of the Building Zone Ordinance of the Town of Hempstead, the proposed MFM District regulations state the special purposes of the new district as follows:

- (1) *To preserve and protect the special character of the greater Mitchel Field area and those of surrounding neighborhoods.*



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- (2) *To promote the desirable and suitable use of land within the greater Mitchel Field area and to provide opportunities for development or redevelopment of land surrounding the Nassau Veterans Memorial Coliseum in a manner consistent with sound planning principles.*
- (3) *To promote, encourage and achieve the highest quality sustainable development that preserves, protects and enhances the environmental, economic and human resources of the Town of Hempstead.*
- (4) *To promote innovative and quality site and architectural design for mixed use buildings and neighborhoods that will encourage economic investment and development, and will provide housing, amenities and employment opportunities for current and future residents in accordance with a well-considered Conceptual Master Plan for the district.*
- (5) *To create an attractive physical environment that provides daily amenities and services for the use and enjoyment of working, resident and visiting populations.*
- (6) *To achieve harmonious visual and functional use relationships within the district and with adjacent neighborhoods.*
- (7) *To promote integration of pedestrian amenities and public transportation into the public streets and roadways of new mixed use neighborhoods to facilitate walking, encourage the use of public transportation, and accommodate alternate modes of transportation that provide access to destinations within the district, and to and from surrounding communities within the Town.*

The important features of the MFM District regulations were included to reduce, eliminate or mitigate the significant adverse impacts of the Lighthouse Proposed Action.

The maximum floor area ratio permitted in the MFM District Alternative is 1.6 with only the following portions of buildings or structures excluded from calculation of Floor Area as defined in §1, Definitions, of the Town of Hempstead Building Zone Ordinance:

- (1) *A basement or cellar located entirely below grade that is used all or in part for required parking spaces.*
- (2) *The portion of a building or free-standing parking structure used for required parking spaces located on the ground or first story of the building or parking structure.*
- (3) *An arcade, covered plaza or atrium not used for any purpose other than pedestrian traffic.*

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- (4) *A pedestrian mall or plaza.*
- (5) *All free-standing or attached parking structures providing the required parking spaces for the Nassau Veterans Memorial Coliseum.*

The proposed MFM District regulations would require north/south and east/west public rights-of-way that connect to important existing area roadways to, by design of the site, improve traffic distribution and flow through and around the new district. The required boulevards and streets would be "complete streets" with specific design requirements that integrate pedestrian amenities, bicycle lanes, landscaping, and public transportation. The following rights-of-way and connections would be required:

- (1) *A 120-foot wide north/south right-of-way connecting Glenn Curtiss Boulevard to Charles Lindbergh Boulevard.*
- (2) *A 120-foot wide east/west right-of-way connecting Earl Ovington Boulevard to James Doolittle Boulevard.*
- (3) *An 80-foot wide east/west right-of-way to connect the Glenn Curtiss Boulevard/Charles Lindbergh Boulevard connecting right-of-way to Earl Ovington Boulevard.*
- (4) *An 80-foot wide north/south right-of-way to connect Hempstead Turnpike with the east/west right-of-way connecting Earl Ovington Boulevard with the Glenn Curtiss Boulevard/Charles Lindbergh Boulevard connecting right-of-way.*

An application for development in the MFM District would require the submission of a Conceptual Master Plan for the entire district and a Shared Parking Analysis prepared by a qualified professional.

In addition to the Nassau Veterans Memorial Coliseum, a lot, building or premises would be required to be used for at least two or more of the following uses in the MFM District:

- (1) *Arena, convention center, exhibition facility or theatre(s), and similar entertainment uses as may be approved by the Town Board.*
- (2) *Hotel or conference center.*
- (3) *Offices, bank or financial institution.*
- (4) *Medical or dental office or clinic.*
- (5) *Store for the sale, at retail, of articles to be used off the premises, except that a freestanding retail building shall not exceed 100,000 square feet of floor area.*

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- (6) *Restaurant, café or luncheonette, excluding a diner, lunch wagon, drive-in restaurant, drive-in luncheonette, drive-in counter or drive-in refreshment stand.*
- (7) *Personal service establishment, such as retail hand laundry, custom tailoring, hand dressmaking or shoe repairing.*
- (8) *Research and development facilities.*
- (9) *Hospital.*
- (10) *Public school, parochial school, private school for the instruction of elementary grades, academic grades, or both, chartered by the Board of Regents of the State of New York; college or university; music, dancing or other instructional school; dormitory for educational institutions.*
- (11) *Senior citizen congregate care facility or nursing home.*
- (12) *Daycare facility.*
- (13) *Health club or spa.*
- (14) *Club, fraternal organization, lodge or philanthropic use.*
- (15) *Townhouse and multiple-family dwellings containing no more than six dwelling units per building.*
- (16) *Post office, library or other municipal building.*
- (17) *Religious uses.*
- (18) *Non-commercial park, recreational and open space uses.*
- (19) *Public transportation facilities.*

The following is a summary of permitted accessory uses in the MFM District:

- (1) For hotels, permitted accessory uses would be restaurants, cocktail lounges, public banquet halls, ballrooms, meeting rooms, swimming pools, tennis courts, boutiques, gift shops, drugstores and other business uses customarily incidental to the operation of a hotel and conference center.
- (2) For offices, permitted accessory uses would be recreational facilities, cafeterias, retail and service shops and facilities.

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- (3) Clubhouse and meeting rooms.
- (4) Outdoor in-ground or indoor swimming pools and tennis courts.
- (5) Open surface parking and parking structures.

At least three percent (3%) of the district land area, exclusive of land set aside for public boulevards and streets, would be set aside as public park land. Additional open space would be required for residential uses. Buildings containing only dwelling units would require 1,000 square feet of open space for each dwelling unit and mixed-use residential buildings would require 500 square feet of open space for each unit.

Except for the Nassau Coliseum and hotels, the maximum height of residential buildings would be three stories (maximum of 40 feet high), and the maximum height of mixed-use residential or commercial buildings would be four stories (maximum of 60 feet high). A free-standing parking structure or the portion of a mixed-use building used for parking would be no more than 40 feet high. Hotels would be no more than 100 feet in height.

No more than 500 residential units would be permitted in the MFM District. A total of twenty percent of the 500 allowable residential units would be affordable and next generation/workforce units broken down as follows: ten percent would be affordable units that are affordable to households with total annual incomes not exceeding 80% of the median annual income for its household size in Nassau County, and ten percent would be next-generation/workforce units defined as affordable to households with total annual incomes not exceeding 120% of the median annual income for its household size. Gated residential communities would be prohibited, and the building area of buildings used only for residential purposes would not exceed 35% of the lot area.

Required parking spaces may be provided as open surface parking or in a parking facility located in the same building, or in a free-standing structure on the same lot as the permitted use or uses on a lot, or within three hundred (300) feet of the perimeter of the lot upon which the permitted use or uses are located. A maximum of one level of parking may be located in a basement that is one level below the ground story of the building or parking structure.

An application for development in the MFM District would require a Shared Parking Analysis to be prepared by a qualified professional to efficiently provide parking in the district. The Town Board would consider the Shared Parking Analysis to determine the overall parking requirement for the particular mix of uses proposed in the Conceptual Master Plan.

On-street parking along the street frontages of lots or premises used for non-residential and mixed-use purposes on all new rights-of-way within the district would be permitted. On-street parking would count towards the off-street parking requirements of the permitted uses located on the lot or premises.

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Freestanding non-residential parking structures and structured ground-floor parking provided in the same building as permitted non-residential uses that fronts on 120-foot rights-of-way would require the location of retail or service uses along the ground floor street frontages of the building and the primary pedestrian entrances and display windows for such uses would be located on the ground floor along the public street.

In addition to conforming to the requirements of the Town of Hempstead Highway Department, the district regulations require that new rights-of-way within the district be developed as “complete streets” to promote integration of pedestrian amenities and public transportation into the public streets and roadways of the new mixed-use neighborhood that would facilitate walking, encourage the use of public transportation, and accommodate alternate modes of transportation such as bicycles.

The MFM District regulations specify that the district would have two 120-foot wide boulevards with planted medians along the centerline of the streets, bicycle lanes located between the vehicular travel lanes and on-street parking lanes, and public transportation lanes with sheltered transit stops. The district would also include two 80-foot wide streets without centerline medians, parking lanes, bicycle lanes or public transportation lanes. All four required public streets would include pedestrian walkways, a planted landscape strip with street trees and other plantings to serve as a buffer between pedestrians and the street located between the curb and the pedestrian walkway on both sides of the street, pedestrian crossings at all street intersections, and mid-block crossings where the distance between street intersections is greater than 1,300 feet for boulevards and 1,000 feet for streets.

The Conceptual Master Plan of a development proposal in the district would be required to include sustainable site and building practices with respect to design, construction methods and materials, and post-construction operation and maintenance of all proposed projects in the district to quantifiably reduce anticipated energy demand, water use, generation of solid and liquid waste, stormwater run off, and the use of private cars to levels below those that would result using standard design, construction, operation and maintenance practices to preserve and protect the natural resources, air quality and water supply of the Town.

All development proposals would include, as part of the application for Conceptual Master Plan approval, detailed plans for architectural, streetscape and landscape design to ensure an efficient development of uses that is architecturally and visually appealing. The guidelines in the regulations are intended to encourage master plan elements that provide appropriate location, arrangement and design of buildings, parking areas and parking structures, and open space and site amenities to promote quality site, building and landscape design and to integrate the architecture, landscape architecture and streetscape of the MFM District.

In general, building design would be required to consider building façade elements and significant design features, such as color, exterior materials and treatments, roof structure, aesthetic treatment of exposed mechanical equipment, lighting, and service and storage areas. Building materials and methods of construction would be used in a creative manner to ensure aesthetically pleasing architectural design with basic standards applicable to all new or renovated buildings and lots within

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the MFM District as the foundation for project-specific design guidelines required as part of a Conceptual Master Plan for development within the District.

Building plans and site plans would include open space, commons, or small pedestrian plazas with amenities such as benches or other seating, water features, night lighting, public art, bicycle parking and landscape plantings. Parking lots, parking structures, access driveways, and pedestrian walkways would be designed to avoid or minimize the potential for pedestrian/vehicle conflicts and provide a safe and amenable pedestrian environment.

A safe, continuous, pedestrian walkway system would be required within a lot or premises. The walkway system would be required to connect building entrances to one another, to parking areas, and to public streets, sidewalks and open space.

Artful treatment of building facades and exterior walls would be required to provide appropriate street level scale and architectural interest through the aesthetic use of setbacks, surface textures, fenestration, pedestrian entrances, lighting, and other building features such as porticos, balconies, bay windows, canopies, dormers, and columns.

Facades would be articulated to reduce the scale and uniform appearances of exterior building walls and provide visual interest that is consistent with surrounding community character and scale. Buildings would have architectural features and patterns that provide visual interest at the scale of the pedestrian. Ground-floor facades that face public streets or publicly accessible open space would include a combination of setbacks, arcades, display windows, entry areas, canopies, awnings or other such features to promote a visually interesting pedestrian environment.

Buildings adjacent to or within 50 feet of a public street would include at least one public entrance that is clearly visible and directly accessible from the street. At least 25% of the first floor building facades of residential uses and at least 50% of the first floor building facades of non-residential or mixed-use residential uses would be composed of transparent windows and/or entrances.

Blank building facades or exterior building walls would not exceed 50 feet in length and building facades and treatments would be varied throughout the district to provide an eclectic neighborhood aesthetic.

Artful treatment of building roofs to provide neighborhood level scale and architectural interest would be required in the district. Variations in roof lines would be used to add visual interest to buildings. Roofs would have at least one of the following features: (a) parapets with three-dimensional cornice treatments concealing flat roofs and rooftop equipment such as heating, ventilating and air-conditioning (HVAC) units from public view; (b) overhanging eaves, extending past the supporting walls; or (c) sloping roofs that do not exceed the average height of the supporting walls.

Building materials and colors that are appropriate to the building style, and are aesthetically pleasing and compatible with those of the surrounding communities would be required. Facade and exterior

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wall building materials would be required to be high-quality materials such as brick, wood siding, glass, natural or synthetic stone, tinted, textured, decorative concrete masonry, or other materials that are complementary or sympathetic to the community aesthetic. Façade colors would be varied as well as being complementary to the community aesthetic.

Building facades and setbacks would be appropriately enhanced by well designed landscape plantings, or otherwise appropriately treated to address the orientation of the buildings. Small green spaces, courtyards, squares, plazas, and similar spaces that also function as community gathering places and provide transitions between lots or premises to ensure compatibility with other uses would be required.

In general, the design of free-standing parking structures, and the first floor and above portions of buildings used for other purposes that are devoted to parking would include the building design standards applicable to all buildings and additional basic standards to ensure they are high quality structures that enhance the public realm and the community. Parking structures would be located where visibility of the structure from first floor and street level areas of activity is reduced. They would include retail or service uses on the first floor along street and open space frontages. Pedestrian and vehicular access points to these structures would be articulated to add visual interest to the buildings that would also include architectural elements that enhance the structure, break up its mass and complement the building or buildings the structure serves.

Parking structures would be designed to screen the visibility of vehicle headlights from outside the structure and to provide bicycle parking facilities commensurate with anticipated demand near entrances.

In general, landscape design in the district would be required to consider the elements and significant design features of open space and a site, including the pedestrian and vehicular circulation systems, vehicle and bicycle parking areas, paving, vegetation, water features, irrigation systems, recreation and play equipment, transit-stop shelters, freestanding and retaining walls, fences, exterior stairs and ramps, site furnishings, public art, signage, and site lighting, such as color, texture, scale, placement, materials and treatments, efficiency, aesthetic integration of features, screening, buffers, and treatment of exposed mechanical equipment and service and storage areas. Building materials and methods of construction would be used in a creative manner to ensure aesthetically pleasing site and landscape architectural design. Basic standards would apply to all new or renovated lots and premises within the MFM District as the foundation for the project-specific design guidelines required as part of a Conceptual Master Plan for development within the district.

Site plans would be required to include open space, commons, or small pedestrian plazas with amenities. Parking lots, access driveways, and pedestrian walkways would be designed to avoid or minimize the potential for pedestrian/vehicle conflicts and provide a safe and amenable pedestrian environment.

A safe, continuous, pedestrian walkway system would be required throughout the MFM District. The walkway system would connect buildings and premises to one another, to parking areas and structures, and to public streets, sidewalks and open space. The pedestrian walkway system would

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provide pedestrian connections between the MFM District and uses within the surrounding communities, facilitate access and mobility for persons of all ages and physical abilities, and connect uses to public transportation stops within the district and those within adjacent surrounding communities.

Landscape and site building materials and colors would be required to compliment the styles of the buildings, and be aesthetically pleasing and compatible with those of surrounding communities. Building materials would be high-quality materials such as brick, wood, glass, metal, natural or synthetic stone, tinted, textured, decorative concrete masonry, or other materials that are complementary or sympathetic to the community aesthetic and colors would be varied as well as complementary to the community aesthetic.

Street, open space and premises planting plans would be required to be artfully designed to provide visual and physical amenity for the MFM District and surrounding communities, and to provide a spatial and visual transition between the MFM District and surrounding uses.

Planting plans would be required to define outdoor spaces and activity areas, highlight the changing seasons, provide color and interest throughout the year, provide shade, shelter and a street level buffer between large buildings and pedestrians, and contribute to the spatial and visual unity of individual premises and the district. Other guidelines for planting plans would include that they provide interesting, supportive environments for passive and active recreational activities, and trees and other plantings to shade and screen views of surface parking areas.

The environmental requirements of landscape and planting plans include that they respond to the unique characteristics of a location, regarding sun and shade, soil, climate, wind, slope, water availability, views, and user activities, utilize high-quality, well-grown, deciduous and evergreen trees shrubs, vines and ground covers that are complementary or sympathetic to the aesthetic of buildings and uses, the district and the surrounding communities, and specify, locate and install plants to facilitate the establishment, growth, health and continued maintenance of all newly installed and existing vegetation.

The landscape and planting plans would be required to be designed to reduce stormwater runoff by increasing local infiltration, and provide local microclimate mitigation.

Small green spaces, courtyards, squares, plazas, and similar spaces would be required to function as community gathering places, and would be utilized and located to provide transitions between lots or premises and ensure compatibility with other uses in the district and the surrounding community.

Street and open space furnishings, lighting and signage would be part of a designed system of elements used to create a district-wide identity and individual identities for parks, open spaces, plazas, courtyards and squares that are public or part of individual premises or lots. Furnishings include drinking fountains, light standards, litter receptacles, benches, bollards, kiosks, small pavilions, informational and directional graphics, public telephones, moveable planters, tree grates, tree guards, public art and similar items.



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The regulations and requirements of the MFM District Alternative were designed to generally eliminate or reduce potential significant impacts related to the Lighthouse Proposed Action to the extent they may be mitigated by reasonable and economically feasible measures. The most important features of the district and the regulations are the reduced size of the new district, its' reduced density and building heights, the restriction of a maximum of 500 residential units, and the required public rights-of-way within the district with specified connections to major roadways surrounding the district.

The MFM District Alternative would provide a lower-density alternative for redevelopment of the Coliseum property that would mitigate significant zoning and environmental impacts associated with the Lighthouse Proposed Action while encouraging improvement or re-building of the Nassau Coliseum.

*Community Character*

In the DGEIS/FGEIS the Applicant acknowledges that The Lighthouse Proposed Action is designed to be different in character from the surrounding communities. As explained on Page 3.5-103 of the June 2009 DGEIS, “[t]he applicant’s vision is to transform the subject property into Long Island’s premier destination -- a place like no other – [emphasis added] by creating a high quality development with a mix of uses appealing to a wide spectrum of Long Islanders.” As indicated on Page 3.5-107 of the June 2009 DGEIS, “[t]he Lighthouse at Long Island is proposed to dramatically alter, in a positive way, the character of the community. It is the Applicant’s intention for The Lighthouse at Long Island to serve as a model for suburban revitalization.”

The DGEIS and additional discussion provided by the Applicant presented in the FGEIS does not address mitigation for potential impacts of the Lighthouse Proposed Action on the community character of the surrounding communities in the Study Area. These impacts include substantially increased traffic, introduction of very tall buildings and very high density development among neighborhoods of substantially lower-scale and density, development of private, driveway-based vehicular circulation, and pedestrian circulation systems instead of public streets and sidewalks, and reduction of open space and view corridors.

The DGEIS/FGEIS does not discuss the shading effect of tall buildings on public streets and other spaces that would be compounded by the narrow driveways proposed by the site plan. The discussion does offer some mitigation, in the form of building façade setbacks that would, in the opinion of the Applicant, mitigate the effects of very tall facades for pedestrians walking on pathways next to such tall facades. However, these setbacks are not quantified or analyzed in the discussion and are not required or specified by the proposed PDD regulations. They do, however appear as a design idea incorporated into the illustrations of possible building configurations provided in the DGEIS. Such setbacks should be required by the PDD regulations to ensure they will be incorporated into building design in the district.

The MFM District Alternative regulations were developed as mitigation for the community character impacts of the Lighthouse Proposed Action. While increasing the density of potential development

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on the site and allowing a mix of uses that could stimulate redevelopment of the Nassau Coliseum property, the proposed district regulations seek to limit the increase in density to remain compatible with development patterns in surrounding neighborhoods and to limit the significant traffic impacts of the Proposed Action. Building heights in the new district would be limited to the heights of existing local low, medium-scale, and tall buildings surrounding the property. Specific street connections and street-design parameters are required to help improve traffic flow and distribution in the area and create vehicular and pedestrian-friendly connections from the surrounding road and street network into the new mixed-use neighborhood, and to encourage use of public and alternative transportation.

Land would be set aside for a public park, and additional open space would be required for residential uses.

The MFM District Alternative regulations limit the height of hotels to 100 feet and other buildings to 40 or 60 feet, which is similar to the heights of existing local buildings, and would require an increase in the setback of a building as its height increases. The lower allowable building heights and required setbacks would limit the solar access impacts and physical effects of tall buildings in the new district. Shadows from buildings developed under the MFM District regulations would be shorter and impacts from shadows would be greatly reduced on and surrounding the site. Sunlight would be accessible and impacts from shadows would be similar those in existing neighborhoods surrounding the Site.

The required wide public streets and lower density of the MFM District would provide more open space in the district to further limit these effects and the increased development density. Buildings, streets and open space developed under the district regulations would compliment nearby existing buildings and uses and would create a street level pedestrian environment similar to neighborhoods surrounding the new district.

Several public boulevards and streets making connections to important existing roadways would be required by the MFM District Lower-Density Alternative to improve traffic distribution and flow through and around the new district.

The MFM District Alternative would eliminate, reduce, and mitigate the significant adverse impacts to community character that would result from development of the Lighthouse Proposed Action while encouraging improvement or re-building of the Nassau Coliseum.

## **6. Transportation and Parking**

A Traffic Study was conducted on behalf of the Town of Hempstead by Frederick P. Clark Associates to address the traffic conditions in the Lighthouse Proposed Action Study Area. The study report, "*Traffic Access and Impact Study, Mitchel Field Zoning Study, Hempstead, New York,*" is included in Appendix E-1 of the FGEIS.

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The purpose of the study was to evaluate traffic conditions at Study Area corridors, major intersections and interchanges to determine current traffic conditions and overall operations, as well as to estimate future traffic conditions, parking demand and overall traffic operation with different levels of land use and development and potential mitigation measures. The Lighthouse Proposed Action created concerns with respect to the future of the Mitchel Field area and the capacity of the road system in the vicinity of the Lighthouse Proposed Action Study Area to accommodate additional traffic burdens generated by the Lighthouse Proposed Action. Therefore, the Town authorized the preparation of the traffic access and impact study to analyze present patterns of land use in the Study Area, and assess future traffic conditions under current zoning standards, the Lighthouse Proposed Action and the Mitchel Field Mixed-Use (MFM) District Alternative.

The traffic analysis addresses the 2010 existing traffic conditions, the 2019 no-build base traffic conditions without and with possible road improvements and 2019 build traffic conditions for three different levels of land use and development: (a) The Lighthouse Proposed Action; (b) current zoning; and (c) the Mitchel Field Mixed-Use District Alternative for the typical weekday morning, weekday afternoon and Saturday midday peak hours. The report also includes an analysis of a Nassau Veterans Memorial Coliseum event and its specific peak hour conditions prior to the beginning of a game and conditions related to the exiting conditions at the end of the game for a weekday evening and a Saturday afternoon event.

Following is a summary of the Traffic Access and Impact Study report and its findings:

The Traffic Access and Impact report provides a detailed analysis of the 2010 existing development conditions, the 2019 no-action base condition without and with recommended road improvements and the impacts associated with three potential development scenarios:

1. The Lighthouse Proposed Action;
2. Existing Zoning; and
3. MFM District Lower-Density Alternative.

The analysis was based on 2010 existing baseline traffic volumes for the Study Area intersections and interchanges during weekday morning, weekday afternoon, Saturday midday, and Nassau Coliseum event arrival and departure peak hour time periods.

*Land Use and Development*

The type and size of the land use components of current development in the area, and the three future potential development programs for the Mitchel Field area were used to estimate how much traffic is, or would be generated and attracted to the location. The current and three potential future development programs are:

1. *2010 Current Land Use and Development* – It includes the 16,234 seat Nassau Coliseum, 617-room Marriott-Hotel with a 107,500 square foot banquet room and a 317-seat restaurant, the 538,640 square-foot Omni Office Building, the 1,079,614 square-foot RXR Plaza East Office Building and the 356,000 square-foot vacant lot (RXR Plaza West).

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2. *The Lighthouse Proposed Action* – It is proposed to include an additional 254,000 square foot convention space, 2,306 residential units, a 300-room hotel, 3,766 additional seats in an upgraded Coliseum, a 76,000 square-foot restaurant, 429,000 square feet of retail, a 371,500 square-foot sports complex, a 2,600-seat multiplex cinema and 1,057,500 square feet of office space.
3. *Existing Zoning* – For the purposes of the analysis it includes 198,000 square feet of retail, a 30,000 square-foot restaurant, 1,438-seat cinema, 300 residential units, a 643-room hotel, and 177,400 square feet of office space.
4. *MFM District Lower-Density Alternative* – For the purposes of the analysis it includes 275,000 square feet of retail, a 60,000 square-foot restaurant, a 2,012-seat cinema, 468 residential units, a 1,353-room hotel and 150,000 square feet of office space.

*2019 Future Traffic Conditions without New Development*

The 2019 future traffic volumes without the new development employed a 0.6 percent annual traffic growth rate and included all other developments planned and approved in the vicinity of the Study Area. The annual growth rate is consistent with the Town growth rates and the annual rates of population and employment growth.

*Travel Demand Forecasting*

The travel demand model consists of four steps: trip generation, trip distribution, and mode choice and trip assignment. These four-step models reflect how many people travel, the travel patterns for the Study Area, travel modes being used and what trip paths will be followed through the transportation network.

*Trip Generation and Mode Choice*

The number of trips expected to be generated by the current land use and the three potential development scenarios were determined based on trip generation rates from empirical data from the existing Nassau Coliseum and “Trip Generation,” 8<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE) in 2008.

Twenty-four percent, 33 percent and 14 percent internal capture rates were utilized for individual land uses (residential, office and retail) during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively to account for trips internal to the Nassau Coliseum/Marriott-Hotel property based on “Trip Generation Handbook,” 2<sup>nd</sup> Edition, published by ITE, Chapter 7, Table 7.1 and 7.2. A 25 percent pass-by trips was applied during the study peak hours to account for the intermediate stops on the way from an origin to a primary trip destination without a route diversion, based on “Trip Generation Handbook,” 2<sup>nd</sup> Edition, published by ITE, Chapter 6, Table 5.6 and 5.10. Fourteen percent and 5 percent Alternative Mode Trips

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(Transit and Ride Sharing Trips) for residential and other land uses, respectively, were applied during the study peak hours and based on the localized average of the 2000 Census Data.

1. *2010 Current Land Use and Development* – The Coliseum/Marriott-Hotel property as it currently operates, generates 276, 1,223 and 3,882 vehicle trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively. The Omni and RXR Plaza East and West Properties as they currently operate (office and vacant) generate 2,143, 1,877 and 96 vehicle trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively. The current Coliseum, hotel, office and vacant properties generate a total of 2,419, 3,100 and 3,978 vehicle trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively.
2. *The Lighthouse Proposed Action* – The Lighthouse Proposed Action is anticipated to generate 3,417, 6,241 and 6,121 additional new trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively. After applying the internal capture rates, pass-by trips credit and alternative mode reduction, the Lighthouse Proposed Action is anticipated to generate 2,361, 3,512 and 4,296 additional new vehicle trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively.
3. *Existing Zoning* – The Existing Zoning Study Buildout is anticipated to generate 1,435, 2,280 and 3,084 additional new trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively. After applying the internal capture rates, pass-by trips credit and alternative mode reduction, Existing Zoning Study build-out is anticipated to generate 941, 1,315 and 1,999 additional new vehicle trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively.
4. *The MFM District Alternative* – The MFM District Alternative Study Build-out is anticipated to generate 2,496, 3,383 and 4,624 additional new trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively. After applying the internal capture rates, pass-by trip credit and alternative mode reduction, the MFM District Alternative Study Build-out is anticipated to generate 1,739, 1,997 and 2,997 additional new vehicle trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours of the adjacent street system, respectively.

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Table ES-1  
 Trip Generation Summary for Existing and Potential Developments

Peak Hour	2010 Existing Development		2019 Lighthouse Proposed Action				2019 Existing Zoning		2019 MFM District Alternative	
	FPCA	VHB	FPCA		VHB		FPCA		FPCA	
	VTE's	VTE's	New VTE's	Total VTE's	New VTE's	Total VTE's	New VTE's	Total VTE's	New VTE's	Total VTE's
AM	2,419	2,245	2,361	4,780	1,553	3,798	941	3,360	1,739	4,158
PM	3,100	3,473	3,512	6,612	3,840	7,313	1,315	4,415	1,997	5,097
SAT	3,978	912	4,296	8,274	3,057	3,969	1,991	5,969	2,997	6,975

Notes:

1. FPCA = Frederick P. Clark Associates, Inc.
2. VHB = VHB Engineering, Surveying & Landscape Architecture, PC
3. VTE's = Vehicle Trip Ends

*Trip Distribution and Assignment*

After estimating the total trip ends and new vehicle trip ends into and out of the site for each development scenario, these vehicle trip ends (including pass-by trips and excluding internal capture trips) were distributed and assigned to the roadway system.

The trip distribution step produced estimates of trip origins and destinations. The assignment step produced estimates of the amount of the site traffic that will use each access route between the origins and destinations. The influence area, which contains around 90 percent of the trip ends that will be attracted to the site, was established. The area is generally bounded by the Long Island Expressway to the north, Southern State Parkway to the South, Nassau Boulevard to the west and Wantagh Parkway to the east. The NYMTC's model was used to develop and estimate the direction distribution of the traffic. It was found that 15 percent is from and to Hempstead Turnpike west, 5 percent is from and to Hempstead Turnpike East, 32 percent is from and to Meadowbrook Parkway north, 8 percent is from and to Meadowbrook Parkway south, 7 percent is from and to Merrick Avenue north, 23 percent is from and to Merrick Avenue South, 3 percent is from and to Charles Lindbergh Boulevard, 1 percent is from and to Oak Street, 1 percent is from and to California Avenue, 4 percent is from and to Uniondale Avenue, and 1 percent is from and to East Meadow Avenue.

Trip assignment was made considering logical routings and available roadway capacities. It reflected the horizon year and considered conditions at that time, such as road improvements, access provision, and land use. The assignment was carried through the external site access major points.

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*2019 Build Traffic Volumes*

2019 Build traffic volumes were developed for the three potential future development scenarios: (a) the Lighthouse Proposed Action; (b) Existing Zoning and (c) the Mitchel Field Mixed-Use (MFM) District Lower-Density Alternative. It was based on adding the site traffic generation of each potential development to the 2019 no-build traffic volumes previously described.

*Parking Generation and Shared Parking Analysis*

The unadjusted parking demand expected to be generated by the three potential future development scenarios was determined based on the Town Code Parking Requirements and the Urban Land Institute (ULI) recommended base parking ratios.

To find the balance between providing adequate parking to support the potential development and avoiding excessive costs and storm water run-off impacts from impervious surface coverage, a shared parking analysis was completed to accurately estimate parking requirements for each of the potential mixed-use development scenarios where parking is shared among uses, using the "Shared Parking Book," 2<sup>nd</sup> Edition, published by Urban Land Institute (ULI). Applying the appropriate monthly patterns, time-of-day patterns, Non Captive, Modal Split and Persons per Car Adjustments to parking ratios for each use in the mixed-use development scenarios resulted in an adjusted parking demand as follows:

1. *Existing Development* – The Existing Development has a current parking capacity of 14,079 parking spaces available to accommodate the existing parking demand.
2. *The Lighthouse Proposed Action* – In addition to the existing parking facilities serving the Omni and RXR Plaza parcels, the Lighthouse Proposed Action will generate an additional parking demand of 24,039, 23,492 and 21,596 parking spaces based on the Town Code requirements and the ULI weekday and weekend base parking ratios, respectively. The Lighthouse Proposed Action estimated shared parking requirement was found to be 12,758, 12,653 and 15,413 parking spaces during weekday November 2:00 P.M., weekday November 6:00 P.M. and Saturday November 2:00 P.M., respectively.
3. *Existing Zoning* – In addition to the existing parking facilities serving the Omni and RXR Plaza parcels, the Existing Zoning Study Build-out will generate an additional parking demand of 12,473, 14,137 and 14,005 parking spaces based on the Town Code requirement and the ULI weekday and weekend base parking ratios, respectively. The Existing Zoning Study Build-out estimated shared parking requirement was found to be 5,245, 7,328 and 9,075 parking spaces during weekday November 2:00 P.M., weekday November 6:00 P.M. and Saturday November 2:00 P.M., respectively.
4. *The MFM District Alternative* – In addition to the existing parking facilities serving the Omni and RXR Plaza parcels, the MFM District Alternative Study Build-out will generate an additional parking demand of 14,858, 17,358 and 17,358 parking spaces based on the Town

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Code requirements and the ULI weekday and weekend base parking ratios, respectively. The MFM District Alternative Study Build-out estimated shared parking requirement was found to be 6,998, 9,529 and 10,823 parking spaces during weekday November 2:00 P.M., weekday November 6:00 P.M. and Saturday November 2:00 P.M., respectively.

*Capacity Analysis, Storage/Queue Analysis and Network Simulation*

Capacity Analysis, Storage/Queue Analysis and network simulation were conducted to identify transportation deficiencies and needs related to the existing and proposed potential development scenarios.

The analyses were conducted for 2010 existing conditions and 2019 future conditions without and with the potential development scenarios to identify incremental impacts and needs that the development scenarios generate. Level of Service, as defined by the Highway Capacity Manual (HCM 2000) and other measures of effectiveness such as volume-to-capacity ratio were utilized to measure the impacts of the potential development scenarios on the Study Area transportation operations. Results of the analysis shows that Hempstead Turnpike, Earl Ovington Boulevard, Charles Lindbergh Boulevard, Merrick Avenue and the Meadowbrook Parkway in the vicinity of the Study Area are oversaturated during weekday and weekend peak hours and will continue to operate with deficiencies in the future without and with traffic generated from the potential development scenarios as described, given the following proposed mitigation measures:

1. *Hempstead Turnpike between Park Boulevard/East Meadow Avenue and Merrick Avenue* - Add traffic lanes, revise the traffic signal timing plan, and optimize splits, cycle and offsets for the eastern traffic control system.
2. *Interchange 5 of the Meadowbrook Parkway at Hempstead Turnpike* - Convert the Meadowbrook Parkway Interchange at Hempstead Turnpike to a signalized single point interchange, add lanes and interconnect.
3. *Hempstead Turnpike between James Doolittle Boulevard and Oak Street* - Install two actuated traffic signals at James Doolittle Boulevard and Gilroy Avenue and interconnect; add traffic lanes and turning pockets; revise traffic signal timing plans and optimize splits, cycles and offsets; close the median to prohibit left turns between Glenn Curtiss Boulevard and Earl Ovington Boulevard/Uniondale Avenue.
4. *James Doolittle Boulevard* - Re-align James Doolittle Boulevard to Perimeter Road, add traffic lanes, turning pockets, install an actuated traffic signal at Charles Lindbergh Boulevard and interconnect.
5. *Charles Lindbergh Boulevard* - Re-align Charles Lindbergh Boulevard between James Doolittle Boulevard and Earl Ovington Boulevard, install an actuated traffic signal at the Site access drive north; add traffic lanes and turning pockets.



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6. *Earl Ovington Boulevard* – Install an actuated traffic signal at the Omni access drive east, and convert the Omni full movement access drive south to ingress only.
7. *Earl Ovington Boulevard and Charles Lindbergh Boulevard Traffic Control System* – Install an advanced actuated traffic control system between James Doolittle Boulevard and the Hofstra University access drive and interconnect.

A micro-simulation was undertaken as a supplement to the usual capacity analysis, as per Highway Capacity Manual (HCM 2000) Chapter 31. The Synchro/SimTraffic 6 simulation model was utilized to assess the impacts of the potential development scenarios. Micro-simulation is data intensive and requires a significant amount of time to achieve results. It requires verification, calibration, and validation to use the package correctly and to interpret the results accurately. Performance measures such as travel time, total delay, delay per vehicle, stop per vehicle and average speed were quantified for the Lighthouse Proposed Action and the MFM District Alternative. Animation files were developed to gain insight into how each alternative performs and a graphic side-by-side comparison was conducted.

**Table ES-3  
 MICRO-SIMULATION PERFORMANCE MEASURES - ALTERNATIVES ANALYSIS**

Performance Measures/ Intersection Overall	Study Area Intersections													
	#3		#4		#5		#6		#7		#8		#9	
	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH
Total Delay (Hr.)	55.4	115.7	114.8	174.1	301.6	348.2	20.4	31.9	15.7	40.5	30.7	28.6	12.7	20.4
Delay/ Vehicle(s)	42.8	92.2	81.7	132.1	154.8	184.0	23.8	35.8	17.0	43.2	25.8	23.7	16.7	25.1
Stop/ Vehicle	0.57	0.64	0.93	1.15	1.03	1.11	0.48	0.52	0.40	0.40	0.76	0.68	0.40	0.56
Average Speed (mph)	12	10	9	7	7	6	9	8	9	7	10	11	18	14
Performance Measures/ Intersection Overall	Study Area Intersections (Continued)													
	#10		#11		#12		#14		#15		#26		#34	
	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH
Total Delay (Hr.)	269.0	290.3	40.4	79.4	95.1	96.8	7.7	15.4	256.9	326.4	191.4	158.4	19.3	20.5
Delay/ Vehicle(s)	148.7	156.7	38.9	72.9	49.4	46.2	7.5	13.2	149.7	182.2	129.4	106.1	12.4	13.4
Stop/ Vehicle	1.21	1.24	0.69	0.79	0.49	0.52	0.18	0.29	0.30	0.32	0.80	0.83	0.16	0.19
Average Speed (mph)	5	5	13	11	9	7	19	14	8	7	7	6	24	23

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Performance Measures/ Intersection Overall	Study Area Intersections (Continued)													
	#35		#43		#44		#46		#169		#304		Total Network	
	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH	MFM	LH
Total Delay (Hr.)	146.0	157.3	15.2	14.5	11.7	11.8	4.9	6.6	22.3	21.7	9.3	10.8	2557.1	3054.6
Delay/Vehicle(s)	98.7	100.2	13.0	12.4	10.1	10.1	9.4	10.5	23.1	22.8	10.5	11.5	315.2	359.7
Stop/Vehicle	0.77	0.78	0.20	0.18	0.18	0.18	0.46	0.47	0.60	0.53	0.25	0.29	2.75	3.01
Average Speed (mph)	7	6	26	26	26	26	16	15	10	10	19	19	13	12

Notes:

- a) Synchro and SimTraffic 6 models were used to perform Micro-Simulation Alternative Analysis.
- b) MFM = Mitchel Field Mixed-Use District Alternative.
- c) LH = Lighthouse Proposed Action.
- d) The following is the legend for intersection numbers:
  3. Hempstead Turnpike at Oak Street;
  4. Hempstead Turnpike at California Avenue/Hofstra;
  5. Hempstead Turnpike at Earl Ovington Boulevard;
  6. Hofstra University at Earl Ovington Boulevard;
  7. Charles Lindbergh Boulevard at Earl Ovington Boulevard;
  8. Westbound Charles Lindbergh Boulevard at Earl Ovington Boulevard;
  9. Charles Lindbergh Boulevard at Merrick Avenue;
  10. Hempstead Turnpike at Merrick Avenue;
  11. Glenn Curtiss Boulevard at Merrick Avenue;
  12. Hempstead Turnpike at the MFM District Main South Boulevard;
  14. Charles Lindbergh Boulevard at NCC/James Doolittle Boulevard;
  15. Hempstead Turnpike at James Doolittle Boulevard;
  26. Hempstead Turnpike at Park Boulevard/East Meadow Avenue;
  34. Hempstead Turnpike at the MFM District Main Southwest Boulevard;
  35. Hempstead Turnpike at the Meadowbrook Single Point Interchange;
  43. Hempstead Turnpike at Eisenhower Park Pedestrian Gateway;
  44. Hempstead Turnpike at Coolidge Drive;
  46. Glenn Curtiss Boulevard at RXR Main South Drive;
  169. Omni East Drive at Earl Ovington Boulevard; and,
  304. Charles Lindbergh Boulevard at the MFM District Main Boulevard North.

The results of the Synchro/SimTraffic 6 micro-simulation model, which describes traffic behavior during weekday morning, afternoon and Saturday midday peak hours indicates that the traffic generated by the proposed development under the Lighthouse Proposed Action will significantly impact Study Area traffic operation along Hempstead Turnpike, Earl Ovington Boulevard and the Meadowbrook Parkway Interchange at Hempstead Turnpike, even given the mitigation measures proposed in the DGEIS and the FGEIS for the Lighthouse Proposed Action, and other possible improvements as specified by Frederick P. Clark Associates, Inc.

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The findings that the projected demand by the Lighthouse Proposed Action would be unmanageably higher than the capacity of Study Area segments, intersections and interchanges even with all possible recommended transportation improvements prompted a search for an alternative density for the area.

Although the draft PDD zoning of the Lighthouse Proposed Action requires bicycle paths along the rights-of-way of Hempstead Turnpike, Earl Ovington Boulevard and James Doolittle Boulevard adjacent to the site perimeter, it does not require bicycle paths on Charles Lindbergh Boulevard or as internal connections between on-site destinations, or between on-site uses and new bicycle paths on three of the boulevards surrounding the site.

Pedestrian paths within the development, as shown on the Lighthouse Conceptual Master Plan would be located for the most part alongside the driveways that would serve as the “streets” of the development. The draft PDD zoning includes two requirements for these paths in the Core Sub-district: (a) that paths shall be provided to connect building entries with adjacent streets, uses and parcels; and (b) that they are visually distinguishable and separated from parking areas by use of physical barriers such as curbs or landscaping.

The MFM District Lower-Density Alternative was developed to adjust the Site traffic component to reflect a more manageable traffic demand that can be realistically handled by the transportation system with the mitigation measures proposed.

Results of the Micro-simulation for the Study Area key intersections shows that traffic generated by the Study Build-out under the MFM District Alternative would not significantly impact Study Area traffic operations along Hempstead Turnpike, Earl Ovington Boulevard, Charles Lindbergh Boulevard, James Doolittle Boulevard and the Meadowbrook Parkway Interchange at Hempstead Turnpike with the mitigation measures proposed.

*Accident History*

The Lighthouse Proposed Action Application did not include a Highway Safety Investigation (HIS) study as required by The New York State Department of Transportation. Highway Safety Investigation (HIS) study should include mitigation for the Priority Investigation Location (PIL) and Safety Deficient Location (SDL) for segments and nodes directly adjacent to the frontage of the proposed development. The Lighthouse proposed Action Application included the Crash history for the latest three years available for Study Area nodes and segments.

Future Major Development under the proposed MFM District Alternative will require a Highway Safety Investigation (HIS) study as required by The New York State Department of Transportation and a Crash history for the latest three years available for the remaining Study Area nodes and segments should be included in the Traffic Access and Impact Study.

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*The MFM District Alternative*

Since the potential traffic impacts of the Lighthouse Proposed Action could not be mitigated by the measures proposed, the density of the MFM District Lower-Density Alternative was reduced so that the potential additional traffic created by development in the new district could be mitigated by reasonable and economically feasible measures. Along with other traffic mitigation measures proposed by the “*Traffic Access and Impact Study, Mitchel Field Zoning Study, Hempstead, New York*” (Appendix E-1 of the FGEIS), the reduced FAR, size of the MFM District, and the layout of the District Site were chosen to ensure that future development in the district would not significantly impact traffic in the area. The four required public rights-of-way for boulevards and streets that connect to important existing area roadways would improve traffic distribution and traffic flow through and around the new district.

To accommodate those residents and visitors willing to make inter-modal transfers to utilize public transportation for an entire trip, the MFM District Alternative proposes regulations that integrate existing and future transportation options into the district through the creation of the four public rights-of-way within the district boundaries, and the requirement that these boulevards and streets are designed to be “complete streets.” Complete streets integrate the pedestrian walkway, public transportation, private car, and alternate transportation (bicycle) systems by design, to encourage walking, and use of existing public transportation and alternate transportation. Complete streets would allow an existing public transportation route (or routes) to be relocated to travel through the “main street” of the district so it may be utilized by residents and visitors to travel to and from destinations within the district and outside of the district.

“Complete streets” are, by definition, streets designed and operated to enable safe access for all users - pedestrians, bicyclists, motorists and transit riders of all ages and abilities who can safely move along and across the complete streets. The elements required for complete streets in the MFM District would include, in addition to vehicular travel lanes, sidewalks and bike lanes on both sides of the street, special public transit lanes, comfortable and accessible transit stops, frequent street crossing opportunities, planted median islands, curbside planting strips along sidewalks, accessible pedestrian signals and curb extensions for safety.

The Lighthouse Proposed Action would generate significant adverse impacts to traffic<sup>4</sup> and parking that could not be mitigated by measures included in the Proposed Action.

The MFM Alternative would reduce the significant impacts to traffic and parking that would be caused by development of the Lighthouse Proposed Action to a level that can be mitigated by feasible and economically reasonable measures, while allowing for the mixed-use redevelopment of the Nassau Coliseum property and the renovation of the Coliseum.

## **7. Air Quality**

An air quality analysis was prepared to address air quality impacts associated with the Mitchel Field Mixed-Use (MFM) Lower Density District Alternative. The analysis utilizes much of the work

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performed for the Lighthouse DGEIS and FGEIS, updates the assessments and expands the analyses, where necessary, to address new information or comments made on those analyses. A qualitative comparison to the potential air quality impacts associated with the Lighthouse Proposed Action, as well as, an independent Lighthouse Proposed Action traffic analysis performed by Frederick P. Clark Associates (FPCA), have been provided.

*Existing Conditions*

Ambient air quality is measured and regulated under rules established by the United States Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC). For this project, baseline air quality conditions at and in the vicinity of the project site were characterized using measured data available from nearby monitoring stations. These data were used to evaluate the relative impact of proposed activities.

National and New York State Ambient Air Quality Standards (N/SAAQS) have been issued in accordance with the Clean Air Act and Clean Air Act Amendments for wide-spread pollutants considered harmful to public health and the environment. Six (6) pollutants have been listed with acceptable thresholds; these pollutants are called criteria pollutants. These criteria pollutants are sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), ozone (O<sub>3</sub>), lead (Pb), carbon monoxide (CO) and particulate matter (PM). The PM standards consist of two (2) types of particle pollution standards; one for particles with a diameter of less than 10 microns (PM<sub>10</sub>) and one for those with a diameter less than 2.5 microns (PM<sub>2.5</sub>).

In addition to the criteria pollutants listed above, New York State has adopted ambient air quality guidelines for over 1,000 toxic compounds including: photochemical oxidants, non-methane hydrocarbons, fluorides, beryllium and hydrogen sulfide. The guidelines are known as DAR-1 AGC/SGC Guidelines, which include both annual guideline concentrations (AGCs) and short-term guideline concentrations (SGCs). Ambient monitoring for only a handful of these pollutants is conducted by NYSDEC. Projects with air emissions must consider both criteria pollutants and toxic or hazardous air pollutants (HAPs) as part of an impact and/or permitting analysis, and cannot cause or exacerbate an exceedance of N/SAAQS for criteria pollutants or AGC/SGC guideline values for HAPs. \*

Ambient air monitoring is conducted by the NYSDEC throughout New York State. Air quality monitoring stations measure existing air quality levels for local areas. The existing air quality is often considered background air quality, meaning the air quality prior to a new project's influence. In recent years, there have been several modifications, additions and deletions to the ambient standards. These changes include the following:

1. December 17, 2006 - the annual PM<sub>10</sub> standard was revoked and the PM<sub>2.5</sub> 24-hour was lowered from 65 micrograms per cubic meter (µg/m<sup>3</sup>) to 35 µg/m<sup>3</sup>;
2. May 27, 2008 – 8-hour ozone standard reduced from 0.08 parts per million (ppm) to 0.075 ppm and the 1-hour standard revoked;

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3. October 15, 2008 – 3-month rolling average lead standard of 0.15  $\mu\text{g}/\text{m}^3$  introduced;
4. January 22, 2010 – 1-hour  $\text{NO}_2$  standard of 100 ppb (189  $\mu\text{g}/\text{m}^3$ ) introduced;
5. June 22, 2010 – 1-hour  $\text{SO}_2$  standard of 75 ppb (196  $\mu\text{g}/\text{m}^3$ ) introduced; and 24-hour and annual standards revoked (effective by late 2010).

A summary of the air quality data collected at nearby stations and a comparison to N/SAAQS for each pollutant is provided in Table AQ.1. The data was obtained from the NYSDEC 2009 Ambient Air Quality Report<sup>3</sup> and represents background ambient air quality for the proposed project. This is the most up-to-date report available as of June 2010.

**Table AQ.1  
Summary of Ambient Air Quality Data for 2007 - 2009**

Pollutant	Period	Station Location	County	Concentration <sup>(1)</sup>	N/SAAQS
$\text{NO}_2$	1-hour	Eisenhower Park	Nassau	0.097 ppm	0.10 ppm
	Annual Average			0.018 ppm	0.053/0.05 ppm
$\text{O}_3$	1-hour	Babylon	Suffolk	0.113 ppm	0.12 ppm
	8-hour			0.083 ppm	0.08 ppm
$\text{SO}_2$	3-hour Max	Eisenhower Park	Nassau	0.048 ppm	0.5 ppm
	24-hour Max			0.021 ppm	0.14 ppm
	Annual Average			0.005 ppm	0.03 ppm
CO	1-hour Max	Queens College	Queens	3.4 ppm	35 ppm
	8-hour Max			2.8 ppm	9 ppm
$\text{PM}_{10}$	24-hour	Queens College	Queens	57.0 $\mu\text{g}/\text{m}^3$	150 $\mu\text{g}/\text{m}^3$
$\text{PM}_{2.5}$	24-hour	Eisenhower Park	Nassau	32.0 $\mu\text{g}/\text{m}^3$	35 $\mu\text{g}/\text{m}^3$
	Annual			11.2 $\mu\text{g}/\text{m}^3$	15.0 $\mu\text{g}/\text{m}^3$
Pb	Quarterly	JHS 126	Kings	0.020 <sup>(2)</sup> $\mu\text{g}/\text{m}^3$	0.15 $\mu\text{g}/\text{m}^3$
	Quarterly	JHS 126		0.020 $\mu\text{g}/\text{m}^3$	1.5 $\mu\text{g}/\text{m}^3$

Notes:

<sup>(1)</sup> See Table 1 notes to determine how monitored concentrations relate to each standard.

<sup>3</sup> NYSDEC, 2009, "New York State 2009 Ambient Air Quality Report," 2009, <<http://www.dec.state.ny.us>>

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<sup>(2)</sup> Data is maximum quarterly average vs. Rolling 3-month average.

*Potential Air Quality Impacts*

Potential project related air quality impacts are associated with traffic, parking, stationary sources and construction/demolition activities. The air quality impacts of stationary sources within the Lighthouse Proposed Action site were analyzed and were not addressed further for the MFM District Alternative because there are no details on the specific location of facility sources. Parking impacts for the MFM District Alternative are expected to be less than those of the Lighthouse Proposed Action because of the lower density of potential development. Finally, construction/demolition impacts were addressed in the Lighthouse analysis and they were expanded to include a quantification of particulate matter emissions for the MFM District Alternative. Since traffic is a primary source of air emissions, a complete reanalysis of traffic air quality impacts was performed for the MFM District Alternative.

*Traffic Impacts*

The proposed project is expected to generate traffic which will cause emissions of CO, NO<sub>x</sub>, VOCs, PM<sub>10</sub> and PM<sub>2.5</sub> and HAPs, which are associated primarily with vehicle exhausts. Traffic data and assignments were developed by FPC and are provided in Appendix E. The traffic data for the MFM District Alternative were utilized to evaluate air quality impacts.

Traffic related air quality impacts are maximized at roadway intersections (both signalized and unsignalized) based on the vehicle exhaust stop-and-go profile of an intersection. As such, traffic information at each intersection that was part of the traffic study included in Appendix E was analyzed to determine if a quantitative carbon monoxide (CO) "hot spot" air quality impact analysis was required.

Traffic data used as part of the evaluation include existing conditions, Build year conditions (2019) when project completion is expected and No Build conditions (Build year without the project). The traffic analysis included Build and No Build traffic scenarios which incorporated approved future projects in the local area. To determine if a project requires a "hot spot" or microscale analysis at local intersections, an extensive 3-step screening process, as detailed in the NYSDOT Environmental Procedures Manual (EPM)<sup>4</sup>, was completed. The traffic analysis included 22 intersections (both signalized and unsignalized), and therefore, 22 intersections were subject to the screening process. These are listed in Table AQ.2.

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<sup>4</sup> NYSDOT Environmental Analysis Bureau, "Environmental Procedure Manual," January 2001, (Albany, New York) Chapter 1.1.

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Table AQ.2  
 Level of Service (LOS) Screening Analysis

Signalized Intersections

	Intersection	LOS	Peak Hour <sup>(1)</sup>
1	Hempstead Tpke & Oak St	D	PM
2	Hempstead Tpke & California Ave/Hofstra Access	D	PM
3	Hempstead Tpke & Earle Ovington Blvd	F	PM
4	Hempstead Tpke & Glenn Curtiss Blvd	E	PM
5	Hempstead Tpke & James Doolittle Blvd	B	PM
6	Hempstead Tpke & Merrick Ave	F	PM
7	Hempstead Tpke & Eisenhower Park Pedestrian Gateway	A	PM
8	Hempstead Tpke & Coolidge Dr	B	PM
9	Hempstead Tpke & Park Blvd/East Meadow Ave	E	PM
10	Hofstra Univ. & Earle Ovington Blvd	F	Post-Game
11	EB Charles Lindbergh Blvd & Earle Ovington Blvd	C	PM
12	WB Charles Lindbergh Blvd & NCC/Earle Ovington Blvd	C	AM
13	Charles Lindbergh Blvd & NCC/James Doolittle Blvd	B	Pre-Game
14	Charles Lindbergh Blvd & Merrick Ave	B	PM
15	Glenn Curtiss Blvd & Merrick Ave	D	PM
19	Hempstead Tpke & Gilroy Ave	B	PM
20	Hempstead Tpke & SPUI EB to NB ramp	D	PM
21	Charles Lindbergh Blvd & Site Northern Access Dr	A	Post-Game

Unsignalized Intersections

	Intersection	LOS	Time Period
16	Hotel North Drive & James Doolittle Blvd	A	Saturday
17	Hotel Center Drive & James Doolittle Blvd	A	Saturday
18	Hotel South Drive & James Doolittle Blvd	A	Saturday
22	Site Northeast Dr & James Doolittle Blvd	B	Saturday

Notes:

-LOS data provided by Frederick P Clark Associates, Inc. and represents LOS under the MFM District Alternative (Build Case).



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-Intersections with an LOS of D or worse are subject to a capture screening analysis, denoted by shading.

-Intersections with an LOS of C or better do not need a microscale air quality analysis and are not subject to further screening.

<sup>(1)</sup> Peak hour period has selected based on maximum total traffic volume. Analysis included AM, PM, Saturday, Pre-Game or Post- Game peak hours.

The screening process indicated that no intersections required a CO "hot spot" microscale analysis. As such, CO impacts from project related traffic are considered insignificant.

An air quality modeling impact analysis for particulate matter (both PM<sub>10</sub> and PM<sub>2.5</sub>) was prepared for the Lighthouse Proposed Action. The project site is in a non-attainment area for PM<sub>2.5</sub> and traffic related PM<sub>2.5</sub> impacts were quantitatively evaluated. The Lighthouse analysis indicates that traffic related PM<sub>2.5</sub> impacts will be within standards. Since the MFM District Alternative will have significantly less traffic, the MFM District Alternative impacts will be lower than those projected for the Lighthouse Proposed Action. Total PM<sub>2.5</sub> annual emissions from project traffic were estimated to be 1.2 tons per year (tpy), which is below the 15 tpy NYSDEC CP-33 Policy threshold of 15 tpy.

The screening analysis performed in the Lighthouse DGEIS also concluded that no CO microscale analyses were required. However, the applicant performed a microscale analysis to evaluate CO, PM<sub>10</sub> and PM<sub>2.5</sub> at seven (7) intersections. No adverse impacts of CO, PM<sub>10</sub> or PM<sub>2.5</sub> were documented in their analysis.

Furthermore, traffic impacts from the Lighthouse Proposed Action were re-evaluated by FCPA. The results of the FCA traffic study indicated that the traffic generated by the estimated development potential under the Lighthouse Proposed Action will significantly impact the study area traffic operation along Hempstead Turnpike, Earl Ovington Boulevard and the Interchange of the Meadowbrook Parkway at Hempstead Turnpike, even given the mitigation measures proposed, as specified in the DGEIS and the FGEIS for the Lighthouse Proposed Action, and the other possible improvements, as specified by FPCA. The FPCA traffic analysis for The Lighthouse Proposed Action produces higher traffic volume and lower LOS, leading to the potential for higher air quality impacts, as compared to the MFM District Alternative. As such, the MFM District development is the preferred build alternative from an ambient air perspective.

*Construction/Demolition Related Impacts*

The construction and demolition activities associated with the MFM District Alternative will result in air pollutant emissions that will impact local air quality levels. These impacts primarily result from the operation of equipment and fugitive particulate emissions. Traffic associated with the labor force and supplies/materials can also affect local air quality.

Impacts to air quality from these activities are anticipated to be short-term and relatively minor. The project is 55 acres in size and will require some demolition/rehabilitation activities, site grading and then construction. Demolition/Construction phasing is expected to be completed in approximately

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84 months with completion by 2019. A quantitative analysis was performed to calculate the total amount of particulate matter (PM) generated as fugitive dust during construction. Due to the project's size and construction schedule, air quality impacts from fugitive dust will amount to 32.4 tpy with 75% control, and 6.5 tpy with 95% control. Contractors will implement typical dust mitigation measures such as water trucks, covering of storage piles and will utilize "good housekeeping practices," which will limit dust emissions. Stormwater mitigation measures will also contribute to dust reduction.

Considering the period of time, expected construction phasing and the distribution of these emissions over substantial areas with control measures typically applied during construction and demolition activities, air quality impacts are expected to be minimal and are not expected to exceed air quality nuisance guidelines.

*Air Quality Impact Mitigation Measures*

The air quality analysis of the MFM District Alternative has focused on CO and PM (primarily PM<sub>2.5</sub>) associated with traffic generated by potential development in the district, which based on NYSDOT Air Quality Assessment Guidance<sup>5</sup>, are the significant pollutants from an air quality perspective. Based on the traffic screening analysis performed, no quantitative air quality analysis was required. Therefore, air quality impacts are considered insignificant and no air quality mitigation measures are necessary. The traffic mitigation will control air emissions and this will be sufficient and appropriate, from an air quality perspective.

The construction of development in the MFM District would produce air emissions increases at and around the project area. Since no adverse effects to air quality are expected, monitoring has not been included as a component of proposed activities in the district. Further, mitigation measures beyond typical dust suppression activities should not be necessary since construction air quality impacts will be short-term and relatively minor in nature.

The FPCA traffic analysis for the Lighthouse Proposed Action produces higher traffic volume and lower Levels of Service during and after construction, leading to the potential for higher air quality impacts, as compared to the MFM District Alternative.

Since the MFM District Alternative will generate significantly less traffic, the MFM District Alternative impacts will be lower than those projected for the Lighthouse Proposed Action. As such, the MFM District development is the preferred build alternative from an ambient air perspective.

**8. Noise and Vibration**

A noise and vibration study was performed to assess the potential noise and vibration impacts of potential development in the MFM District Alternative on neighboring noise- and vibration-

<sup>5</sup> NYSDOT Environmental Analysis Bureau, "Environmental Procedure Manual," January 2001, (Albany, New York) Chapter 1.1.

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sensitive land uses. The potential noise sources of concern consist of onsite stationary exterior noise-generating mechanical equipment, site-generated traffic, and special noise-generating events at Nassau Coliseum.

The primary source of vibration from potential development within the MFM District Alternative is expected to be short-term construction operations that include large construction vehicles and vibratory sheet pile driving. The impacts of noise and vibration during construction in the MFM District Alternative can be expected to be similar to that of the Lighthouse Proposed Action except for the shorter construction duration due to the smaller area of the MFM District Alternative and the smaller scale of development within the district.

*Existing Conditions - Noise Criteria and Guidance*

Noise is defined as unwanted sound. Sound (noise) is described in terms of loudness, frequency, and duration. Loudness is the sound pressure level measured on a logarithmic scale in units of decibels (dB). For community noise impact assessment, sound level frequency characteristics are based upon human hearing. Therefore, the A-weighted decibel (dBA) most closely represents normal human hearing is used in this case.

The Equivalent Sound Level  $L_{eq}$  over the daytime hours from 7 AM to 10 PM is called  $L_{eq}$  (day) or  $L_d$ , and the  $L_{eq}$  over the nighttime hours from 10 PM to 7 AM is called  $L_{eq}$ (night). And the  $L_{eq}$  over the 24 hour day is called the Day-Night sound Level,  $L_{dn}$ , with a 10 dB weighting applied to nighttime noise levels, accounting for the added annoyance or interference effect of nighttime noise.

There is no federal noise regulation applicable to the proposed project other than those applicable to highway<sup>6</sup> transportation equipment manufactured for and engaged in interstate commerce. New York State regulations and impact assessment criteria applicable to the project are based on Article 8 and SEQRA requirements.

The guidance document considers increases in  $L_{dn}$  of greater than 6 dBA as having an impact and complaint potential with 65 dBA being an upper end limit in non-industrial settings. Ambient sound levels in industrial and commercial areas may exceed 65 dBA with a high end of approximately 79 dBA. The guidance further provided the following thresholds of significant noise increases. Increases in noise levels with the proposed project above those without the project ranging from 0-3 dBA should have no appreciable effect on receptors.

Article II of Chapter 144 Code of the Town of Hempstead specifies the limiting noise spectrum for steady noise and this information is presented in Table NV-1.

<sup>6</sup> Federal Motor Carrier Safety Administration. 1989. Interstate motor carrier noise emission standards. 54FR50385.

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Table NV-1: Town of Hempstead Noise Criteria (decibels)

Octave Band Center Frequency	Transient Noise(1) Band Pressure Level	Steady Noise(2) Band Pressure Level
63	92	72
125	87	67
250	79	59
500	72	52
1,000	66	46
2,000	60	40
4,000	54	34
8,000	52	32

Source: Section 144-5, Town of Hempstead Code

1 Transient noise is defined as any noise having a duration of one minute or less.  
 2 Steady noise is defined as any noise having a duration in excess of one minute.

The spectral data presented in Table NV-1 were converted to its equivalent A-weighted sound level of 76 dBA for transient noise and 56 dBA for steady noise following procedure in American National Standards Institute (ANSI S1.11).

*Existing Site Conditions*

The off-site noise sensitive uses consist mainly of the Hofstra University campus to the west, and the residences south of Hempstead Turnpike. To assess existing community noise levels, noise levels were measured at selected representative noise-sensitive land uses adjacent to the site. The area adjacent to the subject site was surveyed and four (4) residential and Hofstra University locations were selected to assist in evaluating the MFM District Alternative noise impacts. Noise levels at several locations to the north, east, and west of the site that are commercial were measured previously; since their uses are not noise-sensitive and no noise impacts were identified under the larger Lighthouse Proposed Action, no impact is expected from development under the MFM District Alternative zoning. Previous results and assessments at these locations are included in the Lighthouse Proposed Action documentation.

The noise sampling program was set to record sound at a rate of 16 samples a second. The monitoring program started on Friday, July 16, from approximately 10:30 AM and continued to 6 PM of July 17, 2010. A rock concert took place on Saturday the 17<sup>th</sup> starting at 12 noon and ending at approximately 6 PM. Noise monitors at all 4 locations recorded contributions from HVAC operations from existing building and hotel operations, and Coliseum and parking activities of before, during and after the concert event.

Table NV-2 summarizes the hourly  $L_{eq}$  noise levels monitored. Field monitoring data is presented separately in the Noise Section of Appendix E.

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**Table NV-2: Measured Existing Hourly  $L_{eq}$  Noise Levels in dBA**

Location	Existing		
	Weekday Peak	Saturday Midday	Maximum of Coliseum Event
N1	67	64	67
N2	64	65	64
N3	65	64	67
N4	66	65	66

Vehicular traffic is the principal noise source throughout the project area and noise levels are generally dependent on the proximity to the roadways and the volume of traffic on them. Existing mechanical and HVAC equipment operations for Omni and Marriott Hotels and office buildings (e.g. the RXR Plaza buildings) in the area were not significant community noise contributors.

*Potential Noise Impacts*

An FHWA – Traffic Noise Model (TNM) was used to simulate existing noise conditions and was then used to estimate project noise impacts. Noise levels at the 4 noise monitoring locations were projected for both the No Build and the Build Alternatives for the proposed 2019 Build Year. These noise levels were arrived at by adding the noise contributions from new or expanded stationary noise sources and from the increases in nearby traffic under each Alternative to the existing noise levels measured at the monitoring locations.

The No Build Alternative denotes the case which does not carry out any potential element of the MFM District Alternative other than the growth in traffic that has already been programmed for 2019. Table NV-3 provides the projected noise levels at each of the 4 monitoring locations.

**Table NV-3: No Build Hourly  $L_{eq}$  Noise Levels (dBA)**

Location	No Build			
	Weekday		Saturday	
	Peak Hour	Post Event	Midday Peak	Post Event
N1	67	67	64	67
N2	64	64	65	64
N3	66	67	65	67
N4	66	67	65	66

The estimated sound levels for development in the MFM District Alternative are based on the combined or cumulative levels of the noise levels under the No Build condition and the additional noise contributions from potential stationary noise sources and induced traffic as a result of development within the MFM District Alternative.

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Other than the typical neighborhood activities such as landscaping, waste removal, which may produce transient undesirable noises, no new pure tone or impulse noise generating equipment installation or activity onsite would be expected.

The noise analysis of the rooftop mechanical equipment noise sources at typical buildings that might be constructed in the MFM District Alternative demonstrates the stationary HVAC equipment onsite would not generate noise levels exceeding the Town Code limit of 56 dBA at the boundaries of the MFM District.

Special events, such as hockey games, shows, and concerts, are regularly held at Nassau Coliseum. The worst-case noise levels corresponding to a *LIVE* outdoor rock concert on 4 stages, simultaneously, with large enhancement speakers, were measured and presented in Table NV-2. Noise levels of similar indoor activities at the Coliseum would be greatly attenuated by the concrete Coliseum structure and resulted in sound levels 30 to 40 dBA lower than the levels in Table NV-2 during Special Events. Increase or expansion in the scheduled use of the Coliseum under the MFM District zoning would be reviewed when a Comprehensive Master Plan is submitted with an application for development within the district.

The projected noise levels increases at each of the 4 monitoring locations for the MFM District Alternative associated with traffic induced by the full development in 2019 were also analyzed. Table NV-4 shows the net cumulative noise levels at each of the 4 monitoring locations combining the contributions from growth of the existing conditions, project mechanical equipment and district-induced traffic.

**Table NV-4: Cumulative Hourly  $L_{eq}$  Noise Levels (dBA) under the MFM District**

Location	Cumulative Levels			
	Weekday		Saturday	
	Peak Hour	Post Event	Midday Peak	Post Event
N1	68	67	65	67
N2	65	64	66	65
N3	67	67	66	68
N4	68	68	67	68

The increases in noise levels at the 4 noise monitoring locations under the Build condition for peak weekday, weekday post-event, Saturday Midday, and Saturday post-event periods are not expected to exceed 2 dBA over the existing noise levels. This increase is below the 6 dBA impact threshold of the NYSDEC Guideline. Since these locations represent the nearest noise-sensitive receptors with the greatest impact potential by development within the MFM District Alternative, increases elsewhere can be expected to be less and below the impact threshold. Under the proposed Lighthouse project, significant noise level increases above the 6 dBA increase threshold of the NYSDEC Guideline for noise impact were identified (Appendix C301) for comparable receptors south of Hempstead Turnpike across from the project site as represented by N1 thru N4.

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Potential development within the MFM District Alternative would effectively be a down-sized Lighthouse Proposed Action. Since the MFM District Alternative is a scaled down development of the proposed Lighthouse Action and the increases in noise levels are no more than 2 dBA under the MFM Alternative as shown in Table 12 in Section 5.3. Thus, the MFM Alternative is the preferred alternative of the proposed build alternatives from environmental noise perspective.

*Mitigation Measures*

The projected noise levels under the MFM District Alternative are estimated to fall well below threshold levels for applicable noise criteria and guidance. As such, no mitigation measures are explicitly required by rule.

Since surrounding uses are not noise-sensitive and no noise or vibration impacts were identified for the larger, denser Lighthouse Proposed Action, no noise or vibration impacts are expected from development under the MFM District Alternative.

**9. Socioeconomics**

Under the Lighthouse Proposed Action, the Applicant prepared a Conceptual Master Plan that contained proposed buildings and uses. As part of the DGEIS prepared by the Applicant, an analysis of taxes that would be generated by the proposed Conceptual Master Plan was included. However, the models and methodologies used by the Applicant to prepare the Socioeconomic Section of the DGEIS cannot be verified by the information contained in the DGEIS or the FGEIS.

According to Tables 3.9-164 and 3.9-166 provided by the Applicant in the DGEIS, of the 2,306 housing units proposed by the Lighthouse Proposed Action, only 2,190 were used to calculate the number of public school children anticipated. Therefore, the estimate of the number of public school children generated by the Lighthouse Proposed Action provided by the Applicant cannot be considered to be reliable. Further, the Applicant's analysis provided in the DGEIS assumes that most of the children living in the proposed Lighthouse project would attend private school. However, there is no way to determine if a child will attend public or private school. Therefore, the Applicant's analysis cannot be relied upon. The multipliers that should have been used in the analysis were those to estimate the total number of children that would be generated by the Lighthouse Conceptual Master Plan, which was not provided.

According to the Applicant, the Applicant met with the Uniondale School District and has agreed upon monetary mitigation to the Uniondale School District to address potential adverse impacts related to increased school enrollment resulting from the Lighthouse Proposed Action.

Unlike the Lighthouse Proposed Action that includes a Conceptual Master Plan for development in the proposed PDD, the MFM District Alternative would create a zoning district that will not have Conceptual Master Plan until an application for development in the district is submitted for approval. Therefore, a tax analysis for the MFM District Alternative cannot be prepared. However, an estimate

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of school-age children can be generated for the MFM District because its regulations allow a maximum number of 500 units of Townhouses or Multi-Family Dwellings in the district.

The Rutgers University Center for Urban Policy Research has prepared “Residential Demographic Multipliers” to use in estimating the number of school-age children to be generated by a site. The multipliers are based upon the type of housing and the number of bedrooms per unit. Based the “Residential Demographic Multipliers” June 2006 for New York, the housing type allowable in the MFM District that would generate the most number of school children would be a 4-bedroom townhouse. Five hundred 4-bedroom townhouse residential units would generate 595 school children in the proposed MFM District.

*Housing*

The MFM District Alternative regulations would limit the number of new residential units in the district to a maximum of 500, which is only 21% of the 2,306 units proposed by the Lighthouse Proposed Action and its Comprehensive Master Plan. The reduction in the number of housing units under the proposed MFM District would result in significantly fewer school-aged children residing in the new district even if an application for development were to propose the maximum allowable number of residential units.

*Renovation of the Coliseum*

According to the Applicant, owner of the New York Islanders, should the Lighthouse Proposed Action not be approved and the Coliseum not be transformed according to the Comprehensive Master Plan proposed by the Applicant, he would relocate the Islanders and they would leave the Coliseum, as stated on Pages 1-155 and 1-156 of the June 2009 DGEIS. Based upon the conclusions of the Applicant’s consultant, NorthMarq Advisors, as set forth in Sections 2.3, 2.5, 3.9 and 7.1 and Appendix 2-3 of the June 2009 DGEIS, the Applicant believes it is unlikely the Nassau Coliseum would survive in the long-term without a professional sports team.

However, Nassau County owns the Coliseum. Therefore, there is no reason to assume, nor does the Applicant provide information to substantiate that the Coliseum would not be renovated at another time, by some other means to be a viable arena for the Islanders or for another use, even if the Applicant chooses to relocate the Islanders.

The MFM District Alternative would provide a lower-density mixed-use alternative for redevelopment of the Coliseum property that would mitigate significant environmental impacts associated with the Lighthouse Proposed Action while encouraging economic development in the area and improvement or re-building of the Nassau Coliseum to a state-of-the-art facility acceptable for continued use by the Islanders or another sports team.

The MFM District Alternative would provide a lower-density alternative for redevelopment of the Coliseum property that would mitigate significant environmental impacts associated with the Lighthouse Proposed Action while encouraging economic development in the area and improvement or re-building of the Nassau Coliseum to a state-of-the-art facility.



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**10. Community Facilities and Services**

The potential significant impacts of the Lighthouse Proposed Action on community facilities and services include, among other impacts, increased demand for schools, fire, police, and emergency services, increased demand for recreational facilities and libraries, increased demand for senior transportation and education facilities.

If the Lighthouse Proposed Action PDD at Mitchel Field were to be expanded to include additional County-owned land at Mitchel Field in proximity to the Lighthouse Site for the location of a minor league baseball stadium, it is likely that the new stadium would replace existing public active-recreational facilities currently utilized by County residents at the Mitchel Field Athletic Complex. In that case, the new baseball stadium could not be considered an expansion of existing facilities. In fact, if the stadium was not made available for active recreational use by residents, construction of the facility might actually decrease the availability of public active-recreational facilities in proximity to the Lighthouse Proposed Action.

The MFM District Alternative would introduce mixed-use development to the site, like the Proposed Action, to complement the Nassau Coliseum. The proposed MFM District would increase the density of potential development on the site and allow a mix of uses that could stimulate redevelopment of the Nassau Coliseum property. However, the reduced size of the MFM District and its regulations would limit new development so that it remains compatible with development in surrounding neighborhoods, and associated impacts would be limited to those that can be mitigated by feasible means. It would also reduce the number of new residents using existing community services because the maximum number of residential units allowable in the MFM District Alternative would be 500 units.

Building heights would be limited to the heights of existing local low, mid-scale and tall buildings surrounding the site, which would reduce the impacts to fire fighting capabilities. Decreased density and a limitation on the number of residential units allowed would reduce demand for water, police, fire and emergency services as well as other community facilities including libraries and senior transportation services.

The limit on the number of residential units allowable in the district would reduce impacts on the local school district since the number of school children generated by the MFM District would be significantly lower than the number of school children generated by the Lighthouse Proposed Action. It should be noted that the 500 allowable new residential units in the district would be 21% of the 2,306 units proposed by the Lighthouse Comprehensive Master Plan.

The MFM District Alternative regulations do not include a baseball stadium as an allowable use. While it is true that privately owned entertainment/recreational facilities/opportunities available to the area residents would be expanded by development of the Lighthouse Proposed Action, the publically owned active-recreation facilities may be decreased by the development of a minor league baseball stadium at Mitchel Field.

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Decreased density and limitation on the number of residential units allowed in the MFM District would reduce demand for water, police, fire and emergency services as well as other community facilities including schools, libraries and senior transportation services as compared to the Lighthouse Proposed Action.

**11. Aesthetics and Visual Resources**

Permissible building heights under the Lighthouse Proposed Action PDD zoning would be 275 feet in the Core Subdistrict, 150 feet in the Residential Subdistrict, 175 feet in the Office Subdistrict, and gateway buildings in the Core Subdistrict could be 450 feet tall. Furthermore, the Lighthouse Proposed Action does not cite analysis or specific information that substantiates that the building heights proposed by the Lighthouse Proposed Action PDD would “enhance the pedestrian environment and compliment nearby buildings and uses” and “be sensitive to solar and physical effects on the main ground level public spaces and streets,” as stated in information provided by the Applicant in the DGEIS and FGEIS.

The MFM District Alternative, added to the FGEIS to address concerns regarding the potential significant impacts of the Lighthouse Proposed Action, would introduce mixed-use development to the site, like the Proposed Action, to complement the Nassau Coliseum and encourage redevelopment of the site. The MFM District regulations would increase the density of potential development on the site and allow a mix of uses similar to the Lighthouse Proposed Action. However, the proposed MFM District regulations would limit the increase in density and building heights and introduce design guidelines for development so that new development in the MFM District would remain visually and aesthetically compatible with existing development in surrounding neighborhoods.

Building heights would be limited to the heights of existing local low-scale and tall buildings surrounding the site to eliminate the visual impacts of the very tall towers proposed by the Lighthouse Proposed Action. Specific street connections and street-design parameters would be required to help improve traffic flow and distribution in the area and create vehicular and pedestrian-friendly connections from the surrounding road and street network into the new mixed-use neighborhood. These new streets would create a spatial character and development pattern similar to those of the surrounding neighborhoods. Land would be set aside for a public park and additional open space would be required for residential uses.

In the MFM District Alternative, the maximum number of residential units allowable would be 500 compared to the 2,306 units proposed by the Lighthouse Comprehensive Master Plan, ensuring development patterns in the district will be similar to and compatible with those of existing neighborhoods surrounding the site.

The MFM District Alternative may be thought of as mitigation for the impacts of the Lighthouse Proposed Action because it would not allow tall towers. Under the MFM District Alternative, the maximum height for a non-residential and mixed use (i.e. residential and non-residential) buildings

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would be 2 stories (or maximum 30 feet) or if the size of the property is more than 2 acres and has a lot depth in excess of 100 feet, then the maximum height could be 4 stories or 60 feet. Also, the maximum height for a hotel is 100 feet and a free-standing parking structure may be no more than 40 feet high.

The MFM District Alternative regulations would require an increase in the setback of a building as its height increases. The lower allowable building heights and required setbacks would limit the solar access impacts and physical effects of tall buildings in the new district. The required wide public streets and lower density of the MFM District would provide more open space in the district to further limit these effects and the increased development density. Buildings, streets and open space developed under the district regulations would compliment nearby buildings and uses and would create a street level pedestrian environment similar to neighborhoods surrounding the new district.

The MFM District Alternative regulations require that all development proposals include, as part of the application for Conceptual Master Plan approval, detailed plans for architectural, streetscape and landscape design to ensure an efficient development of uses that is architecturally and visually appealing and visually and aesthetically compatible with existing neighborhoods surrounding the proposed new district. The guidelines in the regulations are intended to encourage master plan elements that provide appropriate location, arrangement and design of buildings, parking areas and parking structures, and open space and site amenities to promote quality site, building and landscape design and to integrate the architecture, landscape architecture and streetscape of the MFM District.

The MFM District Design Guidelines include requirements and/or specific regulations for building design, landscape design, open space, and street and open space furnishings to ensure aesthetic and visual quality of a new development and its environment. In summary, these regulations include the following:

1. Building design would be required to consider building façade elements and significant design features, such as color, exterior materials and treatments, roof structure, aesthetic treatment of exposed mechanical equipment, lighting, and service and storage areas.
2. Building plans and site plans would include open space, commons, or small pedestrian plazas with amenities such as benches or other seating, water features, night lighting, public art, bicycle parking and landscape plantings.
3. Parking lots, parking structures, access driveways, and pedestrian walkways would be designed to avoid or minimize the potential for pedestrian/vehicle conflicts and provide a safe and amenable pedestrian environment.
4. A safe, continuous, pedestrian walkway system would be required within a lot or premises and throughout the MFM District.
5. Artful treatment of building facades and exterior walls would be required to provide appropriate street level scale and architectural interest through the aesthetic use of setbacks,

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surface textures, fenestration, pedestrian entrances, lighting, and other building features such as porticos, balconies, bay windows, canopies, dormers, and columns.

6. Facades would be articulated to reduce the scale and uniform appearances of exterior building walls and provide visual interest that is consistent with surrounding community character and scale.
7. Buildings would have architectural features and patterns that provide visual interest at the scale of the pedestrian.
8. Buildings facades of non-residential or mixed-use residential uses would be composed of transparent windows and/or entrances.
9. Artful treatment of building roofs to provide neighborhood level scale and architectural interest would be required in the district.
10. Building materials and colors that are appropriate to the building style, and are aesthetically pleasing and compatible with those of the surrounding communities would be required.
11. Building facades and setbacks would be appropriately enhanced by well designed landscape plantings, or otherwise appropriately treated to address the orientation of the buildings.
12. Landscape design in the district would be required to consider the elements and significant design features of open space and a site.
13. Planting plans would be required to define outdoor spaces and activity areas, highlight the changing seasons, provide color and interest throughout the year, provide shade, shelter and a street level buffer between large buildings and pedestrians, and contribute to the spatial and visual unity of individual premises and the district.
14. Street, open space and premises planting plans would be required to be artfully designed to provide visual and physical amenity for the MFM District and surrounding communities, and to provide a spatial and visual transition between the MFM District and surrounding uses.
15. Street and open space furnishings, lighting and signage that are part of a designed system of elements used to create a district wide identity and individual identities for parks, open spaces, plazas, courtyards and squares that are public or part of individual premises or lots would be required.

The proposed MFM District regulations would limit the increase in density and building heights and introduce design guidelines for development as compared to the Lighthouse Proposed Action so new development in the MFM District would remain visually and aesthetically compatible with existing development in surrounding neighborhoods.

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**12. Cultural Resources**

Although there are no historic properties or districts situated on the Lighthouse at Long Island property, based on the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), the National Register eligible Mitchel Air Field Historic District is located in close proximity to the Lighthouse at Long Island. In addition, there are other individual properties within the vicinity of the subject property are eligible for listing on the National Register such as the Staller Mansion (Nassau County Historical Museum), the Staller Mansion Cottage, and Salisbury Golf Course Clubhouse. The following historic and cultural properties area also in the vicinity of the Project: Museum Row, Officers' Quarters, Cradle of Aviation, Long Island Children's Museum and Nassau County Firefighters Museum.

The very tall towers and very high density development of the Lighthouse Proposed Action would be visible from all the above-mentioned historic and cultural properties. The Lighthouse Proposed Action and its Comprehensive Master Plan will likely to have significant negative impacts on the historic resources due to the magnitude of the project (i.e. the height of the Gateway Buildings, the visual massing of the tall buildings, the tight development pattern and narrow driveways, the amount of retail/office developments and the associated traffic impacts, among other impacts as discussed in Section 2 of the FGEIS).

The MFM District Alternative, added to the FGEIS to address concerns regarding the potential significant impacts of the Lighthouse Proposed Action, would introduce mixed-use development to the site, like the Proposed Action, to complement the Nassau Coliseum and encourage redevelopment of the site. The MFM District regulations would increase the density of potential development on the site and allow a mix of uses similar to the Lighthouse Proposed Action. However, the proposed MFM District regulations would limit the increase in density and building heights and introduce design guidelines for development so that new development in the MFM District would remain visually and aesthetically compatible with nearby cultural resources.

The heights, scale and mass of buildings in the proposed MFM District Alternative would be similar to existing development surrounding the site. Shadows from buildings developed under the MFM District regulations would be limited and impacts from shadows would be greatly reduced on and surrounding the site. Sunlight would be accessible and similar sunlight in existing neighborhoods surrounding the Site.

The proposed MFM District regulations would limit the increase in density and building heights and introduce design guidelines for development so that new development in the MFM District would remain visually and aesthetically compatible with nearby cultural resources, as compared to the Lighthouse Proposed Action.

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**13. Construction Impacts**

Any Comprehensive Master Plan submitted with an application for development in MFM District Alternative would be required to provide a draft construction management plan that addresses potential temporary impacts related to construction, including the construction schedule and phasing, grading and erosion and sediment control, excavation and fill materials and quantities, hazardous materials handling, construction traffic, traffic access and parking, noise, impacts to air quality, and construction operations and safety.

The lower-density alternative MFM District FAR of 1.6 would result in significantly less development, excavation and filling within district boundaries (Proposed Action Parcel A) than the Lighthouse Proposed Action. The MFM District would not include additional development of the already developed Omni (Proposed Action Parcel B) and RXR Plaza (Proposed Action Parcel C) properties, or the vacant RXR Plaza property (Proposed Action Parcel D), all of which would not be rezoned.

The smaller land area of the MFM District, lower density and lower-scale development would reduce the impacts associated with construction, including those related to traffic and parking.

The construction and demolition activities associated with the MFM District Alternative will result in air pollutant emissions that will impact local air quality levels. These impacts primarily result from the operation of equipment and fugitive particulate emissions. Traffic associated with the labor force and supplies/materials can also affect local air quality.

Impacts to air quality from these activities are anticipated to be short-term and relatively minor. The project is 55 acres in size and will require some demolition/rehabilitation activities, site grading and then construction. Demolition/Construction phasing is expected to be completed in approximately 84 months with completion by 2019. A quantitative analysis was performed to calculate the total amount of particulate matter (PM) generated as fugitive dust during construction. Due to the project's size and construction schedule, air quality impacts from fugitive dust will amount to 32.4 tpy with 75% control, and 6.5 tpy with 95% control. Contractors will implement typical dust mitigation measures such as water trucks, covering of storage piles and will utilize "good housekeeping practices," which will limit dust emissions. Stormwater mitigation measures will also contribute to dust reduction.

Considering the period of time, expected construction phasing and the distribution of these emissions over substantial areas with control measures typically applied during construction and demolition activities, air quality impacts are expected to be minimal and are not expected to exceed air quality nuisance guidelines.

The construction and demolition activities associated with the MFM District Alternative will also likely cause temporary noise that will impact local noise levels during construction. These impacts primarily result from the operation of equipment and truck traffic associated with the labor force and delivery and removal of supplies/materials. Blasting is not anticipated.

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The primary source of vibration from potential development within the MFM District Alternative is expected to be short-term construction operations that include large construction vehicles and vibratory sheet pile driving.

The impacts of noise and vibration during construction in the MFM District Alternative can be expected to be similar to that of the Lighthouse Proposed Action except for the shorter construction duration due to the smaller area of the MFM District Alternative and the smaller scale of development within the district.

The smaller land area of the MFM District, lower density and lower-scale development would reduce the impacts associated with construction, including those related to traffic and parking as compared to the Lighthouse Proposed Action.

#### **14. Cumulative Impacts**

Based upon the language in the Final Revised BAFO, the Final Scope adopted by the Lead Agency does not treat the minor league ball park as part of the Lighthouse Proposed Action. Instead, the Final Scope requires the ball park to be studied as part of Section 4.0, *Cumulative Impacts*, of the DGEIS, so the June 2009 DGEIS presents the minor league ball park as a separate project in this section where the potential district expansion, the ball park and its potential impacts, and proposed mitigation measures are discussed and analyzed. The Lighthouse Proposed Action PDD, in accordance with its proposed regulations, would allow for expansion of the district in future to encompass additional County-owned land necessary for development of a minor league baseball stadium.

The proposed district regulations of the MFM District Alternative would not include a minor league baseball stadium as a permitted use. If the MFM District Alternative regulations were to be adopted and the MFM District created, land that might be used by the County for a minor league stadium would be outside the district boundaries and would require a separate application and environmental review for zoning changes to allow such a stadium to be built.

#### **15. Unavoidable Adverse Effects**

Unavoidable short and long-term impacts are expected from development of the Lighthouse Proposed Action as described in Section 6.0 of the DGEIS.

Unavoidable short and long-term impacts that would be similar to those described for the Lighthouse Proposed Action are expected from development in the MFM District Alternative. However, the smaller size, scale and lower density of development under the MFM District regulations would reduce the unavoidable short and long-term impacts as compared to those of the Lighthouse Proposed Action.

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**16. Irretrievable and Irreversible Commitment of Resources**

Irretrievable and irreversible commitment of natural and made-made resources, and time associated with the Lighthouse Proposed Action is expected from creation of the Proposed Action PDD and implementation of the Lighthouse Comprehensive Master Plan as described in Section 7.0 of the DGEIS.

Creation of the MFM District Alternative and development in the MFM District is expected to irretrievably and irreversibly commit natural and made-made resources, and time that is similar to what is described for the Lighthouse Proposed Action. However, the reduced size, scale and density of development under the MFM District regulations would reduce the magnitude of the irretrievable and irreversible commitment of natural and made-made resources, and time associated with the MFM District Alternative.

**17. Growth Inducing Aspects**

Creation of the PDD and implementation of the Comprehensive Plan for the Lighthouse Proposed Action is expected to induce development and economic growth within the district boundaries and in areas surrounding the district as described in Section 9.0 of the DGEIS.

Development under the MFM District Alternative regulations is expected to induce development and economic growth within the district boundaries and in areas surrounding the district similar to the growth described for the Lighthouse Proposed Action. However, the reduced size, scale and density of development under the MFM District regulations would reduce the magnitude of such induced growth.

**18. Use and Conservation of Energy**

According to the Applicant, the Lighthouse Proposed Action will consume over 171 million kilowatt hours of electricity, over 176 thousand MMBTU (Million Metric British Thermal Units) of heat. The correspondence from the Long Island Power Authority (LIPA) states that energy could be provided to the project as long as the Applicant allows a new substation and distribution systems to be built on the property because according to their letter dated July 15, 2008 "there is no capacity or space available at LIPA's existing substations to install the necessary transmission and distribution reinforcements needed to supply the new load." Also, the letter from National Grid indicates that additional infrastructure will be required to supply gas to the site. "National Grid will require an underground distribution and additional regulator station on-site. Installation will temporarily impact surrounding roadways due to trenching requirements."

The information provided by Nassau County Office of Economic Development in their letter dated June 9, 2009 states that they will work to determine "what improvements, if any" will be required by the Nassau County Central Utility Plant to serve that development. However, they clearly state that



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they will not commit to providing thermal energy at this point. The Applicant has proposed to use standard heating and cooling practices provided by LIPA and National Grid.

According to the DGEIS and the FGEIS the Proposed Action will incorporate energy-efficient design features, however details of these design features are not provided and the energy reduction was not quantified. The Applicant states that it is exploring options such as photovoltaic, wind generation, geothermal heating and cooling and on-site distributed generation for inclusion in the specific building design; however, none of the options incorporate renewable energy.

No evidence was provided in the DGEIS/FGEIS demonstrating that proposed sustainability and energy conservation measures in the Lighthouse Proposed Action will decrease energy consumption. The measures proposed in the FGEIS include incorporating energy efficient design features site-wide energy reduction (through construction of energy-efficient buildings); water use reduction; building re-use; heat island reduction; comprehensive waste management and recycling program for C&D debris; extensive post-construction recycling program; and use of green roofs.

Additionally, the Applicant states that site plan components such as compact development, walkable streets, and access to public spaces will reduce energy consumption. However, the reduction in energy requirements for the site due to the implementation of these measures has not been quantified. According to data in the FGEIS, the Lighthouse Project is expected to emit 380,057 short tons of carbon dioxide per year. Mitigation for this impact was not quantified.

The proposed Planned Development District (PDD) zoning does not contain detailed design guidance that would require improved site lighting or energy efficiency.

The lower density of the MFM District Alternative will limit the energy needs of the site because of the smaller scale of this alternative. The lower FAR and limited size of the district will limit or eliminate the need for supplementary energy infrastructure. Additionally, the zoning for the MFM District Alternative contains sustainable design guidelines which require quantifiable decreases in energy demand, water use, solid and liquid waste, and automobile use which will reduce the consumption of energy. Since MFM District Lower Density Alternative would reduce the residential density from the 2,306 units of the Lighthouse Proposed Action to 500 units, electric and gas consumption would be expected to be reduced proportionally.

The reduced size and lower development density allowable in the MFM District Alternative would reduce the total energy demand of a redeveloped district. Potential energy needs and availability of supply would be identified and analyzed as part of the review of a Comprehensive Master Plan for the district that would be required for approval of an application for development. The MFM district regulations would require that all development proposals include sustainable site and building practices regarding design, construction methods, and post-construction operation and maintenance to quantifiably decrease anticipated energy demand as compared to the Lighthouse Proposed Action.

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**19. Sustainability**

The proposed Planned Development District (PDD) Zoning presented in the DGEIS/FGEIS for the Lighthouse Proposed Action does not include zoning requirements for sustainable site and/or building requirements. The density and scope of the Lighthouse Proposed Action are beyond the limits of sustainability for water supply, energy consumption and natural resources.

The Applicant proposes meeting LEED Neighborhood Design standards to improve sustainability; however, it is not clear how the standards will be met. No details about how the Lighthouse Proposed Action will meet the sustainability standards required to obtain LEED certification were provided in the DGEIS/FGEIS. As stated in the BAFO (Best and Final Offer) with Nassau County, the Applicant is proposing to be "certified" by the LEED for Neighborhood Design rating system, and be in the LEED-ND pilot program. However, in the DGEIS the Applicant states that the project will not be in the LEED-ND pilot program, but provided a description of some of the components of sustainability that will be incorporated into the project. There is no information provided that clearly shows how the points needed to obtain LEED certification will be acquired. Therefore, no determination on the project's ability to meet LEED standards can be made. LEED program requires an integrative design process that must start at the earliest stages of design and planning. The relevant goals and checklists for all of the components required for LEED certification have not been supplied.

The legislative purpose of the MFM District Alternative includes promoting, encouraging and achieving high quality sustainable development that preserves, protects and enhances the environmental economic and human resources of the Town of Hempstead. The size of the MFM district is 91.2 acres and the allowable FAR is 1.6. The reduced density and size of the district will limit the impact to energy and water resources, limit the impact to natural areas, and generate less waste than a larger development.

The MFM District Alternative includes green site and building requirements which are intended to preserve and protect the natural resources, air quality and water supply of the Town of Hempstead. The zoning requires that all development proposals include sustainable site and building practices to quantifiably decrease energy demand, water use, generation of solid and liquid waste, stormwater run-off, and the use of private cars.

The MFM District Alternative would mitigate significant environmental impacts associated with the Lighthouse Proposed Action. The reduced scale and scope of the project would minimize traffic and air quality impacts, habitat and wetland impacts, and minimize water and waste water impacts.

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**CONCLUSIONS**

The Town Board of the Town of Hempstead, as Lead Agency, subsequent to review of the Draft Generic Environmental Impact Statement ("DGEIS") and the Final Generic Environmental Impact Statement ("FGEIS") (hereinafter collectively referred to as the "GEIS"), hereby certifies that:

1. it has considered the relevant environmental impacts, facts and conclusions disclosed in the GEIS;
2. it has weighed and balanced relevant environmental impacts with social, economic and other considerations;
3. it has provided a rationale for its decision(s);
4. the requirements of 6 NYCRR Part 617 have been met;
5. consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the selected alternative described above is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
6. adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to, or within the decision(s), those mitigative measures that were identified as practicable during the environmental review process.

**A Copy of this Findings Statement has been sent to:**

**Involved Agencies**

Supervisor Kate Murray and the Town of Hempstead Town Board  
Town Hall Plaza  
Hempstead, NY 11550

County Executive Edward P. Mangano and the Nassau County Legislature  
1 West Street  
Mineola, NY 11501

Satish Sood, Deputy Commissioner  
Nassau County Planning Commission  
400 County Seat Drive  
Mineola, NY 11501

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Application for Building Zone Ordinance Amendments, Rezoning of Certain Parcels, and  
Approval of a Comprehensive Master Plan for Development of The Lighthouse at Long Island**

Shila Shah-Gavnoudias, P.E., Commissioner  
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1194 Prospect Street  
Westbury, NY 11590

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Nassau County Department of Health  
106 Charles Lindbergh Boulevard  
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Region 10, New York State Department of Transportation  
State Office Building  
250 Veterans Memorial Highway  
Hauppauge, NY 11788

New York State Department of Environmental Conservation  
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625 Broadway, Albany, NY 12233-1750.

Peter A. Scully, Regional Director  
Region 1, New York State Department of Environmental Conservation  
SUNY at Stony Brook  
50 Circle Road  
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Commissioner  
Town of Hempstead Water Department  
1995 Prospect Avenue  
East Meadow, New York 11554

Commissioner  
Town of Hempstead Highway Department  
350 Front Street  
Hempstead, New York 11550

**Interested Agencies**

Commissioner, Town of Hempstead Department of Planning and Economic Development  
200 North Franklin Street  
First Floor  
Hempstead, New York 11550

**Findings Statement - State Environmental Quality Review Act (SEQRA)  
Application for Building Zone Ordinance Amendments, Rezoning of Certain Parcels, and  
Approval of a Comprehensive Master Plan for Development of The Lighthouse at Long Island**

Commissioner, Town of Hempstead Building Department  
Town Hall  
One Washington Street, 2nd Floor  
Hempstead, New York 11550

Town of Hempstead Engineering Department  
350 Front Street  
Hempstead, New York 11550

Town of Hempstead Traffic Control Department  
1580 Merrick Rd  
Merrick, New York 11566

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Uniondale Union Free School District  
933 Goodrich Street  
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President, Metropolitan Transportation Authority/LIRR  
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9302 Sutphin Blvd  
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1490 Franklin Avenue  
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220 Plandome Road  
Manhasset, New York 11030

Clerk, Town of Oyster Bay  
54 Audrey Avenue  
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Clerk, Village of Garden City  
351 Stewart Avenue  
Garden City, New York 11530

**Findings Statement - State Environmental Quality Review Act (SEQRA)  
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Clerk, Village of Hempstead  
99 Nichols Court  
Hempstead, New York 11550

Clerk, Village of Westbury  
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Westbury, New York 11590

Clerk, Village of Mineola  
155 Washington Avenue  
Mineola, New York 11501

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East Williston, New York 11596

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Hempstead, NY 11549-1450

Nassau Community College  
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One Education Drive  
Garden City, NY 11530-6793

Charles Wang, for Lighthouse Development Group, LLC  
New York Islanders  
Nassau Veterans Memorial Coliseum  
1255 Hempstead Turnpike  
Uniondale, NY 11553

**This Findings Statement is also on file in the offices of the Hempstead Town Clerk.**



## Chapter BZ. Building Zone Ordinance

### Article XIII. Planned Development Districts at Mitchel Field

#### § 146.1. MFM Mitchel Field Mixed-Use District (MFM).

[Added by L.L. No. 54-2011, effective 6-28-2011]

- A. There is hereby established a Mitchel Field Mixed-Use District (MFM). In the Mitchel Field Mixed-Use District, buildings and structures may be erected, altered or used and lots or premises may be used in accordance with the provisions of this section, and not otherwise.
- B. Additional legislative purpose. In addition to the legislative purpose described in § 135 of this article, the Mitchel Field Mixed-Use District is conceived and enacted to promote and protect the public health, safety, general welfare and amenities of the Town of Hempstead. Its purposes include the following:
- (1) To preserve and protect the special character of the greater Mitchel Field area and those of surrounding neighborhoods.
  - (2) To promote the desirable and suitable use of land within the greater Mitchel Field area and provide opportunities for development or redevelopment of land surrounding the Nassau Veterans Memorial Coliseum in a manner consistent with sound planning principles.
  - (3) To promote, encourage and achieve the highest-quality sustainable development that preserves, protects and enhances the environmental, economic and human resources of the Town of Hempstead.
  - (4) To promote innovative and quality site and architectural design for mixed-use buildings and neighborhoods that will encourage economic investment and development and will provide housing, amenities and employment opportunities for current and future residents in accordance with a well-considered conceptual master plan for the Mitchel Field Mixed-Use District.
  - (5) To create an attractive physical environment that provides daily amenities and services for the use and enjoyment of working, resident and visiting populations.
  - (6) To achieve harmonious visual and functional use relationships within the district and with adjacent neighborhoods.
  - (7) To promote integration of pedestrian amenities and public transportation into the public streets and roadways of new mixed-use neighborhoods to facilitate walking, encourage the use of public transportation, and accommodate alternate modes of transportation that provide access to destinations within the district, and to and from surrounding communities within the Town.



C. Permitted uses. A building or structure may be erected, altered or used for one or more of the following purposes, and for no other. In addition to the Nassau Veterans Memorial Coliseum, a lot or premises shall be used for at least two or more of the following purposes:

- (1) Arena, convention center, exhibition facility or theater(s), and similar entertainment uses as may be approved by the Town Board.
- (2) Hotel or conference center.
- (3) Offices, bank or financial institution.
- (4) Medical or dental office or clinic.
- (5) Store for the sale, at retail, of articles to be used off the premises, except that a freestanding retail building shall not exceed 100,000 square feet of floor area.
- (6) Restaurant, cafe or luncheonette, excluding a diner, lunch wagon, drive-in restaurant, drive-in luncheonette, drive-in counter or drive-in refreshment stand.
- (7) Personal service establishment, such as retail hand laundry, custom tailoring, hand dressmaking or shoe repairing.
- (8) Research and development facilities.
- (9) Hospital.
- (10) Public school, parochial school, private school for the instruction of elementary grades, academic grades, or both, chartered by the Board of Regents of the State of New York; college or university; music, dancing or other instructional school; dormitory for educational institutions.
- (11) Senior citizen congregate-care facility or nursing home.
- (12) Day-care facility.
- (13) Health club or spa.
- (14) Club, fraternal organization, lodge or philanthropic use.
- (15) Townhouse and multiple-family dwellings containing no more than six dwelling units per building.
- (16) Post office, library or other municipal building.
- (17) Religious uses.
- (18) Noncommercial park, recreational and open space uses.
- (19) Public transportation facilities.

D. Permitted accessory uses.

- (1) In relation to hotels, accessory uses and structures on the same lot or premises with, and of a nature customarily incidental and subordinate to, the principal use or structure, including restaurants, cocktail lounges, public banquet halls, ballrooms, meeting rooms,

swimming pools, tennis courts, boutiques, gift shops, drugstores and other business uses customarily incidental to the operation of a hotel and conference center.

- (2) In relation to offices, accessory uses and structures permitted on the same lot or premises with the principal use or structure shall be limited to uses customary and incidental to the principal use, recreational facilities, cafeterias, retail and service shops and facilities.
  - (3) Clubhouse and meeting rooms.
  - (4) Outdoor in-ground or indoor swimming pools and tennis courts.
  - (5) Open surface parking and parking structures.
- E. Signs. The only permitted signs shall be those that are authorized under the provisions of Article **XXIV** of the Building Zone Ordinance of the Town of Hempstead.
- F. Floor area ratio (FAR). The maximum floor area ratio permitted in the Mitchel Field Mixed-Use District is 1.6. Notwithstanding the definition of "floor area ratio" in § 1, Definitions, of this chapter, in the MFM Mitchel Field Mixed-Use District, the area of the public rights-of-way specified in § 146.1.O(3) herein shall be deducted from the lot area whether said rights-of-way are actually established or not.  
[Effective 8-25-2014]
- G. Exceptions to floor area. Notwithstanding the definition of "floor area" in § 1, Definitions, of this chapter, in the MFM Mitchel Field Mixed-Use District, the following portions of a building or structure shall be the only exemptions from the calculation of floor area:  
[Effective 8-25-2014]
- (1) A basement or cellar located entirely below grade. Such basement or cellar may be used all or in part for required parking spaces.
  - (2) The portion of a building or freestanding parking structure used for required parking spaces that is located on the grade level of the building or parking structure.
  - (3) An arcade, covered plaza or atrium that is not used for any purpose other than pedestrian traffic.
  - (4) A pedestrian mall or plaza.
  - (5) All freestanding or attached parking structures providing the required parking spaces for the Nassau Veterans Memorial Coliseum.
- H. Height of nonresidential and mixed-use (i.e., residential and nonresidential) buildings.
- (1) For all nonresidential and mixed uses (i.e., residential and nonresidential), no building shall be greater in height than two stories and shall not exceed a maximum height of 30 feet, except that on lots that contain two or more acres and have a lot depth in excess of 100 feet, no building shall exceed four stories in height or a maximum of 60 feet, provided that the Town Board finds during the conceptual master plan approval process that the height of the building would not adversely affect adjacent uses and the height is consistent with the legislative purposes of the Mitchel Field Mixed-Use District.
  - (2) A hotel may be a maximum of 100 feet in height, which shall be expressed as the vertical distance measured from the highest level of the established center-line grade of the street adjacent to the building to the highest point of the exterior surface of the roof, with the exception specifically of chimneys, parapet walls not exceeding three feet in height, flagpoles, aerials, flues, elevator or stair bulkheads or any mechanical equipment, provided that they are less than 12 feet in height and do not occupy more than 30% of the area of the roof upon which they are located. Such height shall be permitted, provided that the Town Board finds during the

conceptual master plan approval process that the height of the building would not adversely affect adjacent uses and the height is consistent with the legislative purposes of the Mitchel Field Mixed-Use District.

- (3) A freestanding parking structure for nonresidential and mixed uses (i.e., residential and nonresidential), or the portion of such building where parking spaces are located, shall have a maximum height not exceeding 40 feet.
- I. Front yards for nonresidential and mixed-use (i.e., residential and nonresidential) buildings:
    - (1) For all nonresidential and mixed uses (i.e., residential and nonresidential): not less than 10 feet. In the case of a corner lot, a front yard shall be required on each street.
    - (2) Notwithstanding the foregoing, a bay window, roof, cornice, gutter, mansard, awning or similar projection not exceeding 24 inches into the required front yard setback shall be a permitted encroachment.
  - J. Rear yards for nonresidential and mixed-use (i.e., residential and nonresidential) buildings. For all nonresidential uses, rear yards shall be at least 10 feet. The depth of the rear yard shall be increased five feet for each 10 feet or portion thereof by which the building exceeds 40 feet in height.
  - K. Required yards for a building of a height that exceeds 60 feet. Yards shall be provided along all street frontages and lot lines, the depth of which shall be not less than 20 feet for the first 60 feet of building height, facing thereon, with an increased setback of one foot for each three feet of height above 60 feet.
  - L. Off-street and on-street parking for nonresidential uses.
    - (1) All nonresidential uses shall provide off-street parking in conformance with § 319 of this chapter. All parking areas or parking structures shall have sufficient self-contained drainage, adequate means of ingress and egress, suitable paving and adequate levels of lighting. The required parking spaces may be provided in a parking facility located in the same building or in a freestanding structure on the same lot or premises as the permitted use(s) on a lot or within 300 feet of the perimeter of the lot upon which the permitted use(s) is located.
    - (2) When off-street parking for a permitted use(s) is provided in the same building as the use(s), or a freestanding parking structure on the same lot or within 300 feet of the premises of said use(s), a maximum of one level of parking may be located in a basement one level below the ground story of the building or parking structure.
    - (3) The application for approval of a conceptual master plan for the Mitchel Field Mixed-Use District shall require a shared parking analysis to be prepared by a qualified professional. The Town Board shall consider the shared parking analysis to determine the overall parking requirement for the uses proposed in the conceptual master plan.
    - (4) Freestanding, nonresidential parking structures and structured ground-floor parking provided in the same building(s) as a permitted nonresidential use(s) with frontage on a new 120-foot right-of-way within the district shall locate retail or service uses along the ground floor street frontages of the building. The primary pedestrian entrances and display windows for such uses shall be located on the ground floor along the public street.
    - (5) On-street parking along the street frontages of lots or premises used for nonresidential purposes on all new rights-of-way within the district shall be permitted. On-street parking along street frontages shall count towards the off-street parking requirements of the permitted uses located on such lots or premises.

(6) For all nonresidential uses, no surface parking area shall be located closer than 15 feet to any property line. The open area abutting any property line shall be suitably landscaped to screen views of the parking area from streets and adjacent properties.

M. Off-street loading zone/space/berth for nonresidential uses. Off-street loading shall be provided in the amount of one truck space for the first 40,000 square feet of space in a building or attached group of buildings, plus one additional space for the next 80,000 square feet or major part thereof, plus one space for each additional 200,000 square feet or major part thereof. Each truck space shall be at least 12 feet in width and 30 feet in length.

N. Requirements for residential uses.

(1) Notwithstanding any other provisions of this article, no more than 500 dwelling units may be located within the Mitchel Field Mixed-Use District.

(2) At least 20% of the total number of dwelling units in a Mitchel Field Mixed-Use District project shall be affordable and/or next generation/workforce housing units as defined in this article.

(3) Building area shall not exceed 35% of the lot area.

(4) No building used only for residential purposes shall be greater in height than three stories and shall not exceed a maximum height of 40 feet.

(5) All accessory buildings, structures and uses shall conform to § 105 of this chapter.

(6) Front yards shall be a minimum of 25 feet. In the case of a corner lot, a front yard shall be required on each street.

(7) Rear yards shall be a minimum of 25 feet.

(8) Side yards. There shall be a minimum twenty-foot side yard on each side of the building, except where there are two or more buildings on a lot. In such a case, the minimum side yard requirement of 20 feet shall apply only along the side lot lines of the entire lot.

(9) Permitted residential uses shall provide surface parking or parking garage facilities adequate to accommodate four automobiles for each three dwelling units. Such garage facilities shall not include space for more than eight cars in each accessory building.

(10) In addition to the parkland required by § 146.1O(2) hereof, for buildings containing only dwelling units, no dwelling shall be erected or maintained unless the lot on which it is erected shall have an area of usable open space of at least 1,000 square feet for each family accommodated or intended to be accommodated. For mixed-use (i.e., residential and nonresidential) buildings, the required area of usable open space shall be 500 square feet for each family accommodated or intended to be accommodated.

(11) Gated residential communities are prohibited.

(12) Notwithstanding any other provisions of this article, townhouse and multiple-family dwellings and the lot or premises on which they are erected shall comply with the provisions of Article **IX** of this chapter.

O. Supplementary regulations.

(1) Fences and walls. No fence or wall more than six feet in height may be erected without a permit and except when authorized by the Board of Appeals pursuant to Article **XXVII** hereof.

- (2) Establishment of public open space. At least 3% of the total land area of the Mitchel Field Mixed-Use District, exclusive of land set aside for public rights-of-way, shall be set aside as public parkland. Open space required by § 146.1N(10) hereof or created by required building setbacks, stormwater retention and detention ponds, parking areas and driveways shall not be counted toward required parkland.
- (3) Establishment of public rights-of-way.
  - (a) A north/south right-of-way 120 feet wide shall be created to connect Glenn Curtiss Boulevard to Charles Lindbergh Boulevard.
  - (b) An east/west right-of-way 120 feet wide shall be created to connect Earl Ovington Boulevard to James Doolittle Boulevard.
  - (c) An east/west right-of-way 80 feet wide shall be created to connect the Glenn Curtiss Boulevard/Charles Lindbergh Boulevard connecting right-of-way to Earl Ovington Boulevard.
  - (d) A north/south right-of-way 80 feet wide shall be created to connect Hempstead Turnpike with the east/west right-of-way connecting Earl Ovington Boulevard with the Glenn Curtiss Boulevard/Charles Lindbergh Boulevard connecting right-of-way.
- (4) Complete streets. Public rights-of-way shall be developed according to the following criteria and shall conform to the requirements of the Town of Hempstead Highway Department:
  - (a) Rights-of-way that are 120 feet wide shall include the following elements.
    - [1] Four vehicular travel lanes (two in each direction).
    - [2] A planted median along the center line of the street, dividing opposing travel lanes. All medians shall contain plantings consisting of shrubs and herbaceous plants no higher than 30 inches at maturity and shade trees located 40 feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven feet from the ground to maintain visibility for motorists and pedestrians.
    - [3] A bicycle lane located between the travel lane and the on-street parking lane. The bicycle lane shall be clearly demarcated on the street pavement and by signage to alert motorists and pedestrians.
    - [4] An on-street parking lane located between the bicycle lane and the face of the curb.
    - [5] A planted landscape strip located between the curb and the pedestrian walkway on both sides of the street to serve as a buffer between pedestrians and the street. The strip shall contain a grass lawn, shrub plantings where appropriate, and shade trees located 40 feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven feet from the ground.
    - [6] Pedestrian walkways at ground level on both sides of the street located between the planted landscape strip and the front property lines of lots adjacent to the right-of-way.
    - [7] Where public transportation such as a bus route is present, a transportation lane and sheltered transit stops.
    - [8] Pedestrian crossings at all street intersections. Where the distance between street intersections is greater than 1,300 feet, a mid-block crossing shall be provided.
  - (b) Rights-of-way less than 120 feet wide shall include the following elements.

- [1] At least two vehicular travel lanes (one in each direction).
- [2] A planted landscape strip located between the pedestrian pathway and the curb to serve as a buffer between pedestrians and the vehicular travel lanes. The strip shall contain grass, shrubs or other plantings, as appropriate, and shade trees located 40 feet apart. Trees shall be pruned as they mature so that the lower surface of the lowest tree limbs are located at least seven feet from the ground to maintain visibility for motorists and pedestrians.
- [3] Pedestrian walkways at ground level on both sides of the street located between the planted landscape strip and the front property lines of lots adjacent to the right-of-way.
- [4] Pedestrian crossings at all street intersections. Where the distance between street intersections is greater than 1,000 feet, a mid-block crossing shall be provided.

(5) Green site and building requirements. All development proposals shall include sustainable site and building practices regarding design, construction methods, and post-construction operation and maintenance of a proposed project to quantifiably decrease anticipated energy demand, water use, generation of solid and liquid waste, stormwater runoff, and the use of private cars, and to preserve and protect the natural resources, air quality and water supply of the Town of Hempstead. Such measures shall be part of the application for conceptual master plan approval and all proposed site and building plans.

P. Design guidelines. All development proposals shall include detailed plans as part of the application for conceptual master plan approval for architectural, streetscape and landscape design to ensure an efficient development of uses that is architecturally and visually appealing. The guidelines included in this article are intended to encourage master plan elements that provide appropriate location, arrangement and design of buildings, parking areas and parking structures, and open space and site amenities to promote quality site, building and landscape design, and to integrate the architecture, landscape architecture and streetscape of the Mitchel Field Mixed-Use District.

(1) Building design. In general, building design shall consider building facade elements and significant design features, such as color, exterior materials and treatments, roof structure, aesthetic treatment of exposed mechanical equipment, lighting, and service and storage areas. Building materials and methods of construction shall be used in a creative manner to ensure aesthetically pleasing architectural design. The following basic standards shall apply to all new or renovated buildings and lots within the Mitchel Field Mixed-Use District and as the foundation for the project-specific design guidelines required as part of a conceptual master plan for development within the district.

- (a) Development of building plans and site plans that include open space, commons, or small pedestrian plazas with amenities such as benches or other seating, water features, night lighting, public art, bicycle parking and landscape plantings.
- (b) Design of parking lots, parking structures, access driveways, and pedestrian walkways to avoid or minimize the potential for pedestrian/vehicle conflicts and provide a safe and amenable pedestrian environment.
- (c) Installation of a safe, continuous, pedestrian walkway system within a lot or premises. The walkway system must connect building entrances to one another, to parking areas, and to public streets, sidewalks and open space.
- (d) Artful treatment of building facades and exterior walls to provide appropriate street-level scale and architectural interest through the aesthetic use of setbacks, surface textures, fenestration, pedestrian entrances, lighting, and other building features such as porticos, balconies, bay windows, canopies, dormers, and columns.

- [1] Facades should be articulated to reduce the scale and uniform appearances of exterior building walls and provide visual interest that is consistent with the surrounding community character and scale.
  - [2] Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian.
  - [3] Ground-floor facades that face public streets or publicly assessable open space should include a combination of setbacks, arcades, display windows, entry areas, canopies, awnings or other such features to promote a visually interesting pedestrian environment.
    - [a] Buildings adjacent to or within 50 feet of a public street should include at least one public entrance that is clearly visible and directly accessible from the street.
    - [b] At least 25% of the first-floor building facades of residential uses should be composed of transparent windows and/or entrances.
    - [c] At least 50% of the first-floor building facades of nonresidential uses should be composed of transparent windows and/or entrances.
    - [d] Blank building facades or exterior building walls should not exceed 50 feet in length.
  - [4] Building facades and treatments should be varied throughout the district to provide an eclectic neighborhood aesthetic.
- (e) Artful treatment of building roofs to provide neighborhood level scale and architectural interest.
- [1] Variations in rooflines should be used to add interest to the buildings.
  - [2] Roofs should have at least one of the following features:
    - [a] Parapets concealing flat roofs and rooftop equipment such as heating, ventilating and air-conditioning (HVAC) units from public view. Such parapets should feature three-dimensional cornice treatments.
    - [b] Overhanging eaves, extending past the supporting walls.
    - [c] Sloping roofs that do not exceed the average height of the supporting walls.
- (f) Building materials and colors that are appropriate to the building style and are aesthetically pleasing and compatible with those of the surrounding communities.
- [1] Facade and exterior wall building materials should be high-quality materials such as brick, wood siding, glass, natural or synthetic stone, tinted, textured, decorative concrete masonry, or other materials that are complementary or sympathetic to the community aesthetic.
  - [2] Facade colors should be varied and complementary to the community aesthetic.
- (g) Building facades and setbacks appropriately enhanced by well-designed landscape plantings or otherwise appropriately treated to address the orientation of the buildings.

- (h) Use and location of small green spaces, courtyards, squares, plazas, and similar spaces that also function as community gathering places to provide transitions between lots or premises and ensure compatibility with other uses.
- (i) Parking structures. In general, the design of freestanding parking structures and first-floor and above portions of buildings used for other purposes that are devoted to parking should include all the building design standards required herein and the following additional basic standards:
  - [1] Locate where visibility of the structure from first-floor and street-level areas of activity is reduced.
  - [2] Include retail or service uses on the first floor along street and open space frontages.
  - [3] Pedestrian and vehicular access points should be articulated to add visual interest.
  - [4] Include architectural elements that enhance the structure, break up its mass and complement the building(s) the structure serves.
  - [5] Facades should be designed to screen the visibility of vehicle headlights from view points outside the structure.
  - [6] Provide bicycle parking facilities commensurate with anticipated demand near building entrances.
- (2) Landscape design. In general, landscape design shall consider the elements and significant design features of open space and a site, including the pedestrian and vehicular circulation systems, vehicle and bicycle parking areas, paving, vegetation, water features, irrigation systems, recreation and play equipment, transit-stop shelters, freestanding and retaining walls, fences, exterior stairs and ramps, site furnishings, public art, signage, and site lighting, such as color, texture, scale, placement, materials and treatments, efficiency, aesthetic integration of features, screening, buffers, and treatment of exposed mechanical equipment and service and storage areas. Building materials and methods of construction shall be used in a creative manner to ensure aesthetically pleasing site and landscape architectural design. The following basic standards shall apply to all new or renovated lots and premises within the Mitchel Field Mixed-Use District and as the foundation for the project-specific design guidelines required as part of a conceptual master plan for development within the district.
  - (a) Development of site plans that includes open space, commons, or small pedestrian plazas with amenities.
  - (b) Design of parking lots, access driveways, and pedestrian walkways to avoid or minimize the potential for pedestrian/vehicle conflicts and provide a safe and amenable pedestrian environment.
  - (c) Installation of a safe, continuous, pedestrian walkway system throughout the district. The walkway system should connect buildings and premises to one another, to parking areas and structures, and to public streets, sidewalks and open space.
    - [1] Provide pedestrian connections between the district and uses within the surrounding communities.
    - [2] Facilitate access and mobility for persons of all ages and physical abilities.
    - [3] Connect uses to public transportation stops within the district and those within adjacent surrounding communities.
  - (d) Building materials and colors that complement the architectural styles in the district and are aesthetically pleasing and compatible with those of the surrounding communities.



- [1] Building materials should be high-quality materials such as brick, wood, glass, metal, natural or synthetic stone, tinted, textured, decorative concrete masonry, or other materials that are complementary or sympathetic to the community aesthetic.
- [2] Colors should be varied and complementary to the community aesthetic.
- (e) Street, open space and premises planting plans that are artfully designed to provide visual and physical amenity for the district and the surrounding communities.
  - [1] Provide spatial and visual transitions between the district and surrounding uses.
  - [2] Define outdoor spaces and activity areas, highlight the changing seasons, provide color and interest throughout the year, provide shade, shelter and a street-level buffer between large buildings and pedestrians, and contribute to the spatial and visual unity of individual premises and the district.
  - [3] Provide interesting, supportive environments for passive and active recreational activities.
  - [4] Provide trees and other plantings to shade and screen views of surface parking areas.
  - [5] Respond to the unique characteristics of a location, regarding sun and shade, soil, climate, wind, slope, water availability, views, and user activities.
  - [6] Select high-quality, well-grown, deciduous and evergreen trees shrubs, vines and ground covers that are complementary or sympathetic to the aesthetic of buildings and uses, the district and surrounding communities.
  - [7] Select, locate and install plants to facilitate the establishment, growth, health and continued maintenance of all newly installed and existing vegetation.
  - [8] Reduce stormwater runoff by increasing local infiltration.
  - [9] Provide local microclimate mitigation.
- (f) Use and location of small green spaces, courtyards, squares, plazas, and similar spaces that also function as community gathering places to provide transitions between lots or premises and ensure compatibility with other uses in the district and the surrounding community.
- (g) Selection of street and open space furnishings, lighting and signage that are part of a designed system of elements that create a district-wide identity and individual identities for parks, open spaces, plazas, courtyards and squares that are public or part of individual premises or lots. Open space furnishings, include drinking fountains, light standards, litter receptacles, benches, bollards, kiosks, small pavilions, informational and directional graphics, public telephones, movable planters, tree grates, tree guards, public art and similar items.

Q. Application procedure.

- (1) Any application made pursuant to the provisions of this section shall originate by an application to the Town Board. Such application shall include a conceptual master plan for the Mitchel Field Mixed-Use District.

- (2) In the event that the Town Board approves said application, it may attach certain conditions to said approval, which conditions shall become an integral part thereof. The Town Board may, by resolution, dispense in part with conformity with the provisions applicable to the Mitchel Field Mixed-Use District and may impose safeguards and conditions as it may deem appropriate, necessary or desirable to promote the spirit and objectives of this section, including but not limited to restrictive covenants pertaining to any area within the district that is the subject of an application, including the site plan submitted on behalf of the application, together with other agreements, if any, in recordable form and running with the land.