

WDS 2003 – Negative Declaration Pursuant to
New York State Environmental Quality Review Act

**RESOLUTION ADOPTING A SEQRA NEGATIVE DECLARATION AND
DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH
PROPOSED LOCAL LAW WDS 2003 TO ADD A NEW ARTICLE IN
THE ZONING CODE TO CREATE A NEW ZONING DISTRICT TO BE
ENTITLED THE “COASTAL CONSERVATION DISTRICT -
WOODMERE CLUB” AND TO AMEND THE ZONING MAP TO
RECLASSIFY THE WOODMERE CLUB PROPERTY AS COASTAL
CONSERVATION DISTRICT- WOODMERE CLUB**

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 (“Part 617”) require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of proposed local law WDS 2003 to add a new article in the Village Zoning Code to create a new zoning district to be entitled the “Coastal Conservation District- Woodmere Club” and to amend the Village Zoning Map to reclassify the Woodmere Club property as Coastal Conservation District – Woodmere Club (the “Proposed Action”); and

WHEREAS, the Board of Trustees, together with a planning and environmental consultant, conducted extensive planning and environmental analyses and studies, and utilized that information, to prepare a Vision Plan for the Village; and

WHEREAS, the Board of Trustees has accepted and adopted a comprehensive plan entitled the Village of Woodsburgh Vision Plan; and

WHEREAS, the Board of Trustees has considered the nature and impact of the Proposed Action; and

WHEREAS, the Board of Trustees, in cooperation with the neighboring Village of Lawrence and unincorporated area of the Town of Hempstead, participated in comprehensive land use planning and environmental studies related to the property currently occupied by the Woodmere Golf Club (the “Woodmere Golf Club Property” or the “Subject Property”), which studies analyzed whether the Town’s and Villages’ existing zoning regulations adequately protect against potential adverse environmental impacts of potential residential development of the currently open and undeveloped Woodmere Golf Club Property under existing zoning regulations, and whether the Town and Villages should amend their zoning codes to protect against such potential adverse impacts; and

WHEREAS, pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law Article 5-J, Section 119-u, Village Law Section 7- 741, and Town Law Section 284, the Villages of Woodsburgh and Lawrence and the Town of Hempstead, entered into an Inter-municipal Cooperation Planning and Land Use Regulation Agreement (the “IMA”) with the purpose of undertaking mutually beneficial, shared and coordinated comprehensive planning and land use regulation for the Woodmere Club Property in order to promote intergovernmental cooperation, increase coordination and effectiveness of comprehensive planning and land use regulation, make more efficient use of infrastructure and municipal revenues and resources, as to enhance the protection of community resources which span municipal boundaries; and

WHEREAS, to respond to the significant anticipated potential adverse environmental impacts associated with a potential residential build-out under existing zoning regulations within the Woodmere Golf Club Property, the proposed Coastal Conservation District-Woodmere Club (“CC-WC District”) has been developed under the IMA among the Village, Town of Hempstead, and Village of Lawrence, so as to provide for, and ensure, a coordinated comprehensive measure to protect against the potential adverse environmental impacts associated with a maximum residential build-out under existing zoning regulations; and

WHEREAS, the Board of Trustees has reviewed the criteria for determining environmental significance of such an action pursuant to Part 617; and

WHEREAS, the Board of Trustees has received from environmental consultants, and reviewed, a Full Environmental Assessment Form, dated May 18, 2020 (the “FEAF”), and an Expanded Environmental Assessment, dated May 2020 (the “EEA”); and

WHEREAS, the FEAF was prepared by the Village’s consultants and the EEA was prepared by the Town’s environmental consultants, in accordance with the IMA, to assess the potential impacts associated with, and concerning the Proposed Action, so as to permit this Board to take the necessary hard look at the potential environmental impacts of the Proposed Action; and

WHEREAS, the Board finds that the FEAF and EEA, augmented by information received at a public hearing from interested members of the public, written comments provided to the Board, including comments from the South Shore Audobon Society and the New York State Department of Environmental Conservation, and relevant data identified in the Vision Plan, has adequately identified in detail the potential adverse environmental impacts associated with both a potential residential build out of the Subject Property pursuant to the existing zoning regulations, and resulting from the Proposed Action, as well as the clear public benefits to be obtained, such that the Proposed Action will not result in significant adverse environmental impacts; and

WHEREAS, the EEA has documented for this Board the unique environmental resources of the area of the Woodmere Golf Club Property, and within the proposed new CC-WC District, and provides an impact analysis of “build-out” potential under both existing zoning regulations and the proposed CC-WC District; and

WHEREAS, pursuant to the FEAF and EEA, this Board has taken a hard look at, and examined the full range of potential impacts associated with residential conversion under both existing zoning regulations and the proposed new CC-WC District, focusing on numerous critical environmental factors (e.g., climate change, floodplain management, sea-level rise, open space preservation, aesthetics, impact on community character, compatibility with adjacent zoning, exacerbation of traffic congestion); and

WHEREAS, the analysis provided by the FEAF and EEA has helped to refine the parameters of the proposed CC-WC District, and the Village’s desire to balance potential residential development within the area of the Woodmere Club Property with the protection of the critical environmental resources of the Woodmere Golf Club Property; and

WHEREAS, the analysis provided by the FEAF and EEA demonstrates that there will be potential significant adverse environmental impacts associated with a potential residential conversion of the Subject Property under existing zoning regulations within the Woodmere Club Property on environmental and cultural resources, floodplain management, community character, open space/visual resources, and traffic congestion, among others, which will be reduced and mitigated to the greatest extent possible by the adoption of the proposed zoning amendment; and

WHEREAS, the analysis provided by the FEAF and EEA demonstrates that the existing zoning regulations with respect to the Woodmere Club Property are clearly inadequate to effectively manage this significant, valuable, uniquely and critically environmentally sensitive coastal open space, and that the outdated existing zoning regulations do not contemplate the potential wholesale residential redevelopment of this critical open and environmentally sensitive area, the potential adverse environmental impacts on the Woodmere Club Property, the Village as a whole, and the immediate surrounding area that such would bring, and the Village’s and this Board’s need, and indeed obligation, to recognize, and to protect against, the rapidly evolving threats to the environment (i.e., sea-level rise, storm severity and frequency, storm water run-off, etc.) of this unique coastal property and surrounding community; and

WHEREAS, the analysis provided by the FEAF and EEA demonstrates that the proposed zoning regulations concerning a potential residential “build-out” under the proposed CC-WC District will not have a potential for any significant adverse environmental impacts, but, to the contrary, will significantly mitigate against the many significant adverse environmental impacts under existing zoning regulations; and

WHEREAS, the analysis provided by the FEAF and EEA demonstrates that a

potential residential build-out of the Woodmere Golf Club Property under existing zoning regulations will result in significant adverse impacts associated with floodplain management. A traditional subdivision layout that seeks to maximize yield under existing zoning regulations (a) would likely raise the grade of the majority of the Subject Property in order to comply with FEMA NFIP regulations, with existing grades falling significantly below NFIP Base Flood Elevations throughout much of the Subject Property; (b) many areas within the Subject Property would require six feet of fill or more to meet the required BFE plus freeboard elevation; (c) a preliminary engineering analysis has been performed to assess the impact of the use of this quantity of fill on the ability of the Subject Property to provide adequate flood water storage; (d) comparing existing ground elevations, floodplain elevations, and the likely potential grading conditions and resulting elevations, a maximum-yield subdivision under existing zoning will potentially displace approximately 6,048,000 cubic feet (224,000 cubic yards) of flood water; (e) for comparison purposes, this volume of floodwater equates to over 45,000,000 gallons of displaced floodwater, likely flowing into the immediate surrounding communities, potentially impacting homeowners with new flooding patterns and more significant flooding depths than have been experienced in past storm events; and

WHEREAS, the potential residential build-out under existing zoning regulations will result in significant adverse impacts to community character, for the Woodmere Club Property serves as a defining element of local community character and is part of the last remaining open space in the area, the coastal views and existing tree cover on the Subject Property serves as one of the area's most important neighborhood environmental resources, and the loss of such benefits would have a significant adverse impact on the surrounding community; and

WHEREAS, the potential residential build-out under existing zoning will result in significant adverse impacts to open space and visual resources, and would result in the loss of nearly all open space at the Woodmere Club Property, and, in addition, the loss of existing trees and vegetation, which would be replaced by potentially up to 285 new homes, all significantly adversely impacting upon the visual resources that help to define this unique coastal area and surrounding community; and

WHEREAS, the potential residential build-out under existing zoning regulations would result in significant adverse impacts on both commercial and residential traffic congestion on neighboring streets, including: intersection impacts at Broadway/Prospect Avenue, and Village roadways, and cause up to 78% more traffic during peak hours; and

WHEREAS, considering the anticipated 24-hour traffic volume under existing zoning regulations, a potential residential build-out under existing zoning regulations would increase traffic on Broadway by almost 20%, which will be significantly avoided or mitigated by the proposed zoning amendment; and

WHEREAS, construction traffic associated with such a potential residential build-out of the Subject Property, would be anticipated to last several years, and would also result in a significant number of truck trips over local roads which are already heavily taxed by existing commercial and residential traffic, which would be significantly reduced by the proposed zoning amendment; and

WHEREAS, along the coast, and particularly in low-lying coastal areas such as the Woodmere Club Property, it is imperative that the Village, as steward of the environment and protector of the Village's community safety, health and welfare, act to protect the Village and surrounding communities against severe potential adverse impacts on this unique environmentally sensitive area; and

WHEREAS, the proposed amendment to the Zoning Code to establish the CC-WC District will better align the Village's zoning regulations with existing state and federal environmental principles, provide coordinated floodplain management regulations, preserve area character, and protect the critical environmental resources spanning the Village, and the contiguous unincorporated areas of the Town of Hempstead and the Village of Lawrence; and

WHEREAS, the proposed CC-WC District is a more sustainable residential zoning district that will provide for contextual single-family development that is far more responsive to environmental, ecological, cultural, and physical conditions; and

WHEREAS, the proposed CC-WC District recognizes the unique environmental conditions that could affect both future development as well as the natural attributes and functions of the Subject Property; and

WHEREAS, in such a vulnerable low-lying community, the potential impact of climate change, significant sea-level rise, resulting in both a significant increase in flooding associated with typical rainfall events, as well as storm surge flooding from and severe storm events, are some of the most critical environmental issues that must be recognized, and are guarded against, by the Village in its proposed amendment to its zoning regulations; the proposed CC-WC District is designed to provide more effective measures to address these significant potential adverse environmental impacts; and

WHEREAS, in order to improve daily stormwater management, the proposed CC-WC District provides additional regulations related to stormwater storage and recharge, effectively requiring a volumetric design for an eight-inch rainfall event for the entire Subject Property, as well as a volumetric design of a three-inch rainfall event per building lot; green infrastructure, such as rain gardens and bioswales are also incentivized; in addition, the proposed CC-WC District encourages the use of permeable pavement surfaces while further limiting impervious coverage on each proposed building lot; and

WHEREAS, in order to address the potential flooding from severe storms and

coastal storm surges, the proposed CC-WC District provides for building lot layout that provides for a continuous perimeter coastal buffer area around the Subject Property (approximately 83 acres/70% of total site area); this coastal buffer area plays a critical role in providing flood storage and protection of existing development; and

WHEREAS, as the Subject Property spans the municipal boundaries of the Village and neighboring Village of Lawrence and unincorporated areas of the Town of Hempstead, effective floodplain management at the Subject Property requires a coordinated approach for the entire property; the proposed CC-WC District provides for coordinated floodplain management among all three municipalities; and

WHEREAS, the proposed CC-WC District provides an opportunity to regulate the entire Subject Property as a whole, thereby reducing this potential for fill-induced local flood impacts; and

WHEREAS, understanding floodplain management guidance from Federal Emergency Management Agency (FEMA) and New York State Department of Environmental Conservation (NYS DEC), along with the existing floodplain regulations adopted by each municipality, the proposed CC-WC District recognizes that flood prevention and mitigation is not limited to site-specific elevation, as it is currently regulated through the National Flood Insurance Program (NFIP), or to the limits of a municipal boundary; and

WHEREAS, FEMA notes that, "*Fill is prohibited within the floodway unless it has been demonstrated that it will not result in any increase in flood levels. Some communities limit the use of fill in the flood fringe to protect storage capacity or require compensatory storage.*" These flood risk mitigation measures effectively preserve the floodplain and surrounding areas; and

WHEREAS, the goal of managing a floodplain is not only to ensure that new development is reasonably safe from flooding but to address existing risks, to avoid increasing risk to others, and to sustain natural capacities to slow and diffuse flood flows. Reducing development in a flood-prone area allows the natural landscape to absorb more floodwaters, reduce flooding to adjacent areas, recharging groundwater and sustaining healthy ecosystem; and

WHEREAS, by implementing a coordinated, site-wide approach to flood mitigation (e.g., clustered residential development areas with continuous perimeter open space area with restrictions on the use of fill and tree removals in this area), the proposed CC-WC District regulations address the mitigation of potential adverse flood impacts in a coordinated manner across the whole Subject Property, consistent with FEMA's explanation of the effects of earthen fill within a Special Flood Hazard Area; and

WHEREAS, the proposed CC-WC District has been designed to preserve

community character by utilizing a cluster or conservation-style development approach, to ensure that future residential density and character remains consistent between the Village's and neighboring Village of Lawrence and Town of Hempstead zoning regulations, while also ensuring that a sufficient amount of the existing open space within in the Woodmere Club Property is properly conserved; and

WHEREAS, the proposed cluster-style development for the Woodmere Club property will allow for the preservation of approximately 83 acres of perimeter open space (70% of total site area) throughout the Subject Property; and

WHEREAS, additional regulations related to tree removals and the use of earthen fill in the perimeter open space area will provide further protection to the area's community character; and

WHEREAS, the adoption of the proposed CC-WC District will preserve a significant portion of the Subject Property as open space and recognize the need to protect the area's visual resources; and

WHEREAS, the CC-WC District establishes an Open Space/Recreational Sub-District, which will effectively preserve approximately 83.3 acres or 70% of the Subject Property as unfragmented open space, achieved through clustering within the smaller Single-Family Residential Sub-District, in line with the general planning concept of a conservation subdivision; and

WHEREAS, in addition, as noted in the proposed Section 2.4 of the proposed amendment, this conservation subdivision approach aligns closely with NYS DEC regulations for tidal wetlands, particularly 6 NYCRR Part 661.6 Subsection 6, which provides for the clustering of residential uses as to allow enhanced buffering of sensitive coastal resources; and

WHEREAS, as such, the significant drainage and flood absorption capabilities associated with the existing golf course and natural areas would be retained in the proposed new zoning District, and, in order to further protect open space and visual resources, the proposed regulations within the CC-WC District will further restrict tree removals and the use of fill/significant grading to preserve this area to the maximum extent practicable; and

WHEREAS, by adopting the proposed zoning amendment and the corresponding modification of the Zoning Map, the Board will implement a measure that, consistent with balancing of social, economic, and environmental considerations, will minimize, to the maximum extent practicable, the potential adverse impacts of a potential residential build out under the existing Building Zone Ordinance; and

WHEREAS, based on all of the foregoing, and on due consideration of the recommendations of the consultants, and the members of the Board's personal

knowledge of the Woodmere Golf Club Property, the surrounding portions of the Village and neighborhoods in the Village of Lawrence and unincorporated area of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, the Board of Trustees declares itself Lead Agency with respect to SEQRA, and is the only board or agency with jurisdiction to fund, approve or directly undertake the Proposed Action; and be it further,

RESOLVED, pursuant to Article 8 of the New York State Environmental Conservation Law and Part 617 (SEQRA), the Proposed Action, which consists of the adoption of proposed local law WDS 2003 to add a new article in the Village Zoning Code to create a new zoning district to be entitled the “Coastal Conservation District-Woodmere Club” and to amend the Village Zoning Map to reclassify the Woodmere Club property as Coastal Conservation District – Woodmere Club-- is a “Type 1 Action” under SEQRA and Part 617; and be it further,

RESOLVED, that the Board has considered the FEAF, EEA, and additional documentation provided to the Board, and also has considered the following factors in respect to its review of the environmental impacts of the Proposed Action:

(i) whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(ii) whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(iii) whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;

(iv) whether the proposed action would conflict with the community’s current plans or goals as official approved or adopted;

(v) whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) whether the proposed action would result in a major change in the use of either the quantity or type of energy;

(vii) whether the proposed action would create a hazard to human health;

(viii) whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or

recreational resources, or in its capacity to support existing uses;

(ix) whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(x) whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xii) whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular; and be it further

RESOLVED, that the Board finds the environmental documentation is complete, adopts the findings, conclusions and rationale therein relating to the probable environment impacts of the Proposed Action, including those identified herein in the preamble, and determines that the Proposed Action will not result in significantly adverse environmental impacts, and adopts a Declaration of Non-significance and a Negative Declaration for the Proposed Action in consideration of the "Criteria for Determining Significance" contained in Part 617; and be it further,

RESOLVED, that the Board directs the Village Clerk and/or Village Attorney to file the Negative Declaration-Notice of Non-Significance in accordance with applicable provisions of law, and take such other action as is required by law; and be it further,

RESOLVED, that the requirements of SEQRA have been met.