

State Environmental Quality Review Act
Notice of Completion of
Draft Environmental Impact Statement
Application for Incentive Zoning
The Residences at North Hills
Midtown North Hills LLC

Page 2

Description of Action: The proposed project involves an incentive zoning use permit application and applications for site plan and subdivision approval for the development of 234 luxury condominium units on a 17.1±-acre site. The proposed project would provide 500± parking spaces in three below-grade parking garages, beneath the residential buildings. All wastewater generated by the project would be conveyed off-site via the public sewer system for treatment and disposal at the Cedar Creek Sewage Treatment Plant. Access will be provided by two vehicle entrances at the Long Island Expressway South Service Road and at New Hyde Park Road.

Project Location: 85 Long Island Expressway South Service Road, approximately 600 feet east of New Hyde Park Road

Tax Parcel Data: Section 8 – Block A – Lots 502, 51
Section 8 – Block A – Lots 882, 302 and 702A
Section 8 – Block A – Lots 785

Potential Environmental Impacts: A positive declaration was issued by the Board of Trustees of the Incorporated Village of North Hills, as lead agency for the proposed action, which identified the following as potential environmental impacts, and these impacts were evaluated in the Environmental Impact Statement:

1. The subject property is situated within the North Hills Special Groundwater Protection Area (SGPA), which is a Critical Environmental Area (CEA), and the potential impacts to the SGPA require assessment. A consistency analysis with the *Long Island Comprehensive Special Groundwater Protection Area Plan* is necessary.
2. The proposed action will result in the removal of approximately 3.6 acres of predominantly oak-tulip forest. The potential impact to such forest and associated ecological resources should be assessed.
3. The proposed project involves significant demolition on the property. The impacts of such demolition, including the potential for the presence of hazardous materials should be evaluated.
4. Implementation of the proposed action will increase density, and the effect of such increased density on neighborhood character must be evaluated.

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Page 3

5. The development of an additional 234 residential units in this area may result in adverse traffic impacts, and these potential impacts must be analyzed.
6. The increased demand for community services (e.g., fire protection, police protection, schools, water district, sewer district, recreational facilities) resulting from the proposed residential development must be assessed.
7. As the buildings are proposed to be four stories in height and would be located in an area that is highly visible to a large number of viewers, the visual impacts of such development must be examined.
8. As the subject site is located in an archaeologically-sensitive zone, as identified by the New York State Office of Parks, Recreation and Historic Preservation, the potential for the presence of such resources must be investigated, and the impact of the proposed project on such resources (if encountered) must be evaluated.
9. There are several projects proposed or recently-approved and/or constructed in the immediate vicinity of the subject parcel (i.e., Chatham at North Hills and The Bristol). The cumulative impact of such development must be evaluated.

Availability of Document: Copies of the DEIS are available for public review at the offices of the contact person listed below. In addition, a copy of the DEIS has been provided for public review at the Shelter Rock Public Library, 165 Seasingtown Road, Albertson, New York 11507.

Contact Person: A. Thomas Levin, Esq.
Village Attorney

Address: Meyer, Suozzi, English & Klein P.C.
1505 Kellam Place
PO Box 803
Mineola, New York 11501

Telephone No.: (516) 592-5704

2.6.2 Anticipated Impacts

The impacts to ecological resources are typically a direct result of clearing of natural vegetation, the resulting loss and fragmentation of wildlife habitat, and the increase in human activity. The proposed development will require clearing of the majority of vegetation on the property and replanting with landscaping species. The proposed project will necessitate removal of the majority of the oak-tulip forest and successional hardwood forest found on site. However, the condition and significance of this habitat as documented herein tends to reduce the magnitude of this impact as discussed further below. The open lawn area on the southern parcel will be regraded and developed into two recharge basins for the proposed villas and parking areas. The lawn and tree habitat on the eastern portion of the southern parcel will also be cleared. Several areas of vegetation to remain intact include a small portion of successional woodland forest on the extreme northwest corner of the site and a portion of landscaped lawn and tree habitat on the extreme northeast corner of the site adjacent to Powerhouse Road, and along the southern perimeter of the property (see **Site Lighting and Landscape Plan**). The change in habitat acreage contained in **Table 1-1** indicates that a total of 1.93 acres of existing vegetation will remain on the site (including an estimated 0.48 acres of Successional hardwood forest, 0.2 acres of oak-tulip forest, 1.25 acres of mowed lawn and mowed lawn with trees). Further assessment of impacts related to the oak-tulip forest is provided in the following paragraphs.

The New York Natural Heritage Program expressed most concern over the removal of the oak-tulip forest habitat, as this is the only mapped location of this vegetation type in Nassau County. Conversations with two of the NYSDEC Natural Heritage Program staff – botanist, Steve Young, and ecologist, Greg Edinger – confirmed that there are no regulations or strict guidelines for unprotected ecological communities such as oak-tulip forest. This mapped area is approximately 94.43 acres in size, stretching from New Hyde Park Road eastward for 0.8 miles between the Long Island Expressway and Northern State Parkway. The project site contains approximately 6.36 acres, or 7%, of this total mapped contiguous forest area (**Figure 2-8**). The land containing oak-tulip forest to the east and west of the subject property, including the approved commercial site plan (west), The Bristol and The Chatham (to the east), will all necessitate removal of portions of this habitat. The Bristol at North Hills and Chatham I are essentially completed at this time. However, approximately 32.80 acres, or 35% of the total area of mapped oak-tulip forest is located within the New York State Right-of-way for the Parkway and Expressway. This large contiguous strip of oak-tulip forest is likely to remain an intact natural area. The ecological value associated with this area of forest is already diminished by its isolation from surrounding forest due to the major highways which completely encircle it. In addition to the fragmentation of the surrounding forest, noise levels around the periphery of the forest created by the highways further inhibit the use of edge habitat by wildlife. Only suburban species highly tolerant of human activity have been observed and are expected to utilize the site.

Though Grace Forest is the only “mapped” location of oak-tulip forest in the County, it is not the only *known* location of this forest type in Nassau County. Scientists with Nelson, Pope & Voorhis have identified this forest type in various additional locations within the County. Other areas of oak-tulip forest vary in size, but many are fair to large-sized areas of contiguous woodland within protected lands or contiguous with large tracts of forests, wetlands and wildlife corridors. **Figure 2-9** has been prepared to identify the locations of further documented oak-

The eastern central portion of the site contains mature woodland identified by the New York Natural Heritage Program as an oak-tulip forest; however, a large part of this area has been altered due to standing water which occurred for an extended period of time. The pockets of standing water were the result of stormwater runoff collecting in the localized depressions on the site, which exhibits undulating topography and silt containing soils. The most significant depression encompasses the east-central portion of the property and extends onto the site from the northeast. As discussed in **Section 2.4**, for approximately a 20 month period between the Summer of 2003 and Spring of 2005, stormwater collected in the kettle hole depression in the eastern-central portion of the site (due to a break or the removal of an previously existing drainage pipe), creating the ponded area. As noted in the comparison of the 2000 and 2004 aerial photographs in **Figure 2-4**, this area of ponded water was a recently created condition. It is noted that the drainage pipe has been repaired, and the areas of ponded water are no longer present on the site; however, the ponded water has modified approximately 2.82 acres of oak-tulip forest and 0.02 acres of successional hardwood forest habitat in the eastern central portion of the property. Site visits in May and June 2005 found this area to be evident by dead trees as a result of non-wetland species being subject to constant inundation of water over a prolonged period. Smaller areas with evidence of temporary ponded water were also observed in low-lying areas of the property during field visits in 2004.

The majority of the surrounding areas are dominated by undeveloped woodland and a mix of land uses and vegetative cover types. Residential developments are located south of the subject property, vacant undeveloped woodland and a commercial building to the west, golf courses and North Shore University Hospital to the north, and high density residential developments to the east. The site is bounded by the Long Island Expressway (I-495) and associated service roads (Power House Road) to the north and the Northern State Parkway to the south, both of which are major transportation corridors in the area. The Northern State Parkway's off-ramp to New Hyde Park Road abuts the southwest corner of the site and the site maintains approximately 100 feet of frontage on New Hyde Park Road. The moderately-sized contiguous forested land in this area, stretching from New Hyde Park Road eastward, is referred to as the Grace Forest by the New York Natural Heritage Program (**Appendix E-1**) and is documented by the Natural Heritage Program as the only mapped location of oak-tulip forest in Nassau County; however, additional information regarding the Grace Forest and other oak-tulip occurrences is provided in **Section 2.6.2**. A new residential complex, The Chatham at North Hills I, is currently being built to the east of the site and construction of The Bristol at North Hills I is proposed for residential development as Phase II of this project. The remaining area east of the site and south of these complexes is NYS-owned undeveloped woodland associated with the Northern State Parkway right-of-way. The vacant woodland located adjacent and west of the site is the subject of an approved commercial use site plan. A commercial building and Great Neck South High School are located on the west side of New Hyde Park Road. A large continuous block of forest exists to the north of the LIE (I-495), between and north of the Deepdale and North Hills Country Clubs. However, the LIE (I-495) bisects this tract of forest from the remaining portions of the "Grace Forest" on and surrounding the project site (see **Figure 2-8**).

dominated by clipped grasses and there is less than a 30% cover of trees. Ornamental and/or native shrubs may be present, usually with less than 50% cover. The groundcover is maintained by mowing." This habitat occupies 3.39 acres, or 20% of the total parcel.

Mowed Lawn with Trees - This community is also created and maintained by human activity, whose existence prior to human intervention was substantially different. As defined by Reschke (1990), "residential, recreational, or commercial land in which the groundcover is dominated by clipped grasses and forbs, and it is shaded by at least 30% cover of trees. Ornamental and/or native shrubs may be present, usually with less than 50% cover. The groundcover is maintained by mowing." This habitat occupies 2.93 acres, or 17% of the total parcel.

The successional forest habitat found on site has dominated areas that have been cleared or otherwise disturbed. Following an initial disturbance, herbaceous weeds and other plants with wide seed dispersal occupy the site. Woody shrubs then replace these early successional species, as well as saplings produced by seed from nearby habitats. As saplings colonize the area and time progresses, first growth woods appear. In time, light penetration to the understory is reduced due to the increasing canopy cover, allowing more shade tolerant species to colonize the understory. The resulting forest generally resembles the original forest, although non-native species introduced into the area may be dominant. The successional habitat found on site contains both native and non-native species, and in general, the presence of non-natives typically reduces the value of these habitats.

Successional Southern Hardwoods Forest: Successional Southern Hardwoods Forest is defined by Edinger (2002) as "a hardwood or mixed forest that occurs on sites that have been cleared or otherwise disturbed." Trees cover at least 60 percent of the canopy cover. Characteristic trees and shrubs may include any of the following: American elm, slippery elm, white ash, red maple, box elder, silver maple, sassafras, gray birch, hawthorns, eastern red cedar, and choke-cherry. Certain introduced species are commonly found in successional forests, including black locust, tree-of-heaven, and buckthorn. Any of these may be dominant or co-dominant in a successional southern hardwood forest. A successional hardwood forest is generally characterized by small trees and a dense understory, although large diameter trees may be present if the site was originally landscaped. As time progresses, the canopy begins to close, decreasing light penetration to the understory. The understory will open, allowing for colonization of more shade tolerant species. This habitat occupies approximately 2.49 acres, or 15% of the total project site. Approximately 0.61 acres of the site used to also be composed of successional southern hardwood species along the southeastern edge of the Seventh Day Adventist's rear lawn area, but this habitat has been altered by clean fill material received from The Bristol development to the east. In addition, approximately 0.02 acres of this habitat has been altered due to former ponded water on the site (along the northern side of the residence located north of IU Willets Road).

Successional hardwood forest vegetation occurs in the previously disturbed areas on the north and southern portions of the site and on the adjacent property to the west. This area consists of species such as sweetgum, beech, honeysuckle, black cherry saplings, English ivy and Canada mayflower. It also consists of invasive species such as Norway maple, black locust and multiflora rose. As previously mentioned, this habitat type is found along the site's edges, and was created as a result of prior clearing and disturbance. It should be noted that field inspections of this area occurred over the early part of the growing season but sufficiently document plant communities representative of this habitat.

2.7 Wildlife

2.7.1 Existing Conditions

The early successional and mature woodland found on-site provides habitat for a number of wildlife species. The mown lawn habitat found particularly in the southern portion of the site also provides habitat for some wildlife species. Most wildlife species found in woodland and cultural terrestrial habitats adjust well to human activity, and the development on and off site as well as the isolation and noise created by the Long Island Expressway and Northern State Parkway make it unlikely that an abundance of sensitive species are present. Thus, the species present on site are likely to be relatively common suburban species, with some potential for forest interior species in the remote areas of the site and adjacent woodland habitat. **Appendix E-2** presents a computer generated list of species expected on site given the habitat available. This list is provided as a supplement to site specific discussions included herein, and also includes information on the biological needs of each species. Nelson, Pope & Voorhis, LLC developed the model, as a tool to supplement site specific inventory and discussions; this model is described more fully in the introductory statements contained in **Appendix E-2**.

The following text discusses the avian species that would be expected to breed on site, as well as those species that might be expected during migrations or as winter residents. In addition, data from the 2000-2004 Breeding Bird Survey for the census block which contains the site was obtained from the New York State Department of Environmental Conservation (**Appendix E-3**). This study surveyed the entire State by 25 km² census blocks over a five year period to determine the bird species which breed within the State. The site consists of two breeding bird census blocks and may have different levels of breeding status between each block. Most of the species listed by the NYSDEC breeding bird survey are likely to be found on site, with the exception of species restricted to habitats not found on site or those that are particularly vulnerable to habitat fragmentation. Birds that prefer a mix of woodland and urban habitats are expected to be abundant on the property.

Avian Species

Seed-eating birds, including grosbeaks, finches, towhees, juncos, and sparrows, are expected to be relatively common on site (**Bent, 1968**). The most common sparrow that breeds on Long Island is the song sparrow, and the introduced house sparrow is also abundant. Both species are found in forest openings, suburban areas and overgrown field habitats, and are expected on site. The house sparrow is an introduced old-world species, which often nests on buildings, and is considered a pest. The house sparrow and song sparrow are listed as confirmed breeders in the census block and are abundant on site and in the surrounding areas. Song sparrows were also heard on site. The related fox sparrow and white-throated sparrow are common winter visitors on Long Island, and are expected during the colder months.

Many sparrows also prefer open areas and may utilize the lawn and forest edges on site. These species are generally not tolerant of human development with the exception of the chipping sparrow, which is found to be abundant around man made structures, and the white-crowned

proposed project will eliminate a portion of prime habitat for the species, and some local impacts are expected.

The site provides some habitat for the white-tailed deer, but the fragmentation of the site and surrounding woodland by highways may limit the size of the population that currently utilize the Grace Forest. Deer are not expected on site following construction, although they should remain in the local area, as some suitable habitat will remain to the east. The white-tailed deer has home range sizes up to 3 square miles. Due to the limited number of deer likely present in this stretch of woodland, local impact on deer populations is not expected to be significant.

Amphibian and Reptile Species

The incidence of reptile and amphibians on the site is expected to be low in both density and diversity. As many of the herptile species which are found in moist woodlands do not adapt well to suburban areas, they are often less mobile than avian and mammal species, and may suffer direct elimination during construction. However, the snake species found on site do adapt well to suburban areas, and though their numbers will surely decline on site, they are not expected to be completely eliminated. Some habitat for reptiles and amphibians may actually eventually be created as vegetation within the proposed recharge basins becomes established.

Terrestrial amphibians which may be present include the salamanders. These species may utilize the landscaped recharge basin areas after development in lower numbers, but local impacts are expected. Salamanders require both undisturbed moist woods for foraging and standing water for breeding, and few are expected under existing conditions. The red-backed salamander is the most likely species to be present, as it is relatively common on Long Island. It prefers dry woodland habitat (Bishop, 1943), and may be present in the wooded edge and buffer habitats. Suitable habitat will remain to the east, and thus regional impacts should not be significant. The endangered tiger salamander is unlikely to be present on site, and was not observed during site inspections nor was the site identified as potential habitat for the presence of tiger salamander by the NYS Natural Heritage Program.

Several species of reptiles were identified as potentially on site. The Eastern garter snake, Eastern hognose snake, Eastern milk snake, and Northern ringneck snake may be present (Wright, 1957). Of these species, the eastern garter snake is the most adaptable to urban areas, and would be expected in the newly landscaped areas; however, even this species would be expected to suffer temporary impacts due to direct loss during construction. Populations will partially recover after completion of the project, but local impacts on the snake species are expected.

The only terrestrial turtle species possibly on site is the Eastern box turtle. It is essentially a terrestrial species and requires very little water to ensure its survival (Obst, undated). Like the snakes, this species is likely to suffer direct losses during construction if present, and significant impacts are expected.

Table 2-5 is a list of the bird species observed or expected on site given the habitats present and is also based upon field investigations conducted by NP&V. Additional information regarding these species and others can be found within Appendix E-2.

TABLE 2-5

BIRD SPECIES LIST

gray catbird	<i>Dumetella carolinensis</i>
red-winged blackbird	<i>Agelaius phoeniceus</i>
black-capped chickadee	<i>Parus atricapillus</i>
Northern cardinal	<i>Cardinalis cardinalis</i>
brown-headed cowbird	<i>Molothrus ater</i>
brown creeper	<i>Certhia familiaris</i>
American crow	<i>Corvus brachyrhynchos</i>
yellow-billed cuckoo	<i>Coccyzus americanus</i>
black-billed cuckoo	<i>Coccyzus americanus</i>
mourning dove	<i>Zenaidura macroura</i>
rock dove	<i>Columba livia</i>
American goldfinch	<i>Carduelis tristis</i>
house finch	<i>Carpodacus mexicanus</i>
Northern flicker	<i>Colaptes auratus</i>
least flycatcher	<i>Empidonax minimus</i>
great-crowned flycatcher	<i>Myiarchus crinitus</i>
blue-grey gnatcatcher	<i>Poliophtila caerulea</i>
*common grackle	<i>Quiscalus quiscula</i>
ruffed grouse	<i>Bonasa umbellus</i>
rose-breasted grosbeak	<i>Phoenicurus ludovicianus</i>
red-tailed hawk	<i>Buteo jamaicensis</i>
American kestrel	<i>Falco sparverius</i>
blue jay	<i>Cyanocitta cristata</i>
Northern (dark-eyed) junco	<i>Junco hyemalis</i>
Eastern kingbird	<i>Tyrannus tyrannus</i>
golden-crowned kinglet	<i>Regulus satrapa</i>
ruby-crowned kinglet	<i>Regulus calendula</i>
Northern mockingbird	<i>Mimus polyglottos</i>
white-breasted nuthatch	<i>Sitta carolinensis</i>
northern oriole	<i>Icterus galbula</i>
barn owl	<i>Tyto alba [s]</i>
Eastern screech owl	<i>Otus asio</i>
great-horned owl	<i>Bubo virginianus</i>
long-eared owl	<i>Asio otus</i>
Eastern phoebe	<i>Sayornis phoebe</i>
*American robin	<i>Turdus migratorius</i>
American redstart	<i>Setophaga ruticilla</i>
chipping sparrow	<i>Spizella passerina</i>
fox sparrow	<i>Passerella iliaca</i>
house sparrow	<i>Passer domesticus</i>



September 12, 2005

Comments on the DEIS
Proposed Application for Incentive Zoning Use Permit
The Residents at North Hills, Midtown North Hills LLC

Submitted to:
Mr. Thomas Levin
Attorney for the Village of North Hills
Meyer, Suozzi, English and Klein, PC
1505 Kellum Place
Mineola, New York 11501

Comments:

1. The proposed project will have a negative impact on water quality and quantity due to the location of the project (over the deep recharge zone) and the size and density of the development. SM #1

2. The project is located in the North Hills SGPA (special groundwater protection area). This area was designated by the State Legislature as warranting the highest level of groundwater protection. The proposed project does not reflect the level of protection envisioned by state law. In fact, the proposed project requests a higher level of density than is appropriate or compatible for this important groundwater recharge and protection area. SM #2

3. Allowing additional population density on the site creates a level of demand on the natural resources, especially water, that is not in the best interests of the public or the other residents served by the Manhasset-Lakeville Water District and adjoining water districts.

The Manhasset-Lakeville area is becoming an emergency water source for two adjacent water systems - the Water Authority of Great Neck North, and the Port Washington Water District. This project adds additional water demand that exceeds the current supply capacity of Manhasset-Lakeville itself. And, it places a greater demand on the resource at a time when the groundwater system is being seriously stressed by the existing water withdrawals from this area. Thus, adding a large development such as Midtown North Hills is against the interests of many more people currently living in the area than those who would be served by the 234 luxury condominiums. SM #3

4. Creating a significant increase in demand for water from the Manhasset-Lakeville system will impact water quality by spreading existing contamination present just to the west of the proposed project. The net effect of this pumpage will be to spread the contamination and could cause increased treatment expenses for the water district, and thus for all water customers of Manhasset-Lakeville. SM #4

5. Increased water pumpage from the Manhasset-Lakeville system will also have another impact - the reduced groundwater flow from this recharge area to the down-gradient communities of Great Neck and King Point. As noted already, Great Neck is experiencing saltwater intrusion problems. As less water is available as underground flow from the Manhasset-Lakeville area, the worse the Great Neck area saltwater intrusion problem will become.

SM #5

6. The nitrogen loading added by this project will also add to the loading that is occurring from the prior projects approved by the Village of North Hills for this area of the village. Again, the impact of the added nitrates from sewage and fertilizers may be most detrimental to the down-gradient water communities of Great Neck and Lake Success. However, as a matter of sound public policy is incumbent on the Village of North Hills, which shares the water resource with other communities in the region, to make development decisions that take into account the impacts their decisions will have on neighboring communities. At present, this sensitivity to the impacts that will be passed on to others is missing in the deliberations of the village of North Hills. Nitrate levels in the deeper aquifer system are increasing.

SM #6

7. The discharge of human sewage waste will need to be added to the Nassau County sewer system. The closest sewers convey wastewater to the Bay Park treatment plant which is over-capacity. By extending sewer lines to the Cedar Creek district, wastewater will be treated on the south shore and discharged into the Atlantic Ocean. This will cause the water used by the project to be a total consumptive use of water and a net loss from the groundwater system. Alternatives to this negative impact are not adequately addressed.

SM #7

8. The DEIS fails to examine the cumulative impacts of this project and similar projects by the same developer in this section of the village. This is a serious failure of the DEIS and the SEQRA process. The DEIS should be rejected based upon this finding.

SM #8

9. Other aspects of the project that are insufficiently addressed by the DEIS include habitat protection, especially the old growth trees, and the archeological sites at the project.

SM #9

For all the reasons cited above, the proposed project should be rejected and the application for incentive zoning denied.

Respectfully submitted:

Sarah Meyland, Associate Professor
Department of Environmental Technology, NYIT
PO Box 8000, Old Westbury, New York 11568
516-686-7765 smeyland@nyit.edu

New York State Department of Environmental Conservation
Division of Environmental Permits, Region One
SUNY, Stony Brook, New York 11790-2350
Phone: (631) 444-0365 • FAX: (631) 444-0360
Website: www.dec.state.ny.us



Denise M. Sheehan
Acting
Commissioner

September 19, 2005

Mr. A. Thomas Levin, Esq., Village Attorney, Village of North Hills
Meyer, Sponzi, English & Klein, P.C.
1505 Kellum Place
P.O. Box 803
Mineola, NY 11501

RE: DEIS for The Residences at North Hills

Dear Mr. Levin:

The New York State Department of Environmental Conservation (the Department) has received the Draft Environmental Impact Statement for The Residences at North Hills. Although, the deadline for comments on the DEIS has just recently expired, the Department offers the following comments on this project and the DEIS and requests that if possible, the following comments be considered:

1. As is noted in the DEIS, the New York Natural Heritage Program indicates that The Residences at North Hills site contains a significant and rare vegetational community type which has been designated as an Oak-Tulip Forest. The Department strongly urges the Village of North Hills to undertake whatever measures are necessary to help ensure the protection and preservation of as much of this forest as possible. This should include consideration of all mitigation measures and project alternatives which will allow for the preservation and protection of this forest, including preservation of large contiguous blocks of forest.

DEC #1

In addition, further field analysis should be conducted on the 9 other possible Oak-Tulip forest locations identified in Section 2.6.3 on pages 2-34 to 2-36 to verify that they are equivalent to the example found on the project site (e.g. in terms of density, age, species composition, forest structure, etc.)

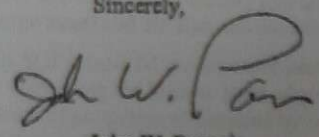
Mr. A. Thomas Losh, Esq., Village Attorney, Village of North Hills/Comment on The Residences at North Hills DEIS - pg. 2

It should be noted that if proposed construction will disturb one acre of soil or more, coverage is required by the NYSDEC General Permit for Stormwater Discharges from Construction Activities (GP-02-01). Permit coverage may be obtained by filing the Notice of Intent with the Department and submitting to the Department a copy of the Stormwater Pollution Prevention Plan for Department review. The enclosed notice sheet provides additional information regarding this requirement.

DEC #2

Thank you for the opportunity to comment. If you have any questions concerning these comments, please feel free to contact me at (631) 444-0359, my direct line.

Sincerely,



John W. Pevacic
Regional Permit Administrator



JWT/jp

cc: Theresa Elkowitz, Freudenthal & Elkowitz, Environmental Consultant to Village of North Hills

FIGURE 2-9
OAK-TULIP FOREST LOCATIONS, NASSAU COUNTY



Source: USGS 7.5 Minute Topographic Maps; NY Natural Heritage Program; NP&V Field Observations
Scale: 1" = 12,000'

-  Mapped Oak-Tulip Forest (NY Natural Heritage Program)
-  Approximate Locations of Field Verified Oak-Tulip Forest

NORTH



Culture and Recreation

- The first major Goal is to support and enhance the cultural facilities, services, programs and events in the County to improve the quality of life and encourage tourism.
- The second major Goal is to support the preservation of historic resources as key attributes to the quality of life and historic evolution of the region.
- The third major Goal is to provide sufficient parks, preserves, and recreational facilities to serve the current residents and growing segments of the population.

Community Facilities and Services

- The overall Goal for this chapter is to assure that there is an adequate system of public and private community facilities, as well as educational and social services to support current and future residents of Nassau County.

The Nassau County Comprehensive Plan designated the subject site for Suburban Density Residential use, but provided no additional recommendations for the property.

Nassau County Open Space Plan

In response to recommendations of the Comprehensive Plan, the county legislature initiated the Nassau County Open Space Project in September 1999. This program was the result of broad-based support for open space protection discerned by the county during preparation of the plan.

This plan listed a number of recommendations for county government to establish and implement a county-wide Open Space Plan. The first recommendation would establish a new Nassau County Open Space Committee, which would evaluate open space and natural resources in the County and recommend candidate sites to the County Planning Commission. The plan suggested a process and criteria whereby this new commission would characterize and prioritize these candidate parcels. The plan also discussed use of other, private bodies which could preserve open space, including: creation of a private County Land Trust; The Nature Conservancy; the Open Space Preservation Trust, Inc. and The Trust for Public Lands. Finally, the plan included a listing of potential mechanisms to preserve and maintain existing parks and preserves in the county.

The subject site was not recommended for purchase or preservation under the Nassau County Open Space Plan, though sites in the vicinity (particularly to the east) are noted as having significant habitats/rare species and wetlands present.

3.1.2 Anticipated Impacts

Land Use

Based on the type of land use proposed for the site and in consideration of the existing character of development in the vicinity, it may be concluded that the proposed project will not significantly impact the land use pattern of the vicinity, for the following reasons:

- The land use pattern in the vicinity of the site will include both commercial and moderate to high-density residential use. Area land use is changing such that two adjacent sites are presently under residential construction or completed at densities comparable to that of the

- 1) Residential single-family detached dwellings on plots of no less than twenty thousand (20,000) square feet.
- 2) Religious uses, subject to the provisions of this chapter and with the permission of the Board of Trustees.
- 3) On sites developed or approved for development before January 1, 1990, residential single-family attached or detached cluster dwellings, with total average density not to exceed two units per acre.
- 4) Noncommercial membership clubs, subject to the requirements applicable in an R-1 District and with the permission of the Board of Trustees.
- 5) Governmental facilities.
- 6) Upon approval by the Planning Board as permitted in Section 174-13.2, an open space (OS) residential subdivision.

The Village Board passed a local law on May 19, 2004 to amend the Code of the Village of North Hills in relation to permitting incentive development in the R-3 District, confined to those areas located between New Hyde Park Road, the Northern State Parkway, Long Island Expressway South Service Road (Power House Road) and Shelter Rock Road. The Board found that it would be beneficial to encourage the construction of residential development in this area with density and other characteristics different than those presently permitted, subject to provisions for development incentives with benefits to the community. Additionally, the Board determined that such incentive uses and enhanced development would not have any impact on the potential development of affordable housing in the Village.

Plans

Nassau County Comprehensive Plan

In late 1998, the Nassau County Planning Commission adopted its Comprehensive Plan "...as a policy statement outlining its vision for the future of Nassau County. It focuses on protection of the County's natural resources, current and long-range growth and development which is compatible with the county's quality of life, and provides guidance to decision makers, residents and organizations." As empowered by the Nassau County Charter, Article XVI (Planning Department), the Commission has primary responsibility for developing and adopting a County-wide comprehensive master plan and updating it at least every five years to assure that it remains current.

The plan was divided into a number of general resource sections, for which twenty-two (22) Goals were developed, followed by the 107 policy recommendations developed to achieve that Goal, which were in turn followed by 332 specific implementation strategies. Following are the individual resource areas and overall Goals enumerated in the plan:

Interagency Planning and Coordination

- The overall Goal for this chapter is to facilitate and encourage intermunicipal, interagency, and regional efforts which result in the efficient provision of services, project implementation and better communication.

Land Use

- The overall Goal for this chapter is to promote a balanced pattern of land use that encourages the concentration of future development in established areas with adequate infrastructure and

Culture and Recreation

- The first major Goal is to support and enhance the cultural facilities, services, programs and events in the County to improve the quality of life and encourage tourism.
- The second major Goal is to support the preservation of historic resources as key attributes to the quality of life and historic evolution of the region.
- The third major Goal is to provide sufficient parks, preserves, and recreational facilities to serve the current residents and growing segments of the population.

Community Facilities and Services

- The overall Goal for this chapter is to assure that there is an adequate system of public and private community facilities, as well as educational and social services to support current and future residents of Nassau County.

The Nassau County Comprehensive Plan designated the subject site for Suburban Density Residential use, but provided no additional recommendations for the property.

Nassau County Open Space Plan

In response to recommendations of the Comprehensive Plan, the county legislature initiated the Nassau County Open Space Project in September 1999. This program was the result of broad-based support for open space protection discerned by the county during preparation of the plan.

This plan listed a number of recommendations for county government to establish and implement a county-wide Open Space Plan. The first recommendation would establish a new Nassau County Open Space Committee, which would evaluate open space and natural resources in the County and recommend candidate sites to the County Planning Commission. The plan suggested a process and criteria whereby this new commission would characterize and prioritize these candidate parcels. The plan also discussed use of other, private bodies which could preserve open space, including: creation of a private County Land Trust; The Nature Conservancy; the Open Space Preservation Trust, Inc. and The Trust for Public Lands. Finally, the plan included a listing of potential mechanisms to preserve and maintain existing parks and preserves in the county.

The subject site was not recommended for purchase or preservation under the Nassau County Open Space Plan, though sites in the vicinity (particularly to the east) are noted as having significant habitats/rare species and wetlands present.

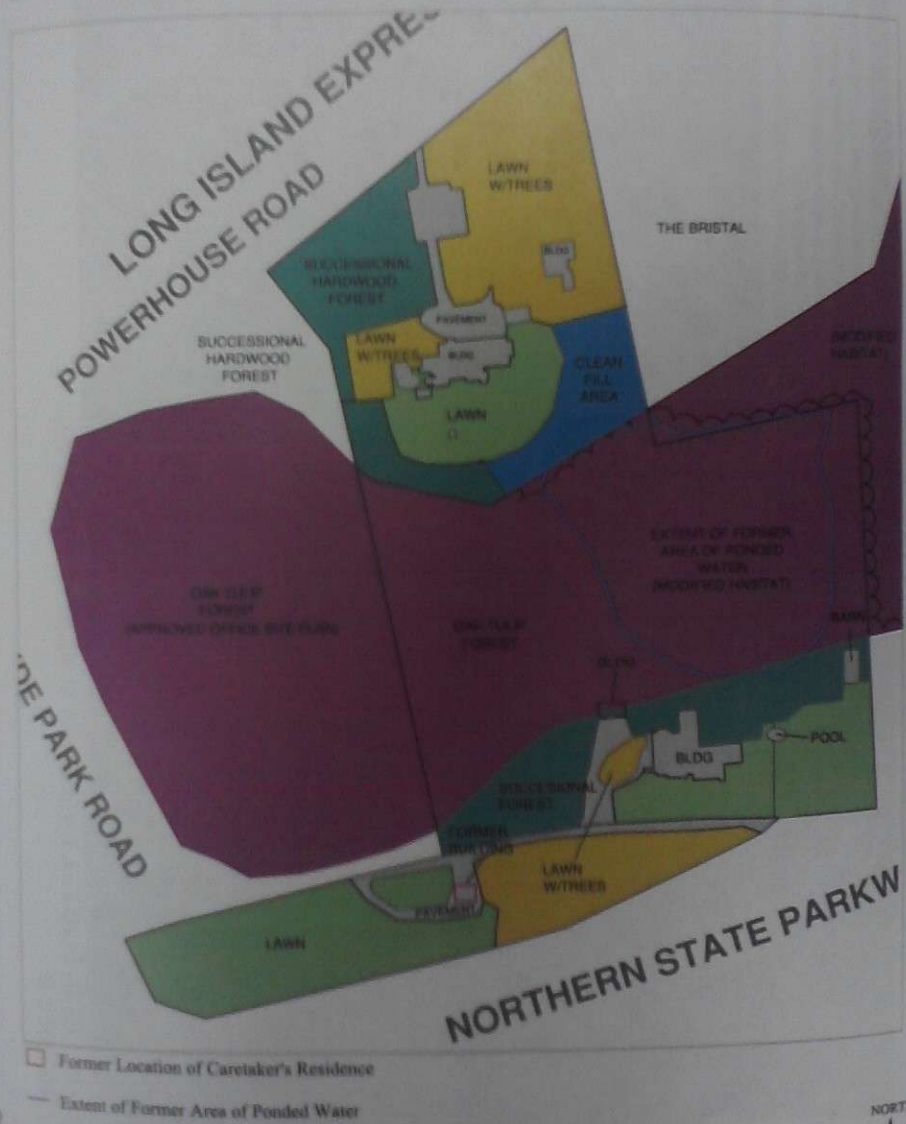
3.1.2 Anticipated Impacts

Land Use

Based on the type of land use proposed for the site and in consideration of the existing character of development in the vicinity, it may be concluded that the proposed project will not significantly impact the land use pattern of the vicinity, for the following reasons:

- The land use pattern in the vicinity of the site will include both commercial and moderate to high-density residential use. Area land use is changing such that two adjacent sites are presently under residential construction or completed at densities comparable to that of the

FIGURE 2-7
EXISTING STRUCTURES & HABITAT MAP



will be impacted. The house mouse and Norway rat are introduced pests found near dwellings in field habitats, and the rat is also found in urban settings and prefers moist areas. They will eat almost anything and usually cause problems for homeowners (Godin, 1983). Due to the existing development in the area, these species are probably already present, but development of the project site will likely lead to a slight decline in their on-site population.

The eastern gray squirrel prefers hardwood forests with large, nut-producing trees. Squirrels usually adapt quite easily to urban areas where larger trees remain for feeding and nesting. Although this species may suffer impacts immediately following construction, as landscape vegetation becomes established, squirrels may increase in number. Local populations should not be significantly impacted. The eastern chipmunk prefers forest edge habitat with thick understory vegetation. Some edge habitat will remain under the proposed plan, and thus few impacts are expected.

Several bats were listed as potentially present, including the big brown bat, little brown myotis, and Eastern pipistrelle, which breed on Long Island. Due to the absence of caves on Long Island, these species generally roost in colonies in the attics of buildings, although some species will occasionally roost in trees (Connor, 1971). Development of the site could impact these species locally, as suitable habitat is found on site. The silver-haired bat and hoary bat are found on Long Island only during seasonal migrations, and would not be affected.

The Eastern cottontail seems to do well in both suburban and natural habitat (Connor, 1971). This may be due in part to its adaptable home range, which varies from 1/2 acre up to 40 acres depending on conditions. It also has a large number of food sources that are available in almost any setting (Godin, 1983). The cottontail prefers areas with thickets and brush piles to cover its burrows. Populations will initially decline with clearing of the site, but a limited number will return to the site following completion of the project. Local impacts may be significant, but there is suitable habitat throughout the area to the east and north.

Raccoon and opossum populations should decline on site, as the site will be extensively cleared. Both species prefer wooded areas with brush and hollow logs to den in. These species are some of the most common nuisance animals to homeowners. When the entire natural habitat is removed, these species may invade under buildings, attics and chimneys in search of places to den, although suitable cover will remain in the forest to the east. Raccoons and opossums also forage for food in neighborhood garbage cans. Neither is social, and the two species are often involved in fights with family pets (NYS DEC Wildlife Hotline, 1988). As the wooded edge will be cleared, the animals will be pushed into adjacent areas. As these animals are tolerant of humans and are found in a variety of habitats, no significant regional impact is anticipated.

As is suggested by the discussion contained in the ecological setting section, red foxes may inhabit suburban areas, "particularly parks, golf courses, cemeteries and large gardens" (Chapman and Feldhamer, 1982). According to Ben Tullar, a biologist with the New York State Department of Environmental Conservation (NYSDEC) in Delmar, the habitat requirements of red foxes can be met in suburban areas. Development does not typically impact red fox populations, provided that large open areas with edge habitat for hunting remain. The

as little edge habitat remains in the vicinity of the site. If present, the horned lark will also be eliminated from the site, as it is a grassland species. There is suitable habitat elsewhere in the area, but regional impacts may be expected.

The American woodcock and whip-or-will both prefer a mix of woodland and overgrown field, and are somewhat sensitive to human activity. These species are not expected on site following development. The yellow-billed and black-billed cuckoos are also vulnerable to development, and would not be expected to remain on site. Local and regional impacts to these species are expected to be significant following construction of the proposed project.

Other species of birds which prefer a mix of wooded edge and field habitat include owls and raptors. These species generally roost or nest in forested areas, hunting for rodents and other prey in adjacent open areas. The red-tailed hawk, American kestrel and common screech owl are the most likely species to be present, while the broad-winged hawk and Eastern screech owl may be present. The proposed project will reduce the hunting area for these species in the vicinity, although the neighboring golf courses and forest to the north will continue to provide habitat. These species will have significant decline on site following construction, and regional populations may be slightly impacted.

Mammalian Species

The mammalian fauna found on the site will also be impacted as a result of the proposed project and associated habitat loss. As with the avian species, many species are expected to significantly decline as a result of development of the site, but some individuals will relocate and utilize the remaining woodlands to the east. Following construction, these mammals that utilize landscaped habitats will return to the site in limited numbers. Ultimately, however, the proposed project will result in a significantly lower equilibrium population density for most species.

The short-tailed shrew is commonly found in open woodlands and in field habitats in nature, however, it can live in a variety of habitats and will use several different food sources. Although the population will decline as a result of the proposed clearing (Godin, 1983), the short-tailed shrew should remain throughout the site in limited numbers. The masked shrew spends most of its time underground in tunnels and runways (Godin, 1983). It also likes to burrow beneath leaf litter, fallen branches, logs, and stumps. It is present in most habitats, but prefers mixed deciduous woods and red maple swamps (Connor, 1971). The population of this shrew on site will be significantly impacted, but limited numbers may still be found on the property.

The Eastern mole is commonly found in woodlands and field habitats with sandy or light loam soils. They are also common in lawns and landscaped areas when their preferred habitat is destroyed or not available (Godin, 1983). As the species will utilize the landscaped areas, only local impacts are expected.

The white-footed mouse prefers forest edge habitat and does not adapt well to development. Unlike other small mammals, it does not usually move into nearby residential areas when pushed out of its preferred habitat (Godin, 1983). The population within the proposed development area

which is a winter visitor, is expected to abandon the site following construction. Some suitable habitat may remain throughout edges of the site, but significant local declines are expected.

The vireos are also relatively sensitive to development, but may be present in the edge habitats on site. If present, these species should remain in the woodlands to the north between the golf courses and to the east of the site, but would no longer be expected on site. The cedar waxwing is found in a variety of habitats, but is most common in orchards and suburban areas (Bull and Farrand, 1974.) Populations of this species might decline but may remain on site or still utilize the site. Regional populations should not be impacted significantly, as the site is only marginally suitable for these species.

Of the woodland thrushes and creepers, the wood thrush, veery, brown creeper, and hermit thrush may be present within the wooded edge on site. With the exception of the veery, these species are relatively tolerant of human activity. No significant impacts are expected as long as woodland habitat remains in the surrounding area.

Of the flycatchers, the Eastern wood pewee and kingbird are most likely to be present on site. The kingbird prefers more open edge habitats, and thus is most likely to be impacted by the proposed project. The Eastern wood pewee prefers suburban areas with shade trees and is expected to utilize the site to a certain degree following construction. Therefore, no significant impacts are expected. The great-crowned flycatcher and Eastern phoebe might also be present in the wooded areas. They may also occasionally utilize the edge habitats under existing conditions, but are not expected to be present on site following construction. Local populations of the kingbird may be impacted, as the majority of wooded habitat on site will be cleared. Impacts on the other flycatchers are not expected to be significant, as the site is only marginally suitable under existing conditions.

Three swallows may potentially be present on site, including the rough-winged, tree and barn swallow. These species are tolerant of human activity and prefer open areas, and the barn swallow often nests on buildings and other structures. Populations of these swallows are likely to decrease only slightly following development, as habitat will remain in the surrounding area and they will utilize the developed areas to a limited degree. Although it is not a swallow, the chimney swift has similar habitat requirements, and should not experience significant impacts.

Although woodpeckers can adapt well to some types of development as long as wooded buffers remain, it is critical that both large, mature trees and smaller trees are present for feeding and nesting (Andrie and Carroll, 1988; Bent, 1964). Included in this group are the common flicker, downy woodpecker, hairy woodpecker and red-bellied woodpecker. Populations of these species will heavily decline on site and some regional impacts could be expected.

The game birds, which prefer a mix of open fields and shrubby habitats, are expected to experience population declines on site following construction. The killdeer, ring-necked pheasant and bobwhite are all expected on site, and are likely to be present within the edge habitat. While these species may still utilize areas near the golf course and adjacent forest edges, no suitable habitat will remain on site. The proposed project may impact these species regionally.

brown thrasher, gray catbird, brown thrasher, cedar waxwing, grackle, northern oriole, red-winged blackbird, and cowbird may be temporarily affected by the development of the property; however, these birds usually adjust well to human activities (Andrie and Carroll, 1988; Bent, 1963, 1964, 1968). The proposed project will remove most of the existing vegetation on site, but most of these species will utilize the site once landscaping is established. The red-winged blackbird prefers wetland habitats, of which there are no permanent areas on the project site, and should remain in the area due to existing ponds located in the vicinity of the site. The cedar waxwing, catbird, cowbird, and mockingbird, which are most abundant in brushy habitats, will decrease on site following the construction, as will the orioles, robin and grackle, which prefer grasslands or open woodlands. The crows, doves, blue jay, American robin, and Northern mockingbird are expected to be abundant in the newly landscaped areas, and decreases in populations should be minimal. All of these species are abundant in a variety of habitats, and thus no significant regional impacts are expected.

Some smaller birds which also typically adjust well to development include the finches, towhees, juncos and most sparrows. These seed-eating species are typically found in edges and buffer zones, and thus populations on site are expected to decrease with the removal of vegetation. Species from these groups expected on site include the house sparrow, chipping sparrow, song sparrow, house finch, cardinal, goldfinch, rufous-sided towhee, and rose-breasted grosbeak. The northern junco, fox sparrow, white-throated sparrow and white-crowned sparrow may be present as winter visitors. Species which may increase in numbers include the introduced house finch, a pest which prefers to nest on buildings (Bent, 1968), as well as the house sparrow. The chipping sparrow, goldfinch, and cardinal, which prefer open edge habitats, will utilize the landscaped areas and are common at feeders. The rufous-sided towhee, as well as the northern junco and white-throated sparrow which are winter visitors, are likely to be less abundant, but are expected to use the landscaped areas to a limited degree. All of these species are abundant on Long Island, and no significant regional impacts are expected to these species.

Other smaller, insect feeding birds such as the black-capped chickadee, tufted titmouse, blue-gray gnatcatcher and white-breasted nuthatch are also fairly tolerant of development as long as large trees with plenty of food sources remain (Andrie and Carroll, 1988; Bent, 1964). Numbers of these species are expected to decline slightly, although they will still use the landscaped areas, particularly if feeders are available. The ruby-crowned kinglet and golden-crowned kinglet, which are winter visitors, are less tolerant of human activity and are not expected to use the site after construction, although the existing habitats on site are only marginally suitable. The Carolina and house wrens are the only wrens expected on site, and are very tolerant of development. No significant impacts to these species are expected.

Some birds avoid developed areas, including most varieties of warblers. If present, these species are expected to suffer declines on site, as the project will remove almost all the vegetation on site. Many of these birds are fairly secretive and prefer woodlands with dense understory vegetation (Andrie and Carroll, 1988; Bent, 1964, 1968), but may be present in forested portions of the site where the understory is dense. The black and white warbler is expected to be the most abundant warbler to breed on site. This species, as well as the yellow-rumped warbler,

Overall, this impact is not expected to be significant given the common status of wildlife on site and the context of the site with surrounding lands and expected development patterns.

The majority of wildlife found in early successional habitats will utilize suburban areas, and limited numbers would be expected on site following construction. Those species which are intolerant of development and are restricted to interior forest habitats will be most affected by the proposed project, but relatively few of these species are expected. The mown turf on the property constitutes a very small percentage of the grassland habitat in the vicinity of the site. The large block of successional woodland within the area is the adjacent Grace Forest land to the east and west, the majority of which is also slated for development. However, approximately 35 percent of the oak-tulip forest habitat within the Forest will remain intact as it is New York State-owned land within the Long Island Expressway and Northern State Parkway right-of-ways. The wooded edge habitat on the property is only a fraction of the available woodland in the vicinity of the site, and clearing of this habitat should only minimally impact most species. Use of native and non-native species in landscaping which offer benefits to wildlife should be considered as a mitigation measure.

In determining impacts upon the existing wildlife populations, it can be assumed that an equilibrium population size is established in an area for each species as determined by availability of resources in the habitat. Thus, the removal of habitat resulting from the proposed project will cause a direct impact on the abundance and diversity of wildlife using the site. Although the assumption that species are at equilibrium is an oversimplification, it does provide a worst case scenario in determining the impact of habitat loss. In addition to this direct impact, the increased intensity of human activity on the site will cause an indirect impact on the wildlife which remains on the site and in the area, under post-development conditions.

In the short term, lands adjacent to the subject property will experience an increase in the abundance of certain wildlife populations due to displacement of individuals by the construction phase of the proposed project. Ultimately, competition with both conspecifics and other species already utilizing the resources of the surrounding lands should result in a net decrease in population size for most species. The effect on the density and diversity of regional populations of most species should be minimal, as the habitats on site represent only a small portion of the successional and woodland habitat available in the vicinity. The impacts of habitat losses are cumulative, however, and impacts need to be considered in light of regional planning.

The Environmental Setting section provides a discussion of the wildlife populations associated with the subject site. In addition, **Appendix E-4** includes the results of a microcomputer model used to establish baseline information of species associated with various habitats. The following text considers the site specific aspects of the proposed development in regard to individual species, and supplements the predictions of the more general model.

Avian Species

Literature suggests that many avian species are able to adapt to both urban and suburban environments. Birds such as the crows, doves, blue jay, American robin, northern mockingbird,

Two toads are common on Long Island in upland habitats. The spadefoot toad occurs in woods, shrublands and fields with dry, sandy loam soils, although it breeds in temporary pools (Behler and King, 1979). The Fowler's toad prefers sandy areas near marshes, irrigation ditches and temporary pools. These two species are likely to be present on or in the vicinity of the site.

Most frog species remain in or near permanent water throughout their life cycle, with the exception of the wood frog and spring peeper. These two species may move considerable distances from the breeding site after hatching, and are expected throughout the woodland in the vicinity of the site. Aquatic frog species that prefer wooded ponds, including the bullfrog, green frog and northern leopard frog, are not anticipated to be associated with the site (Wright, 1949; Mattison, 1987; Dickerson, 1943).

Salamander species require both undisturbed moist woods for foraging and standing water for breeding. The red-backed salamander is the most common salamander on Long Island, and prefers a dry woodland habitat with plenty of leaf litter and fallen logs to forage beneath (Bishop, 1943). It may be present on low areas along the central portion of the site within the temporarily ponded areas, but is not expected to be abundant. Review of the Cryan (1984) report did not identify the possible presence of the tiger salamander on site. This species is listed as endangered by the NYSDEC, but is not expected on site due to the lack of suitable habitat.

Several species of reptiles could potentially be found on the property. Five snake species might be expected, including the eastern garter snake, eastern hognose snake, northern brown snake, northern ringneck snake and eastern milk snake (Wright, 1957). All of these species are terrestrial species found in a variety of habitats. The garter snake, brown snake and ringneck snake prefer moist soils and would be most likely to be present near the low areas. The hognose snake prefers dryer soils and the milk snake is found in soils of varying moisture content. These snakes are all colubrid snakes, which feed on whole animals such as insects and small amphibians (Behler and King, 1979). The larger milk snake and hognose snakes will also take small rodents and birds (Behler and King, 1979).

Aquatic reptiles are not expected on site due to lack of suitable habitat. The eastern box turtle may be present, as it is a terrestrial species which requires very little water (Obst, undated). The species prefers moist woodlands, but is found in a variety of habitats and is likely to be present. The box turtle feeds primarily on slugs, earthworms, wild strawberries and mushrooms (Behler and King, 1979), and may be present within the wooded areas.

Table 2-7 presents a list of amphibian and reptile species that might occur on site given the existing habitat(s). This list is not intended to be all inclusive but provides a detailed representation of what is or is likely to be found on site. In addition, further information regarding these species can be found in Appendix E-2.

The skunk and weasel are rare, but are occasionally sighted on eastern Long Island. The long tailed weasel is found in a variety of undeveloped habitats, including fields, pine barrens, woods, brushy areas and wetland borders (Connor, 1971). It was once common throughout Long Island, but has declined in the twentieth century. The species is not likely to be present in the general area due to extensive development that surrounds the site. The striped skunk has also declined on Long Island, in part due to fragmentation of habitat by roadways, as the species is often killed by automobile traffic. The species is now restricted to non-agricultural areas of eastern Long Island (Connor, 1971) and is therefore not expected on site.

Table 2-6 is a list of the mammal species that are expected to occur on site because of the existing site and area conditions. Additional information regarding these species and others can be found within Appendix E-2.

TABLE 2-6

MAMMAL SPECIES LIST

big-brown bat	<i>Eptesicus fuscus</i>
hoary bat	<i>Lasiurus borealis</i>
little-brown bat	<i>Myotis lucifugus</i>
Eastern pipistrelle	<i>Pipistrellus subflavus</i>
silver-haired bat	<i>Lasiorycteris noctivagans</i>
Eastern chipmunk	<i>Tamias striatus</i>
Eastern cottontail	<i>Sylvilagus floridanus</i>
red fox	<i>Vulpes vulpes</i>
Eastern mole	<i>Scalopus aquaticus</i>
house mouse	<i>Mus musculus</i>
white-footed mouse	<i>Peromyscus leucopus</i>
Virginia opossum	<i>Didelphis virginiana</i>
raccoon	<i>Procyon lotor</i>
Norway rat	<i>Rattus norvegicus</i>
masked shrew	<i>Sorex cinereus</i>
short-tailed shrew	<i>Blarina brevicauda</i>
white-tailed deer	<i>Odocoileus virginianus</i>
* Eastern gray squirrel	<i>Sciurus carolinensis</i>
meadow vole	<i>Microtus pennsylvanicus</i>

*species observed by NP&V staff

Reptile and Amphibian Species

The site would be expected to support only a small limited population of reptiles and amphibians. The shallow pond formerly located on site would not have been expected to provide breeding habitat for species which require standing water for breeding because of its only recent presence. The nearest wetland that may contain breeding habitat is a man-made pond located approximately 800 feet east of the site on The Chatham property.

The eastern cottontail is the most common rabbit on Long Island, although the similar New England cottontail is also present in some areas (Connor, 1971). The cottontails occupy a variety of habitats, including dry and swampy woods, fields, bogs, dunes and shrublands (Connor, 1971). They are also tolerant of humans and utilize suburban lawns and gardens extensively if food is available. The opossum is the only marsupial on Long Island, and makes use of a variety of habitats ranging from brushy woods to towns and urban areas with cover. It appears to be quite abundant, and is often killed on roadways. This species is also likely to be present on site.

The woodchuck, or ground hog, is found in a variety of habitats, including fields, meadows, brushy areas and woods (Connor, 1971) but has a scattered distribution and is not generally expected on site.

The white-tailed deer, the largest mammal on Long Island, is throughout Long Island where there is sufficient woodland habitat. Deer populations declined after European settlement of the northeastern U.S., however, recent decline in the number of large predators, increase in edge habitat, and decline in hunting allowed increases in deer populations during the twentieth century. Deer are now abundant in much of eastern Long Island where suitable cover is present. They will use a variety of wooded habitats, including deciduous woods, pine barrens and swamp borders (Connor, 1971), but prefer thickets alternating with open glades and fields in which they "bed down" (Godin, 1977). Deer typically move in herds within a home range of 2 to 3 square miles (Godin, 1983), but there is somewhat limited undeveloped habitat on the site and in the immediate vicinity to support the species. No deer, or sign of deer, were observed on site.

Long Island carnivores include the red fox, raccoon, long tailed weasel, and striped skunk. The raccoon or fox might occasionally be found on site. The raccoon is common throughout Long Island, prefers brushy wooded habitats near water, and may be present in the general area. The raccoon is tolerant of humans, and may become a pest, foraging in garbage cans, gardens and agricultural fields. They will occasionally cause damage by denning in attics and other structures.

The red fox is found throughout Long Island in a variety of habitats with limited human development, and often hunts in freshwater and marine wetlands. Fox typically prefer diverse habitats consisting of "intermixed cropland, rolling farmland, brush, pastures, mixed hardwood stands and edges of open areas that provide suitable hunting grounds" (Chapman and Feldhamer, 1982). Much of this habitat has been either urbanized or allowed to revert to dense forest throughout the northeast U.S. Chapman and Feldhamer (1982) report ranges from 140 to 400 acres depending on the habitat, though regardless of size, home ranges are generally twice as long as they are wide. Home range size is determined by "abundance of food, degree of intraspecific and interspecific competition, type and diversity of habitat and the presence of natural physical barriers such as rivers or lakes" (Wade et al., 1990). It appears that although fox will utilize suburban areas, their range increases with diminished amounts of open land. The site and adjacent areas may occasionally be utilized by the fox.

(Connor, 1971; Godin, 1977). Both shrews feed on insects and other small invertebrates, and are expected to be abundant on site.

A larger insectivore, the eastern mole, is also found on Long Island, and is expected on site. The eastern mole is common in woodlands, fields and suburban lawns throughout the Island, where they dig tunnels which are also used by mice and shrews. The species is probably most common in the rich soils of deciduous woodlands along the north shore of Long Island, and should be present on the property. Its habitats also include landscaped areas, pine barrens, dunes and salt marsh borders, but the species seems to avoid fresh water swamps and marshes (Connor, 1971).

The meadow vole may be expected to utilize the subject parcel. The meadow vole prefers open woodlands and utilizes underground tunnels (Connor, 1971).

Other rodents expected on site include mice and rats, and some of the larger rodents. Most mice and rats are omnivorous, feeding on grasses, herbs, roots, tubers and occasionally small invertebrates. The white-footed mouse is likely to be the most abundant mouse on site. It is found in a wide variety of habitats on Long Island, including wetlands, dry fields, woods and occasionally buildings (Connor, 1971). This mouse is one of the most common mammals on the Island, but local populations appear to fluctuate greatly from year to year (Connor, 1971). The house mouse and Norway rat are introduced European species that prefer to be near human structures and are considered pests. These two species are likely to be abundant due to the development on site and in the surrounding areas.

Of the larger rodents, the eastern gray squirrel was abundant. Gray squirrels are quite tolerant of humans and will use both woodland and open habitats as long as large, nut bearing trees are present for foraging and nesting. On Long Island, they are most common in the oak woodlands of the north shore, but are also present in pine barrens, where they feed on pine seeds. The species may become a pest, and individuals are often found in the attics of older buildings. Connor (1971) indicates that the southern flying squirrel is also present in heavily wooded areas away from developed areas, although its distribution does not appear to extend east of Riverhead. The chipmunk prefers forest and edge habitats with thick understory vegetation, where it feeds on a variety of plant materials, and it will utilize suburban areas with sufficient cover (Connor, 1971; Godin, 1977).

Bats typically prefer areas near water where there are abundant insects for feeding, and thus should be found on or near the site. Due to the absence of caves on Long Island, these species generally roost in colonies in the attics of buildings, although some species will occasionally roost in trees (Connor, 1971). Although none were observed, bats may utilize the abundance of vacant structures on site. The big brown bat is present throughout the year, and is the most common bat in many areas of Long Island (Connor, 1971). The most common summer bats are the little brown myotis and Keen's bat, and the red bat and eastern pipistrelle are also present in small numbers (Connor, 1971). The silver-haired bat and hoary bat are found on the Island only during seasonal migrations. All of these species are tolerant of humans, and may be present on site.

development, and are not expected to utilize the site. However, the black-throated blue warbler can adapt to suburbs and the yellow-rumped warbler may be found in yards. The chestnut-sided warbler prefers first growth woods, with some open brush area and the site provides some available habitat. The yellow warbler was listed as a probable breeder within the census block.

The site and surrounding area is suitable for use by raptor and owl species, most of which nest or roost in the forested areas, preying primarily on small mammals in adjacent field and scrub habitats. The eastern screech owl and great horned owl are the most common owls on Long Island. The screech owl may nest on site, as it is relatively tolerant of humans, (Andrie and Carroll, 1988). The barn owl is likely to be present as it is almost exclusively found in the presence of humans, and requires open areas in which to hunt as it almost never hunts in woods (Andrie and Carroll, 1988). However, none of these species were included within the census block.

Most raptors nest in high areas away from humans and may roost or breed on the property. Raptors prey primarily on small mammals, which are likely to be abundant in the area. Additional species that may occasionally be found on site include the American kestrel, Cooper's hawk, and the broad-winged hawk. The most common raptors on Long Island are the red-tailed hawk and the American kestrel, as they are relatively tolerant of human activity (Bent, 1961; Andrie and Carroll, 1988). The American kestrel may be found where suitable nest cavities in trees, buildings, or nest boxes exist and sufficient non-forested foraging areas are present (Andrie and Carroll, 1988). No raptors were included within the census block of the breeding bird atlas.

Woodpecker species, including the common flicker, red-bellied woodpecker, hairy woodpecker and downy woodpecker, are common in the mature wooded portions of Long Island, and are likely to be found on site. The northern flicker, downy woodpecker and red-bellied woodpecker were listed as confirmed breeders within the census block. The hairy woodpecker is more secretive and avoids human activity. These species prefer mature woodlands where insects are abundant in both large mature trees and decaying trees. The red-headed woodpecker, a listed species of concern, generally prefers open woodlands, parks and suburban areas, and may occasionally be present as a migrant, although it rarely breeds on Long Island (Andrie and Carroll, 1988). The red-bellied woodpecker prefers northern hardwoods, lowland hardwoods, oak and pine (Andrie and Carroll, 1988) and is also expected to utilize the site and surrounding areas. The yellow-bellied sapsucker is more numerous at higher elevations, and breeds in either deciduous or mixed deciduous and evergreen forests, (Andrie and Carroll, 1988) but may be found on site. Many suitable trees are present on site for nesting and feeding by woodpecker species. Field inspections located several large diameter holes and trees where woodpeckers have presumably nested and fed. A downy woodpecker was observed in the central portion of the project site.

No waterfowl were ever observed utilizing the former shallow pond area in the center of the site. During inspections, it contained very little and only recent growth of aquatic vegetation that would support a very limited number of waterfowl. However, the mallard and Canada Goose are listed as confirmed breeders within the census block.

shingles of bark, as it builds its nest behind the bark. The woodland habitat on site contains a few suitable trees for use by this species for nesting.

The cedar waxwing also occasionally feeds on flying insects, but is more commonly associated with open woodlands, orchards, and suburban areas where its diet consists primarily of fruit. This species might be present on site during summer months (Bull and Farrand, 1974) and is listed as a probable breeder within the census block. The scarlet tanager is extremely vulnerable to habitat fragmentation and is usually found in mature wooded areas of over 50 acres, and may be found in the vicinity of the property (Andrie and Carroll, 1988).

The vireos are also somewhat vulnerable to forest fragmentation, with only the warbling vireo expected on site. Warbling vireos favor open woods and isolated trees of open areas, typically nesting in shade trees (Andrie and Carroll, 1988), and are listed as a probable breeder within the census block.

Common Long Island swallows include the barn and tree swallows, both of which adjust well to human activity. The barn swallow nests on barns and other buildings, but may use natural nest sites as well. The tree swallow and purple martin prefer wetland areas where insects are abundant, and are not likely to be found on site. Both swallows nest in cavities of trees, but are also common residents in nesting boxes and bird houses. The northern rough-winged swallow also prefers to nest generally alone in open areas near water and is also believed not to excavate its own burrow for nesting (Andrie and Carroll, 1988). The bank swallow digs its nest hole into the ground, preferring to nest near water along the banks of ponds, lake, streams or quarries (Andrie and Carroll, 1988). The northern rough-winged swallow is a confirmed breeder, while the barn and bank swallow are listed as possible breeders within the census block.

The nocturnal whip-poor-will feeds on moths and other insects, and prefers dry woods with adjacent fields. This species may utilize the edge habitat on site, and may forage in the area. The chimney swift also feeds on flying insects, and is found in a variety of habitats. Although it originally nested in cliffs and tree cavities, the species now is most commonly found nesting on buildings and other structures (Andrie and Carroll, 1988). It may also forage in the vicinity of the site, as well as breed on the property. The chimney swift was listed as a confirmed breeder within the census block for 1980 to 1985 and as a possible breeder in the 2000 to 2004 Breeding Bird Atlas.

The yellow-billed cuckoo prefers to nest in open wooded areas or along edges, but tends to avoid developed areas. The black-billed cuckoo seems to prefer more wooded areas than the yellow-billed cuckoo and nests in habitats such as brushy pastures, shrubby hedgerows and dry open upland woods (Andrie and Carroll, 1988) and may utilize the parcel. Neither species is listed on the breeding bird survey.

Warblers also feed on a variety of insects, and most warbler species are found in woodlands. Warblers that prefer woodland habitats include the black-and-white warbler, black-throated blue warbler, blue-winged warbler, pine warbler, prairie warbler, yellow warbler, yellow-rumped warbler and the common yellowthroat. Most of these warblers are relatively intolerant of human

The Residences at North Shore
Two doves are found on Long Island, including the mourning dove and the introduced rock dove, also known as the domestic pigeon. Both are common in suburban areas, parks, cultivated fields and along roadsides. The mourning dove typically nests in overgrown areas and tangled vines, while the rock dove prefers to nest on buildings and other structures (Andrie and Carroll, 1988). Both the mourning dove and the rock dove are listed as confirmed breeders within the census block and are expected to breed on site and in the local area.

A few smaller insect feeding birds are found in overgrown areas, including the wrens, titmice, and nuthatches. The house wren and Carolina wren are the only wrens expected on site. The house wren is commonly found in suburban areas and edge habitats as well as forest understory, where it feeds on insects. The house wren is listed as a possible breeder within the census block and the Carolina wren is listed as probable. The Carolina wren breeds in woodlands, thickets, brushy hollows, swamps, and along steam beds (Andrie and Carroll, 1988) and may be expected on site. The tufted titmouse is a year-round resident on Long Island (Bent, 1964), and is listed as a confirmed breeder within the census block. Titmouse typically breed in woodlands, and are also expected to forage on site. Similar birds which may also utilize the site outside of the breeding season are the golden-crowned and ruby-crowned kinglets, both of which are winter visitors on Long Island and are found in both forested and open habitats.

Birds from the flycatcher family feed on flying insects in woodlands, edge habitats and open areas. The eastern kingbird, eastern wood-pewee and great-crested flycatcher are the most common flycatchers on Long Island (Bent, 1963; Andrie and Carroll, 1988). These species are generally found in deciduous woodlands or edge habitats, although the great-crested flycatcher prefers larger blocks of woodland and is less tolerant of human activity (Andrie and Carroll, 1988). The kingbird generally prefers more open areas, and is most likely to utilize the landscaped areas and edge habitat at the site. The eastern kingbird is listed as a confirmed breeder within the census block. The eastern wood-pewee is an "edge" species found mainly at forest margins and openings and is common to fragmented and open forest tracts (Bent, 1963; Andrie and Carroll, 1988). This species is expected to utilize the site. The willow flycatcher is a western flycatcher which appears to be expanding its range in the eastern U.S., including Long Island (Andrie and Carroll, 1988). The least flycatcher is a breeding bird of deciduous and mixed forests. It prefers semi-open areas: forest edges, open woodlands, stream and pond borders, and also orchards and parks (Andrie and Carroll, 1988). The blue-gray gnatcatcher prefers thick vegetation along waterways and often nests in the tops of the tallest trees (Andrie and Carroll, 1988) and may be expected on site. The eastern phoebe may be found in any of the forest types, although it usually builds its nest near water where it forages over streams and ponds for insects and uses mud to construct the nest (Andrie and Carroll, 1988).

Most thrushes and creepers also feed on insects in wooded areas. The wood thrush is expected to utilize the site, as it prefers open woods with a well developed understory of shrubs and small trees (Andrie and Carroll, 1988). The veery may also be present, although it generally prefers larger tracts of forest (Bent, 1964). The brown creeper generally prefers moist woods near streams. Nesting has been recorded in dry uplands in both coniferous and deciduous forests and the brown creeper is generally found in areas with 50 percent or greater forest cover (Andrie and Carroll, 1988). This species requires the presence of dead or dying trees with loose

sparrow, which is often found in suburban areas and parks. The chipping sparrow is listed as a probable breeder within the census block.

The American goldfinch and house finch are the most likely finches to utilize the property. The house finch prefers suburban and edge habitats and is listed as a confirmed breeder within the census block. The American goldfinch prefers a diet of thistle and dandelions and is expected to utilize the lawn and forest edge portions of the site. The northern cardinal, as well as the related rufous-sided towhee and rose-breasted grosbeak prefer woodlands with a dense understory and/or hedgerows, and may be present on site. The indigo bunting prefers open landscapes with dense cover for nesting and tall trees for song perches (Andrie and Carroll, 1988) and may utilize the site. The house finch and northern cardinal were listed as confirmed breeders; the American goldfinch was listed as a probable breeder.

A variety of larger birds are commonly found in a suburban, successional habitats and woodlands, including the thrashers, the orioles and blackbirds (Bent, 1964, 1965). Corvids which are common on Long Island include the American crow and blue jay, both of which are expected on site. The American crow was listed as a confirmed breeder in the census block and the blue jay was listed as a probable breeder. The northern mockingbird, brown thrasher, and gray catbird are thrasher species that might be found on site, and are also expected to utilize the site and surrounding areas, as this group generally prefers more open habitats (Andrie and Carroll, 1988). The gray catbird was listed as a confirmed breeder within the census block, while the mockingbird was listed as probable. Two additional confirmed breeders, the American robin and the European starling, both have similar habitat requirements as the thrashers. These species are common in fields and suburban areas feeding on insects and fruits, and are expected on site. Both the American robin and European starling were listed as confirmed breeders within the census block. Several American robins were observed on site and in the surrounding areas.

Birds from the oriole and blackbird family also feed on a mix of insects, seeds, fruit and aquatic fauna. The grackle and brown-headed cowbird are expected on site (Andrie and Carroll, 1988). These birds generally prefer open woodlands and field habitats, and are probably common throughout the area, as they are relatively tolerant of development. The cowbird is a nest parasite which lays eggs in the nests of other birds. The grackle is listed as a confirmed breeder and the cowbird is listed as probable, although only the grackle was observed. The northern Baltimore oriole is expected to be present, as it generally prefers to nest in taller trees in open areas. The orchard oriole prefers farmyard, suburban, or roadside shade trees, scattered trees in fields, and thin woods near water (Andrie and Carroll, 1988). The Baltimore oriole is listed as a confirmed breeder within the census block of the breeding bird atlas, while the orchard oriole is listed as a possible breeder. The red-winged blackbird generally prefers open woodlands and field habitats. The red-winged blackbird feeds primarily on insects, and is typically associated with wetland habitats. It nests on or near the ground in a variety of habitats including marshes, swamps, wet meadows, fields and thickets (Bent, 1965), and is listed as a confirmed breeder within the census block. The killdeer also prefers open areas with short grass and is expected. The killdeer is listed as a probable breeder within the census block.

4. Wheatley Road

Located east of the above-described site, this area is bound by Whitney-Phipps-Garvan Road to the north, Apple Green Drive to the south, Saddle Road to the west and Old Westbury Golf and Country Club to the east. Low-density residential dwellings are dotted throughout this area of forest; however, natural buffers are preserved as part of the development plan, particularly on steeper slope areas.

5. New York Institute of Technology

This small area of oak-tulip forest is located east of the Wheatley Road site. It is located north and west of Wheatley Road on the New York Institute of Technology Campus along the east side of Old Campus Road in the vicinity of the Midge Karr Tulip Center. Black oak, maple, birch, sassafras and tulip were common canopy associates. Spicebush was a common shrub layer associate.

6. Welwyn Preserve

Al Lindberg, director of the Muttontown Preserve and a biologist with a 30-year career in protecting the Nassau County preserves, describes the Welwyn Preserve in Glen Cove as containing the best stand of tulip trees in the County. This area of oak-tulip forest is contained on the southern portion of the Preserve, bordered by New Woods Road to the south and Crescent Beach Road to the west. Several hiking trails make this mature forest very accessible. Common associates include maple, tulip, beech and oak. Rhododendron, spicebush and Norway maple saplings dominate the sub-canopy.

7. Muttontown Preserve

A small stand of tulip trees is located in the southern portion of the Muttontown Preserve, amidst the hiking and equestrian trails north of Muttontown Road in the vicinity of the old Albanian estate ruins.

8. Duck Pond Road

This area is bound by the Long Island Rail Road (LIRR) to the north, Chicken Valley Road to the east and south, and development along Piping Rock Road to the west. Duck Pond Road and several developments, including the Piping Rock Club and Portledge School, fragment the area of forest. However, the most contiguous area of oak-tulip extends southward from the LIRR to the Portledge School. Red oak, tulip, sassafras, red maple and red cedar were common associates.

9. Planting Fields Arboretum

The Planting Fields Arboretum is located just east of Duck Pond Road. This historic state park contains an area of oak-tulip forest at its northeast end, extending across Planting Fields Road and bound by Wash Hollow Road to the south and Oyster Bay and Glen Cove Road to the north. Red oak, tulip, sassafras, red maple and red cedar were common associates.

This inventory is provided as a form of mitigation to assist with the further discovery of oak-tulip forest in Nassau County and to advance the records of the NY Natural Heritage Program.

share our findings with the NY Natural Heritage Program to include in their database. The Program expressed strong interest in the knowledge of these additional areas and requested to be informed of the findings. These areas have since been located and field-verified and include nine (9) additional areas of oak-tulip communities within Nassau County. A map of approximate locations is included as **Figure 2-9** and this information has been forwarded to the Natural Heritage Program.

- Possible locations of oak-tulip forest were first chosen by scanning the Nassau County Soil Survey for contiguous areas of forest with similarly mapped soil units as those located on the project site. Similar soil conditions were encountered in areas east of Manhasset Bay and north of the Long Island Expressway. These included Montauk fine sandy loam (MfC) and Montauk silt loam (MkB). Aerial images from the Nassau County 2001 Orthophotomagey Program were then viewed for each of the potential areas. Areas that appeared to have been developed since the time of the aerial photo included in the Soil Survey were eliminated from the list. Other areas were then added to the list based on recollection of the presence of an oak-tulip ecological community by NP&V staff. These areas were then field-verified with road-side surveys. The approximate locations of tulip trees and associated vegetation as observed along roadways surrounding contiguous areas of forest were noted. The extent of oak-tulip forest was then extrapolated based on photo-interpretation of the aerial photo imagery. The approximate geometry and areas of the nine (9) additional identified oak-tulip communities were then overlaid onto a geographically-referenced map of Nassau County roads using AutoCAD software and Geographical Information System (GIS) technology. These field-verified and extrapolated areas are illustrated in **Figure 2-9** and are described in more detail below.

1. **North Shore Hospital, Manhasset**

This large contiguous area of oak-tulip forest is located directly across from the project site, on the north side of the Long Island Expressway. It stretches from the Expressway, between the Deepdale Country Club and North Hills Country Club, to the forested area adjacent and northeast of the North Shore University Hospital. Common associates were tulip, maple, oak and sassafras.

2. **Community Drive East**

Farther north of the above-described area, a small area of oak-tulip forest with similar associates was observed stretching eastward from Community Drive East. This area was likely fragmented from the oak-tulip forest to the south with the installation of a bisecting road, structure and associated establishment of lawn habitat.

3. **Glen Cove Road**

Located along the east side of Glen Cove Road, this area of oak-tulip forest is bordered by Whitney-Phipps-Garvan Road (Private) to the north, Saddle Road to the east, and Stone Arch and Red Ground Road to the south. Northern red cedar is also a common associate in this habitat. Please note that Whitney-Phipps-Garvan Road is not accessible from Glen Cove Road as it is private and blocked off by a gate. However, it seems to be accessible from Wheatley Road on the New York Institute of Technology Campus.

tulip forest. At the request of NY Natural Heritage and NYSDEC scientists Steve Young and Greg Edinger, this information has been forwarded to Natural Heritage for follow-up and mapping. These oak-tulip forest areas are expected to have a higher ecological value than the area that includes the project site. The project site is only partially located within the mapped ecological community, and the development of 7% of the total mapped oak-tulip habitat is not expected to significantly impact the overall oak-tulip habitat associated with the Grace Forest, and will be insignificant on a regional scale when considering other oak-tulip forests within Nassau County. The proposed developments east and west of the site occupy the largest percentages of the privately-owned mapped oak-tulip forest; however, these sites are either approved for construction or have been constructed thus reducing the actual remaining forested area. The context of the subject site as related to Grace Forest is therefore substantially changed from the conditions that existed when the habitat was mapped. **Figures 2-7 and 2-8** illustrate that a narrow band of oak-tulip forest exists on the subject site, and much of this area has been altered by standing water conditions to the point where vegetation is dying. In addition, the more detailed on-site vegetation inventory (**Section 2.6.1**) finds that the composition of the on-site habitat is not a representation of the oak-tulip habitat classified by Reschke (1990) as other examples in the Grace Forest and in the County. This is due to native species composition, non-native species invasion and further modification of habitat conditions by previous standing water. Therefore, the proposed residential project associated with the subject property could be considered of minor consequence on a local level and an insignificant regional impact.

As discussed in **Section 2.4**, the area of ponded water that formerly existed on the eastern central portion of the property is no longer present, but has resulted in adverse impacts to the natural vegetation. The former ponded water has modified the oak-tulip and successional forest habitat in this area due to the flooding of upland species non-tolerant of prolonged standing water. This depression area has been drained and the proposed project would involve placement of fill, buildings, access roads/parking and landscaping in this area.

2.6.3 Proposed Mitigation

- Native and near native plant species are proposed in the **Site Lighting and Landscape Plan** (Sheet 9 of 9) which provide food and shelter to wildlife. This may encourage ongoing use of the site by avian species which would otherwise abandon the site.
- Native species, tolerant of moist conditions are proposed around pond #1 located on the southwestern portion of the site, which is expected to provide food and shelter for some wildlife.
- A buffer of existing trees and shrubs will be retained along the northeast corner and a buffer of successional woodland will be retained along the northwest corner of the property adjacent to Power House Road.
- During recent conversations with the Natural Heritage Program's staff on May 24 and June 2, 2004, NP&V offered to locate other areas of oak-tulip forest in the County and

2.6.2 Anticipated Impacts

The impacts to ecological resources are typically a direct result of clearing of natural vegetation, the resulting loss and fragmentation of wildlife habitat, and the increase in human activity. The proposed development will require clearing of the majority of vegetation on the property and replanting with landscaping species. The proposed project will necessitate removal of the majority of the oak-tulip forest and successional hardwood forest found on site. However, the condition and significance of this habitat as documented herein tends to reduce the magnitude of this impact as discussed further below. The open lawn area on the southern parcel will be regraded and developed into two recharge basins for the proposed villas and parking areas. The lawn and tree habitat on the eastern portion of the southern parcel will also be cleared. Several areas of vegetation to remain intact include a small portion of successional woodland forest on the extreme northwest corner of the site and a portion of landscaped lawn and tree habitat on the extreme northeast corner of the site adjacent to Powerhouse Road, and along the southern perimeter of the property (see **Site Lighting and Landscape Plan**). The change in habitat acreage contained in **Table 1-1** indicates that a total of 1.93 acres of existing vegetation will remain on the site (including an estimated 0.48 acres of Successional hardwood forest, 0.2 acres of oak-tulip forest, 1.25 acres of mowed lawn and mowed lawn with trees). Further assessment of impacts related to the oak-tulip forest is provided in the following paragraphs.

The New York Natural Heritage Program expressed most concern over the removal of the oak-tulip forest habitat, as this is the only mapped location of this vegetation type in Nassau County. Conversations with two of the NYSDEC Natural Heritage Program staff – botanist, Steve Young, and ecologist, Greg Edinger – confirmed that there are no regulations or strict guidelines for unprotected ecological communities such as oak-tulip forest. This mapped area is approximately 94.43 acres in size, stretching from New Hyde Park Road eastward for 0.8 miles between the Long Island Expressway and Northern State Parkway. The project site contains approximately 6.36 acres, or 7%, of this total mapped contiguous forest area (**Figure 2-8**). The land containing oak-tulip forest to the east and west of the subject property, including the approved commercial site plan (west), The Bristol and The Chatham (to the east), will all necessitate removal of portions of this habitat. The Bristol at North Hills and Chatham I are essentially completed at this time. However, approximately 32.80 acres, or 35% of the total area of mapped oak-tulip forest is located within the New York State Right-of-way for the Parkway and Expressway. This large contiguous strip of oak-tulip forest is likely to remain an intact natural area. The ecological value associated with this area of forest is already diminished by its isolation from surrounding forest due to the major highways which completely encircle it. In addition to the fragmentation of the surrounding forest, noise levels around the periphery of the forest created by the highways further inhibit the use of edge habitat by wildlife. Only suburban species highly tolerant of human activity have been observed and are expected to utilize the site.

Though Grace Forest is the only “mapped” location of oak-tulip forest in the County, it is not the only *known* location of this forest type in Nassau County. Scientists with Nelson, Pope & Voorhis have identified this forest type in various additional locations within the County. Other areas of oak-tulip forest vary in size, but many are fair to large-sized areas of contiguous woodland within protected lands or contiguous with large tracts of forests, wetlands and wildlife corridors. **Figure 2-9** has been prepared to identify the locations of further documented oak-

dominated by clipped grasses and there is less than a 30% cover of trees. Ornamental and/or native shrubs may be present, usually with less than 50% cover. The groundcover is maintained by mowing." This habitat occupies 3.39 acres, or 20% of the total parcel.

Mowed Lawn with Trees - This community is also created and maintained by human activity, whose existence prior to human intervention was substantially different. As defined by Reschke (1990), "residential, recreational, or commercial land in which the groundcover is dominated by clipped grasses and forbs, and it is shaded by at least 30% cover of trees. Ornamental and/or native shrubs may be present, usually with less than 50% cover. The groundcover is maintained by mowing." This habitat occupies 2.93 acres, or 17 % of the total parcel.

The successional forest habitat found on site has dominated areas that have been cleared or otherwise disturbed. Following an initial disturbance, herbaceous weeds and other plants with wide seed dispersal occupy the site. Woody shrubs then replace these early successional species, as well as saplings produced by seed from nearby habitats. As saplings colonize the area and time progresses, first growth woods appear. In time, light penetration to the understory is reduced due to the increasing canopy cover, allowing more shade tolerant species to colonize the understory. The resulting forest generally resembles the original forest, although non-native species introduced into the area may be dominant. The successional habitat found on site contains both native and non-native species, and in general, the presence of non-natives typically reduces the value of these habitats.

Successional Southern Hardwoods Forest - Successional Southern Hardwoods Forest is defined by Edinger (2002) as "a hardwood or mixed forest that occurs on sites that have been cleared or otherwise disturbed." Trees cover at least 60 percent of the canopy cover. Characteristic trees and shrubs may include any of the following: American elm, slippery elm, white ash, red maple, box elder, silver maple, sassafras, gray birch, hawthorns, eastern red cedar, and choke-cherry. Certain introduced species are commonly found in successional forests, including black locust, tree-of-heaven, and buckthorn. Any of these may be dominant or co-dominant in a successional southern hardwood forest. A successional hardwood forest is generally characterized by small trees and a dense understory, although large diameter trees may be present if the site was originally landscaped. As time progresses, the canopy begins to close, decreasing light penetration to the understory. The understory will open, allowing for colonization of more shade tolerant species. This habitat occupies approximately 2.49 acres, or 15% of the total project site. Approximately 0.61 acres of the site used to also be composed of successional southern hardwood species along the southeastern edge of the Seventh Day Adventist's rear lawn area, but this habitat has been altered by clean fill material received from The Bristol development to the east. In addition, approximately 0.02 acres of this habitat has been altered due to former ponded water on the site (along the northern side of the residence located north of IU Willets Road).

Successional hardwood forest vegetation occurs in the previously disturbed areas on the north and southern portions of the site and on the adjacent property to the west. This area consists of species such as sweetgum, beech, honeysuckle, black cherry saplings, English ivy and Canada mayflower. It also consists of invasive species such as Norway maple, black locust and multiflora rose. As previously mentioned, this habitat type is found along the site's edges, and was created as a result of prior clearing and disturbance. It should be noted that field inspections of this area occurred over the early part of the growing season but sufficiently document plant communities representative of this habitat.

The central portion of forested habitat has been identified by the New York Natural Heritage Program as an Oak-Tulip Forest. The New York Natural Heritage Program has characterized the site's oak-tulip habitat as a mature mesophytic hardwood forest with good biological diversity (Appendix E-1). As previously mentioned, the tract of oak-tulip forest that includes the site is the only mapped location of oak-tulip forest in Nassau County.

Oak-Tulip Forest- Oak-Tulip Forest is defined by Reschke (1990) as "a mesophytic hardwood forest that occurs on moist, well drained sites in southeastern New York. The dominant trees include a mixture of five or more of the following: red oak, tulip tree, beech, black birch, red maple, scarlet oak, black oak, and white oak. There is typically a subcanopy stratum of small trees and tall shrubs dominated by flowering dogwood; common associates include witch-hazel, sassafras, red maple, and black cherry. Common low shrubs include maple-leaf viburnum, northern blackberry, and blueberries." The shrub layer and ground layer flora may be diverse and characteristic ground layer herbs are white wood aster, New York fern, Virginia creeper, Jack-in-the-pulpit, wild geranium, Solomon's-seal and false Solomon's-seal. This habitat occupies approximately 6.36 acres, or 37% of the total project site; however approximately 2.82 acres of this habitat is no longer representative of oak-tulip forest due to die-off of trees from the former area of ponded water.

This forested habitat is situated on morainal topography that is gently sloping with some lower-elevation areas, including a large kettle hole depression in the eastern central portion of the site. Run-off "gullies" are evident along the western property boundary in the center of the site, and scattered upland vegetation is intermixed with some wetland indicator species in the lower elevation areas due to intermittent moist soil conditions and periodic water retention. This area consists of species such as sweetgum, tulip, Norway maple, red maple, silver maple, red oak, scarlet oak, hickory and black locust trees. Sweetgum, maples and oaks dominate the majority of the oak-tulip forest in this portion of the site, with a few tulip trees scattered throughout and black locust trees scattered around the perimeter. Although the mapped oak-tulip forest ("Grace Forest") stretches from New Hyde Park Road to the east of the site, this forest type contains significantly more sweetgum than tulip trees within the subject property and the property to the west. Sweetgum dominates the low areas on site and the adjacent property to the west. The mapped oak-tulip forest east of the site has a slightly different forest composition, with a higher abundance of tulip trees and fewer sweetgum. The understory of this habitat is characterized by shrubs such as Asiatic hydrangea, American yew, arrowwood, Northern prickly ash, Japanese barberry, burning bush, hairy honeysuckle and tree saplings. Jack-in-the pulpit, false Solomon's seal, Canada mayflower, cleavers, wild garlic and path rush characterize the ground layer vegetation. Many of these species are non-native landscape materials that have invaded the sub-canopy from nearby domestic landscape areas. Table 2-4 identifies those species recognized by New York State as invasive species.

It was observed that the depressions contain surface water for short durations following storm events. However, the large depression had contained shallow surface water for more than one year. This extensively long period of ponding is attributed to off-site construction when a drainage pipe had been removed (see Section 2.4). This pipe prevented runoff from draining off-site to the east, subsequently causing the low area to fill with water. During the site visits in

late May 2004, it was apparent that much of the vegetation within the large depression was being negatively impacted by the standing water. At that time, the Norway maple, red oak trees, raspberry and Asiatic hydrangea shrubs impacted by water lacked any signs of new growth and were clearly dying. The sweetgum and red maple trees in this area, which are tolerant of wet conditions and often found in forested wetlands, appeared to be the only healthy dominant vegetation. In the spring of 2005, drainage system repair and pumping were completed to remove standing water which was of concern to property owners and Village representatives due to health and safety issues. Current conditions show that canopy vegetation suffered mortality and subcanopy species are re-colonizing this area. The 2.96 acres occupied by the ponded water no longer represents the natural conditions that existed prior to inundation given the loss of natural habitat not adaptable to the former period of prolonged inundation.

In a letter dated April 15, 2004, The New York Natural Heritage Program also listed Woodland Agrimony (*Agrimonia roseolata*) as a threatened vascular plant that may be present on or near the subject property. Though globally secure, it is vulnerable in New York State, and last seen within North Hempstead in 1921 in the rich woods west and northwest of Plattsdale. This species was not encountered during any site visit and is not believed to occur on or in the vicinity of the subject property.

Table 2-4 presents a list of plant species found on site or expected to be found within deciduous successional and deciduous habitats.

TABLE 2-4

VEGETATION SPECIES LIST

Tree species

- | | |
|---------------------|-----------------------------|
| * fir | <i>Abies sp.</i> |
| * ashleaf maple | <i>Acer negundo</i> |
| * Norway maple | <i>Acer platanoides [i]</i> |
| * sycamore maple | <i>Acer pseudo-platanus</i> |
| * red maple | <i>Acer rubrum</i> |
| sugar maple | <i>Acer saccharum</i> |
| * silver maple | <i>Acer saccharinum</i> |
| hercules' club | <i>Aralia elata</i> |
| devil's club | <i>Aralia spinosa</i> |
| * black birch | <i>Betula lenta</i> |
| gray birch | <i>Betula populifolia</i> |
| white birch | <i>Betula papyrifolia</i> |
| * bitternut hickory | <i>Carya cordiformis</i> |
| pignut hickory | <i>Carya ovalis</i> |
| * mockernut hickory | <i>Carya tomentosa</i> |
| * common catalpa | <i>Catalpa bignonioides</i> |
| silky dogwood | <i>Cornus amomum</i> |
| flowering dogwood | <i>Cornus florida [p]</i> |
| red-osier dogwood | <i>Cornus stolonifera</i> |
| hawthorn | <i>Craetagus spp.</i> |

and landscaping. Erosion control plans incorporating the practices outlined in the NYS *Stormwater Design Manual* and the NYS *Guidelines for Urban Erosion and Sediment Controls* will be required for all three projects in accordance with the NYSDEC Phase II stormwater regulations, which will limit the transport of sediment to off-site areas and minimize soil loss.

- Impacts to the SGPA generally result from discharges to groundwater. As the sites would all utilize the public sewer system for off-site treatment of sanitary wastewater in the public sewage treatment plant (STP), no adverse impacts to the SPGA and water quality are anticipated.
- The proposed drainage systems for the sites not yet under construction will require review and approval of the NCDPW and be required to design stormwater retention systems in accordance with the NYSDEC Stormwater Phase II regulations.
- Based on the existing and proposed land uses (residential and office/retail) it is not anticipated that any potentially hazardous materials would be present on the sites, which could otherwise potentially leak or be spilled into the ground, where contamination of the public water supply could occur.

Land Use & Zoning

- The relationship of the subject site to the vicinity (with respect to land use, zoning and plans) is similar to that for the residential developments in the vicinity, which have been or are proposed at comparable densities and visual qualities to that of the proposed project. The two adjacent land uses are at densities comparable to that of the proposed project (The Bristol @ 35.5 units/acre, The Chatham Phase I @ 3.4 units/acre, and the proposed project @ 14.3 units/acre).
- The community is anticipated to benefit from the presence of these attractive proposed residential and office uses in well-served areas with necessary transportation and infrastructure features. In addition, the uses are generally considered to be compatible with surrounding land uses.
- As these three proposed projects do not require or request a zone change, no impact on the existing pattern of zoning in the area is expected. The three proposed projects would be consistent with the Village's goals in this respect.
- Each project will be required to conform to the Village's site design regulations, therefore would not significantly impact the area land use pattern.
- Under current zoning the sites could be developed with residential homes of lesser building mass and density. However, the location and context for high density resident uses are appropriate based on the site's location adjacent to major roadways and is in character with the existing higher density projects currently existing in the vicinity.

Community Services

- Development of the three parcels and completion of the Chatham, as described above, will increase the actual and potential usage of the various applicable community services (police and fire protection, solid waste, water supply, wastewater treatment, and energy supply services). However, the community service providers have been contacted through the SEQR review process for each project, and the proposals have been reviewed by the appropriate agencies before approvals were or can be granted. As noted in Section 3.3, with the exception of the Water District, community service providers did not indicate concerns with servicing the proposed project in consideration to the projects previously approved or now in operation. The Water District has indicated a new well is necessary to supply water to the proposed project, and a well is planned to be located on the subject property.

4.0 MISCELLANEOUS

4.1 Cumulative Impacts

The Village has amended the Village Zoning Code to permit incentive development in the R-3 district, most recently in the areas located between New Hyde Park Road, Northern State Parkway, Long Island Expressway South Service Road (Power House Road), and Shelter Rock Road (**Appendix A-1**). The Village Board has found that it would be beneficial to encourage the construction of residential development with density and other characteristics that differ from those presently permitted in the R-3 District. This area has recently been subject to several developments, including The Bristol assisted living facility and the Chatham at North Hills Phase I residential condominium units, both of which have undergone SEQR review and have been approved by the various regulatory agencies. The Bristol is now in operation and construction of the Chatham at North Hills Phase I is nearing completion and partially occupied.

There are several projects proposed in the vicinity including the Chatham at North Hills Phase II project (proposed 58 unit condominium complex; however the TIS completed for this project evaluated 62 units), located adjacent to the east of Chatham Phase I project, and the X-Cell Realty Office development (east side of New Hyde Park Road), adjacent to the west of the project, which are currently under review by the Village. The cumulative impacts of these proposed projects in consideration of the existing land uses in the area are discussed below.

Traffic

- The two other pending projects would or have been reviewed by the appropriate agencies for acceptability of their proposed designs, including traffic-related characteristics, before approvals can be granted. This provides an assurance that traffic-related impacts (including potential cumulative traffic impacts) are addressed to the satisfaction of relevant oversight.
- The TIS (**Appendix D**) evaluated the proposed adjacent projects including the proposed X-Cell Realty Office development and the Chatham Phase I project. The TIS concluded that the roads serving these developments are capable of accommodating the increased volumes.

Natural Resources

- The proposed projects and recently completed projects will result in the clearing of the majority of woodland vegetation in the vicinity, including a portion of the oak-tulip forest community mapped by the NY Natural Heritage Program. The overall impacts to the oak-tulip forest and associated wildlife are expected to be minimal as the ecological value associated with this area of forest is already diminished by its isolation from surrounding forest due to the major highways which completely encircle it.
- A large portion of this forest habitat was previously cleared by the Chatham Phase I development to the east and more is proposed to be cleared for development adjacently west of the site and for the proposed expansion of the Chatham to the east. Approximately 35% of the total oak-tulip forest community within the surrounding Grace Forest will likely remain an intact natural area as it located within a NYS right-of-way.
- Extensive grading is expected for construction of the three proposed projects. Deeper geologic layers would not be impacted by the development of the three sites, and topsoil and subsoil removed during construction activities will be stockpiled and re-used on-site for final stabilization

Rare Species/Habitat Potential

The eastern hognose snake is the only reptile species potentially found on site which is a special concern species. The hognose snake is expected throughout the site in small numbers and will suffer direct loss. It will not likely further utilize the site following construction. Although there is documented concern about its welfare in New York State, this species receives no additional legal protection under Environmental Conservation Law 11-0535. No threatened or endangered species are expected on site.

2.7.3 Proposed Mitigation

- Revegetating impacted areas (not otherwise covered by developed surfaces) with native plants, including some native and/or native-compatible species, would increase potential habitat areas.

share our findings with the NY Natural Heritage Program to include in their database. The Program expressed strong interest in the knowledge of these additional areas and requested to be informed of the findings. These areas have since been located and field-verified and include nine (9) additional areas of oak-tulip communities within Nassau County. A map of approximate locations is included as **Figure 2-9** and this information has been forwarded to the Natural Heritage Program.

- Possible locations of oak-tulip forest were first chosen by scanning the Nassau County Soil Survey for contiguous areas of forest with similarly mapped soil units as those located on the project site. Similar soil conditions were encountered in areas east of Manhasset Bay and north of the Long Island Expressway. These included Montauk fine sandy loam (MfC) and Montauk silt loam (MkB). Aerial images from the Nassau County 2001 Orthophotoimagery Program were then viewed for each of the potential areas. Areas that appeared to have been developed since the time of the aerial photo included in the Soil Survey were eliminated from the list. Other areas were then added to the list based on recollection of the presence of an oak-tulip ecological community by NP&V staff. These areas were then field-verified with road-side surveys. The approximate locations of tulip trees and associated vegetation as observed along roadways surrounding contiguous areas of forest were noted. The extent of oak-tulip forest was then extrapolated based on photo-interpretation of the aerial photo imagery. The approximate geometry and areas of the nine (9) additional identified oak-tulip communities were then overlaid onto a geographically-referenced map of Nassau County roads using AutoCAD software and Geographical Information System (GIS) technology. These field-verified and extrapolated areas are illustrated in **Figure 2-9** and are described in more detail below.

1. North Shore Hospital, Manhasset

This large contiguous area of oak-tulip forest is located directly across from the project site, on the north side of the Long Island Expressway. It stretches from the Expressway, between the Deepdale Country Club and North Hills Country Club, to the forested area adjacent and northeast of the North Shore University Hospital. Common associates were tulip, maple, oak and sassafras.

2. Community Drive East

Farther north of the above-described area, a small area of oak-tulip forest with similar associates was observed stretching eastward from Community Drive East. This area was likely fragmented from the oak-tulip forest to the south with the installation of a bisecting road, structure and associated establishment of lawn habitat.

3. Glen Cove Road

Located along the east side of Glen Cove Road, this area of oak-tulip forest is bordered by Whitney-Phipps-Garvan Road (Private) to the north, Saddle Road to the east, and Stone Arch and Red Ground Road to the south. Northern red cedar is also a common associate in this habitat. Please note that Whitney-Phipps-Garvan Road is not accessible from Glen Cove Road as it is private and blocked off by a gate. However, it seems to be accessible from Wheatley Road on the New York Institute of Technology Campus.

tulip forest. At the request of NY Natural Heritage and NYSDEC scientists Steve Young and Greg Edinger, this information has been forwarded to Natural Heritage for follow-up and mapping. These oak-tulip forest areas are expected to have a higher ecological value than the area that includes the project site. The project site is only partially located within the mapped ecological community, and the development of 7% of the total mapped oak-tulip habitat is not expected to significantly impact the overall oak-tulip habitat associated with the Grace Forest, and will be insignificant on a regional scale when considering other oak-tulip forests within Nassau County. The proposed developments east and west of the site occupy the largest percentages of the privately-owned mapped oak-tulip forest; however, these sites are either approved for construction or have been constructed thus reducing the actual remaining forested area. The context of the subject site as related to Grace Forest is therefore substantially changed from the conditions that existed when the habitat was mapped. Figures 2-7 and 2-8 illustrate that a narrow band of oak-tulip forest exists on the subject site, and much of this area has been altered by standing water conditions to the point where vegetation is dying. In addition, the more detailed on-site vegetation inventory (Section 2.6.1) finds that the composition of the on-site habitat is not a representation of the oak-tulip habitat classified by Reschke (1990) as other examples in the Grace Forest and in the County. This is due to native species composition, non-native species invasion and further modification of habitat conditions by previous standing water. Therefore, the proposed residential project associated with the subject property could be considered of minor consequence on a local level and an insignificant regional impact.

As discussed in Section 2.4, the area of ponded water that formerly existed on the eastern central portion of the property is no longer present, but has resulted in adverse impacts to the natural vegetation. The former ponded water has modified the oak-tulip and successional forest habitat in this area due to the flooding of upland species non-tolerant of prolonged standing water. This depression area has been drained and the proposed project would involve placement of fill, buildings, access roads/parking and landscaping in this area.

2.6.3 Proposed Mitigation

- Native and near native plant species are proposed in the **Site Lighting and Landscape Plan** (Sheet 9 of 9) which provide food and shelter to wildlife. This may encourage ongoing use of the site by avian species which would otherwise abandon the site.
- Native species, tolerant of moist conditions are proposed around pond #1 located on the southwestern portion of the site, which is expected to provide food and shelter for some wildlife.
- A buffer of existing trees and shrubs will be retained along the northeast corner and a buffer of successional woodland will be retained along the northwest corner of the property adjacent to Power House Road.
- During recent conversations with the Natural Heritage Program's staff on May 24 and June 2, 2004, NP&V offered to locate other areas of oak-tulip forest in the County and

4.2 Adverse Impacts That Cannot Be Avoided

The site characterization and the potential impacts to the existing conditions have been assessed. Some impacts may still exist for which no mitigation is available. The impacts themselves have been quantitatively and qualitatively assessed and mitigated in previous sections. It is noted that only minor adverse impacts will occur. These impacts are identified below:

- Potential short term, temporary fugitive dust and equipment/truck noise during construction of the project.
- Grading and filling of portions of the site, which will permanently alter areas of natural topography.
- Modifications in natural drainage patterns.
- Increases in the quantity of recharge entering the site as compared to existing site conditions; however, the concentration of nitrogen in recharge is significantly reduced.
- Loss of natural vegetation on site and the potential displacement and/or loss of wildlife species.
- Increase in vehicle trips on local roadways will occur as a result of the proposed project.
- Increase in the intensity of the land use on the property.
- Increase in the local population, and minor increase in enrollment within the Great Neck UFSD.
- Increases in demand on public utility services, particularly water supply and wastewater treatment.

4.3 Irreversible and Irretrievable Commitment of Resources

This section is intended to identify those natural and human resources that will be consumed, converted, or made unavailable for future use as a result of this project. The development of the proposed project will result in irreversible and irretrievable commitment of resources. The importance of this commitment of resources is not anticipated to be significant, due to the fact that these losses do not involve any resources that are in short supply, semi-precious, precious to the community or region, or are otherwise substantial.

It is difficult to quantify the exact commitment of resources; however, if the project is implemented, the following losses of irreversible and irretrievable resources are expected:

- Material used for construction on the site, including but not limited to: wood, asphalt, concrete, fiberglass, steel, aluminum, etc.
- Energy and resources used in the operation and maintenance of this project, including fossil fuels, electricity and water.
- Commitment of natural resources including natural habitats.
- Commitment of land to a permanent land use and resultant increases in demand on utility and community services.

4.6 Alternatives

SEQRA requires the investigation of reasonable alternatives to a proposed project in order to determine the merits of the project as compared to other possible uses on the subject site, in consideration of the goals and capabilities of the applicant as well as realistic circumstances of the situation. The discussion and analysis of each alternative should be conducted at a level of detail sufficient to allow for the comparison of various impact categories by the decision-making agencies. The following lists the alternatives analyzed in this document:

- Alternative 1: Assumes that the site remains in its current use and condition.
- Alternative 2: Assumes the site is developed with 25 detached, single-family homes, as allowed under the existing R-3 zoning (see **Yield Map**, in pocket #4 at rear).

Table 4-1 presents a quantitative listing of estimated relevant site and development characteristics for these alternatives, along with those of the proposed action, to enable comparisons.

4.6.1 No Action

SEQRA states that the range of alternatives must include the no action alternative. This alternative is intended to provide a baseline of existing conditions on the site, in order to compare the expected impacts of the proposed project with other potential uses of the subject property.

If the site is not developed and remains in its existing condition and use, no additional residences would be built. The site would remain underutilized and could possibly be developed in the future in accordance with zoning under a conventional subdivision layout. As the site has been zoned by the Village for residential development, and also recognizes the benefits and suitability of the site for incentive development, it is assumed that the Village anticipates that the site could and would be developed in this manner at some time, particularly in consideration of the attractiveness of this site for such a use. In addition, if the no action alternative is implemented, the objectives of the project sponsor would not be met, since there would not be a fair investment return on the land.

If left undisturbed, the site will not generate additional traffic, solid waste, wastewater, potable water and would not generate employees or new residents. No alteration of topography and natural habitats would occur. There would continue to be no additional enrollment impact to the Great Neck and Herrick UFSD, as no new school children are expected to be generated. Additionally, a significant increase in monies distributed to various taxing jurisdictions would not be achieved. A total of 11.92 MGY of recharge would be generated on the site annually, at a nitrogen concentration of 3.97 mg/l.

TABLE 4-1
COMPARISON OF ALTERNATIVES

Parameter	Proposed Project	Alternative 1	Alternative 2
Use Yield	244 condos & clubhouse	Existing Conditions	25 Single Family Dwellings
Coverages:			
Building (acres)	4.31	0.40	1.43
Paved (acres)	3.80 ⁽¹⁾	0.90	2.47 ⁽²⁾
Lawn/Landscaped (acres)	6.37 ⁽³⁾	6.32	13.18 ⁽²⁾
Unvegetated Clean Fill (acres)	0	0.61	---
Natural Area (acres)	1.93	8.85 ⁽³⁾	---
Water Features (acres)	0.67 ⁽⁴⁾	---	---
Total Site (acres)	17.08	17.08	17.08
Trip Generation ⁽⁵⁾ :			
AM Peak Hour (vph*)	112	23	20
PM Peak Hour (vph)	165	25	26
Water Resources:			
Wastewater (gpd)	146,125 (6)	3,230	21,875 (6)
Total Water Use (gpd)	148,725 (6)	3,230	26,875 (6)
Recharge Volume (MGY*)	13.90	11.92	12.96
Nitrate Concentration (mg/l*)	0.79	3.97	1.61
Miscellaneous:			
Residents (capita)	465 ⁽⁷⁾	6 (est.)	96 ⁽⁸⁾
School-Age Children (capita)	61 ⁽⁸⁾	2 (est.)	28 ⁽⁸⁾
Village Amenity Contribution (\$)	\$21 million	0	0 ⁽⁹⁾
Total Tax (\$/yr) ⁽¹⁰⁾	\$2,746,346	\$25,244	\$500,000
School District Taxes (\$/yr) ⁽¹¹⁾	\$1,590,333	\$14,514	\$289,536
School Expenditure (\$/yr) ⁽¹¹⁾	\$1,136,247	\$37,254	\$521,556
School District Surplus/(Deficit) (\$/yr)	\$454,086	(\$22,740)	(\$232,020)
Solid Waste Generation (lbs/day)	2,905 ⁽¹²⁾	185 (est.)	580 ⁽¹²⁾
Parking Required (spaces)	488	n/a ⁽¹³⁾	75
Parking Provided (spaces)	604	25	75

- (1) Includes exterior patio and conservatories and the tennis courts. Alt. 2, includes 0.49 acres in driveways and patios.
- (2) Irrigated @ 5.5 inches/year and fertilized @ 2.30 lbs/1,000 SF (see Appendix D-3 & D-4). Alt. 2 Note: 12.23 acres fertilized & irrigated, 0.95-acre recharge basin will not be unfertilized or irrigated.
- (3) Includes 2.94 acres of modified habitat (former ponded water area), see Section 2.6.
- (4) Includes ponds 1 & 2, outdoor pool and water feature at site entrance and in central median.
- (5) Trip generation based on TIS (Appendix I) for the proposed project, and ITE Handbook, 7th Edition, (2003) for Alternatives 1 and 2.
- (6) Based on NCHD multiplier of 275 gallons for the first bedroom and 200 gpd for each additional bedroom (see Table I-3). For Alternative 2, assume 4-BR units @ 12.05 acres irrigated (5,000 gpd).
- (7) Based on the blended multiplier of 1,904 people/household, from Burchell et al, 1985. For Alternative 2, based on a multiplier of 3.83 people per dwelling, assuming each dwelling has 4 bedrooms.
- (8) Based on 0.05 children per 1-BR unit, 0.14 children per 2-BR unit, 0.39 children per 3-BR and 0.74 children per 4-BR unit. For Alternative 2, based on a multiplier of 1.12 children per 4-BR dwelling; Burchell, 1999 (Western Suffolk B.O.C.E.S).
- (9) No contribution would be required, as this scenario is not based on an Incentive Development application.
- (10) See Table 3-8. Alt. 2 estimated taxes of \$20,000/unit.
- (11) School expenditure = School District's cost to educate additional children (\$18,627/student) (NYS Dept. of Education, 2004).
- (12) Based on a multiplier of 5 lbs/capita plus 1 lb/BR (Salvato, 1982). Residents based on (7).
- (13) Users have existed since prior to the adoption of the Village Code (1980), therefore parking requirements do not apply in this case.
- * Abbreviations: (vph): vehicles per hour; (gpd): gallons per day; (MGY): million gallons per year; (mg/l): milligrams per liter

1.2.2 Public Need and Municipality Objectives

The public need for the project is related to the benefits to be derived if the project is implemented. The Applicant has designed the proposed project to achieve the highest and best use of the site based on its residential zoning, adjacent uses and residential market trends. The project sponsor believes there is a demand for a well designed, luxury condominium development within the Village and the homes will offer an attractive option for individuals seeking high quality housing within a gated Homeowners Association community. Additionally, the subject property has convenient access to local and major roadways.

As reflected in the Village Zoning Code §174-10.1 (since changed to §215-12), (Appendix A-1) those areas located between New Hyde Park Road, Northern State Parkway, Long Island Expressway South Service Road (Power House Road) and Shelter Rock Road are located in an area where enhanced development may be appropriate, provided such development is accompanied by community amenities. Further, the Board found that:

"The Residential R-3 District contains adequate resources, environmental quality and public facilities (including transportation, water supply, waste disposal and fire protection) to permit the authorization of incentive uses, and development...within reasonable constraints to preserve the existing character of the Village, and consistent with other uses of property permitted in the Village, the Board further finds that it would be beneficial as part of the Residential R-3 District to encourage the construction of residential development, with density and other characteristics different than those presently permitted."

The proposed project will provide for the development of a permanent, high-quality use on a property whose capacity to attract such a use is high. The Residences at North Hills incentive development application will provide an opportunity for viable residential growth within an area of the Village of North Hills well-suited to accommodate such growth. The proposed residential project will provide a permanent use of an underutilized property in conformance with Village zoning regulations (under an incentive development design).

1.2.3 Objectives of the Project Sponsor

The objectives of the project sponsor include the desire to produce a profitable economic return on a substantial investment, which would result from a high-quality residential community that addresses a need the Applicant believes is unmet in the area. The Applicant is seeking to provide a use that will conform to the site zoning and surrounding uses, and at the same time, have a minimal impact on the environment.

1.2.4 Benefits of the Project

The benefits of the proposed project are based on social, economic and land use considerations and include housing opportunities, substantial fiscal benefits and placement of the property in a permanent use. The project will provide an opportunity for high quality residential housing in a

desirable area of the Village of North Hills. The community will benefit economically from the increased value of the property, as well as from the provision for public amenities required as a result of development under an incentive or enhanced use permit. A primary benefit involves a substantial payment (\$21 million) to the Village intended to be used for acquisition and creation of expanded recreational opportunities for Village residents, and/or other essential community needs of the Village as determined by the governing board. The proposed project will also result in generation of a substantial number of jobs during the construction phase of the project, with subsequent secondary job generation following development due to operation of site facilities and increased demand for services (i.e. landscaping, clearing, maintenance, etc.). Consumer spending will "ripple" additional economic benefit to providers of goods and services within the local area during and following construction. In addition, the project will generate a substantial amount of real property tax revenues to applicable taxing jurisdictions, such as the County of Nassau, Village of North Hills, school, police, fire and other districts. The project will also provide a permanent land use for the site that is viable and has a high probability of success through full utilization.

1.3 Location

1.3.1 Geographic Boundaries

The subject site is approximately 17.08 acres in size and is located between the south side of Power House Road [LIE South Service Road] and the north side of the Northern State Parkway. A "panhandle" portion at the site's southwestern corner extends westward to New Hyde Park Road, thus giving the property road or parkway frontage on three (3) sides. The bulk of the property lies approximately 600 feet east of New Hyde Park Road, in the Incorporated Village of North Hills, Town of North Hempstead, County of Nassau (see **Figures 1-1 and 1-2**). (Please note all figures are included at the end of each individual section.) The street addresses of this property are 85 and 95 Long Island Expressway and 60 I.U. Willets Road. The property consists of seven tax lots, as follows:

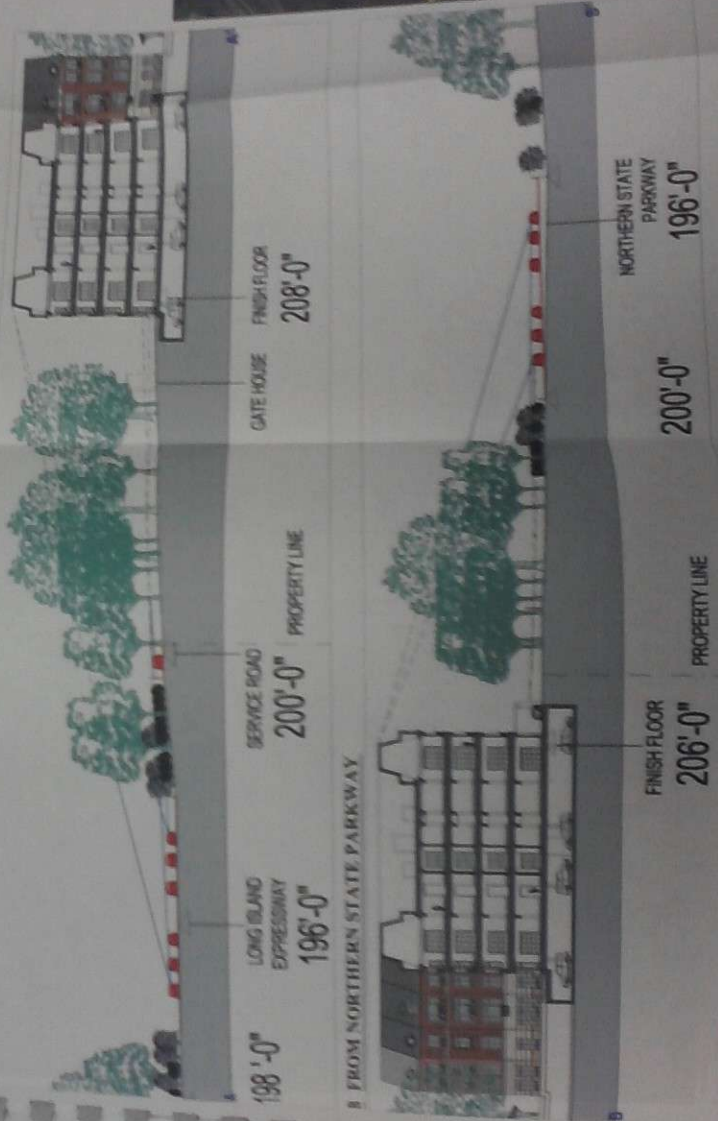
Section, Block & Lot	Owner
Section 8; Block A; lots 51 & 502	James O'Connor (as Trustee) 8901 85 th Way, Scottsdale, Arizona
Section 8; Block A; lots 302, 702A, 702B & 882	Greater New York Corporation of Seventh Day Adventists 7 Shelter Rock Road, Manhasset, New York
Section 8; Block A; lot 785	Manhasset-Lakeville Water District 170 East Shore Road, Manhasset, New York

The subject site is within the following service and planning districts:

- Great Neck and Herricks Union Free School Districts
- North Hills Special Groundwater Protection Area (SGPA)
- Manhasset-Lakeville Fire District
- Nassau County Police Department (NCPD), 6th precinct



FIGURE 3-6
LINE OF SIGHT ANALYSIS
FROM L1/E



Source: Project Proposals
Vertical Scale: 1"=40'

Unobstructed View

FIGURE 3-3
PHOTO-SIMULATED VIEW OF SITE FROM LIE



Source: Perkins Eastman
Scale: 1" = 60'



FIGURE 3-5
PHOTO-SIMULATED VIEW FROM NORTHERN STATE PARKWAY

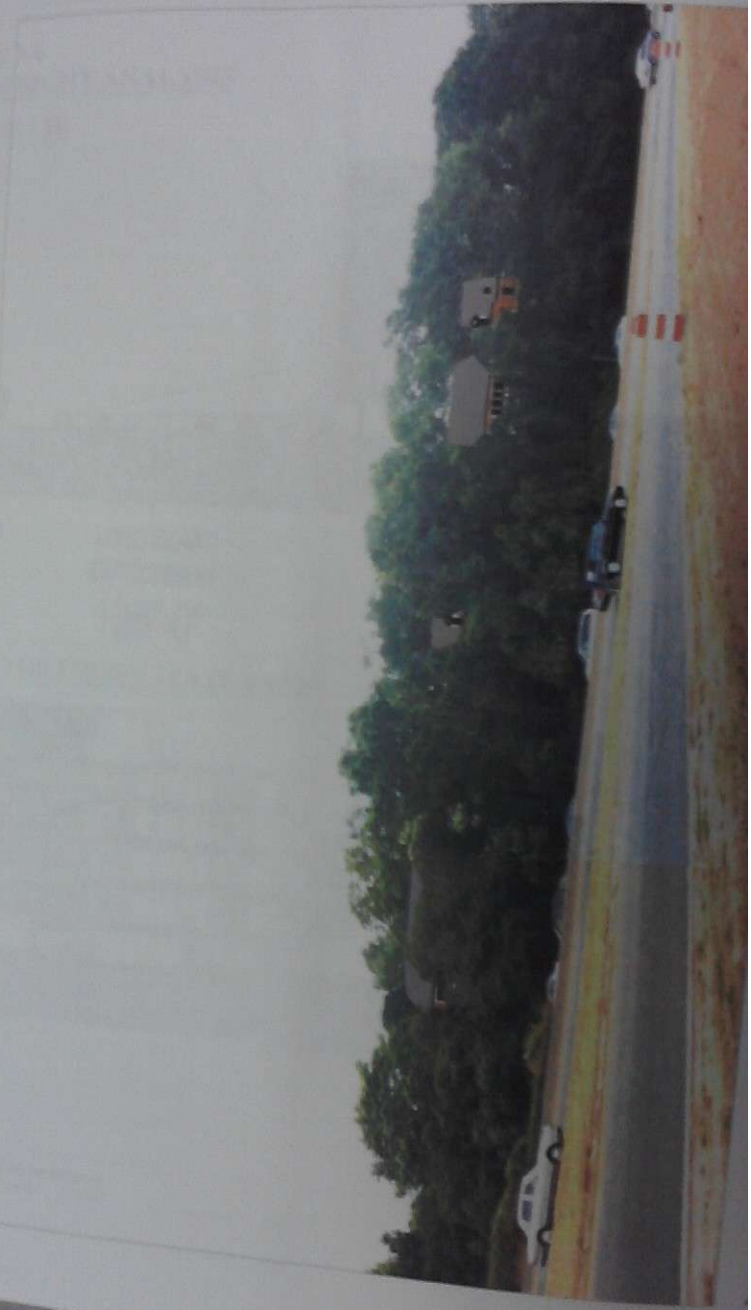


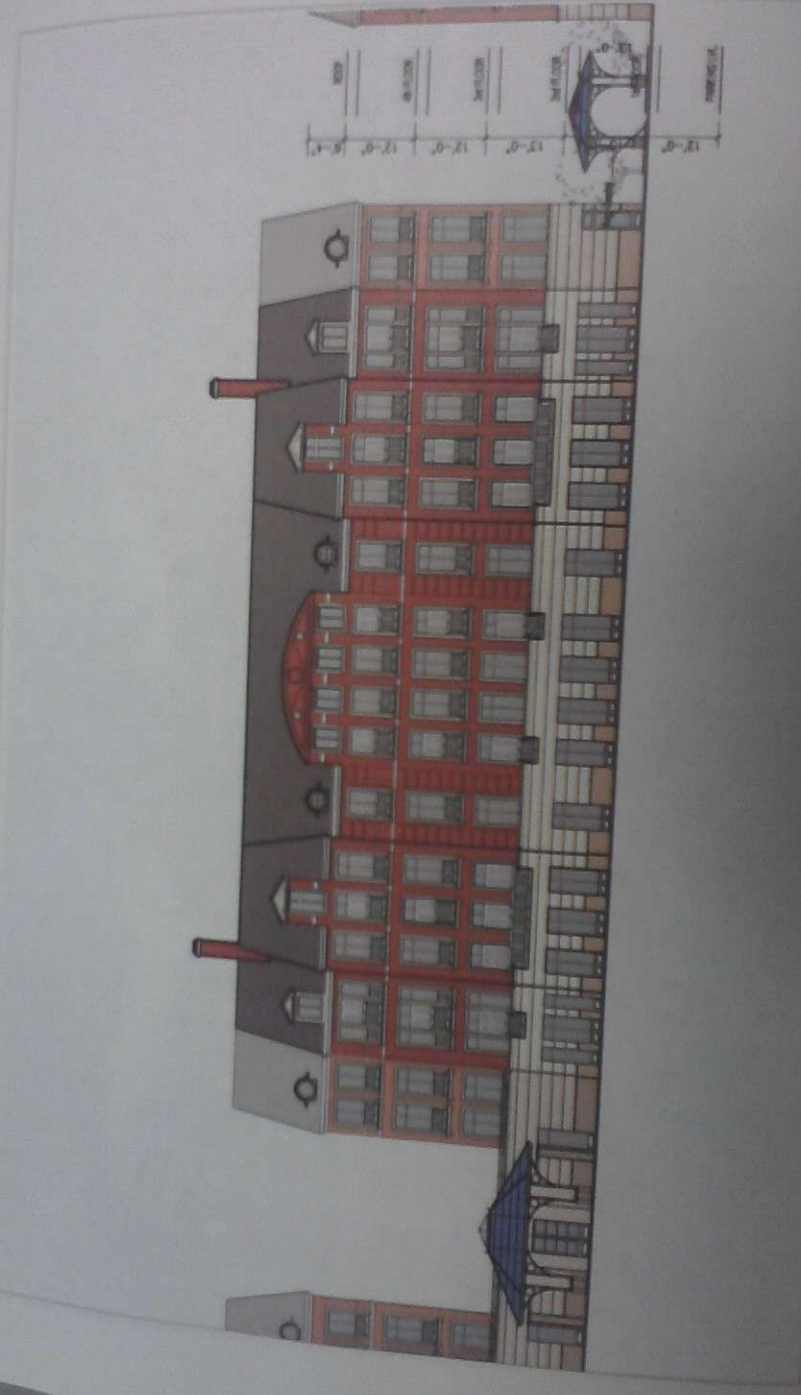
FIGURE 1-3
PROJECT LAYOUT



Source: Perkins Eastman
Scale: 1" = 200'



FIGURE I-7
FRONT ELEVATION



Source: Perkins Eastman
Scale: 1" = 2'



**FIGURE 1-2
AERIAL PHOTOGRAPH OF SITE AND VICINITY**



Source: NYSGIS Orthoimagery Program, 2004
Scale: 1" = 600'



FIGURE 1-3
PROJECT LAYOUT



Source: Perkins Eastman
Scale: 1" = 200'



State Environmental Quality Review Act
Notice of Completion of
Draft Environmental Impact Statement
Application for Incentive Zoning
The Residences at North Hills
Midtown North Hills LLC

Page 4

A Copy of this Notice has been Sent To:

Mayor and Board of Trustees, Incorporated Village of North Hills, One Shelter Rock Road North Hills, New York 11576

Commissioner, Nassau County Department of Health, 240 Old Country Road, Mineola, New York 11501

Commissioner, Nassau County Department of Public Works, 1550 Franklin Avenue, Old Courthouse, Mineola, New York, 11501

Commissioner, Nassau County Planning Commission, 400 County Seat Drive, Mineola, New York 11501

Nassau County Fire Marshal, 899 Jerusalem Avenue, Uniondale, New York 11556

Manhasset-Lakeville Water District, 170 East Shore Road, Manhasset, New York 11030

Regional Permit Administrator, New York State Department of Environmental Conservation, Building 40, SUNY @ Stony Brook, Stony Brook, New York 11790

Commissioner, New York State Department of Transportation, New York State Office Building, 250 Veterans Memorial Highway, Hauppauge, New York 11788

Honorable Jonathan Kaiman, Supervisor, and Town Board, Town of North Hempstead, 220 Plandome Road, Manhasset, New York 11030 (information only)

Midtown North Hills LLC, 417 Fifth Avenue, 9th Floor, New York, New York 10016

Louis Soloway, Esq., Certilman, Balin, Adler & Hyman LLP, 90 Merrick Avenue, East Meadow, New York 11554

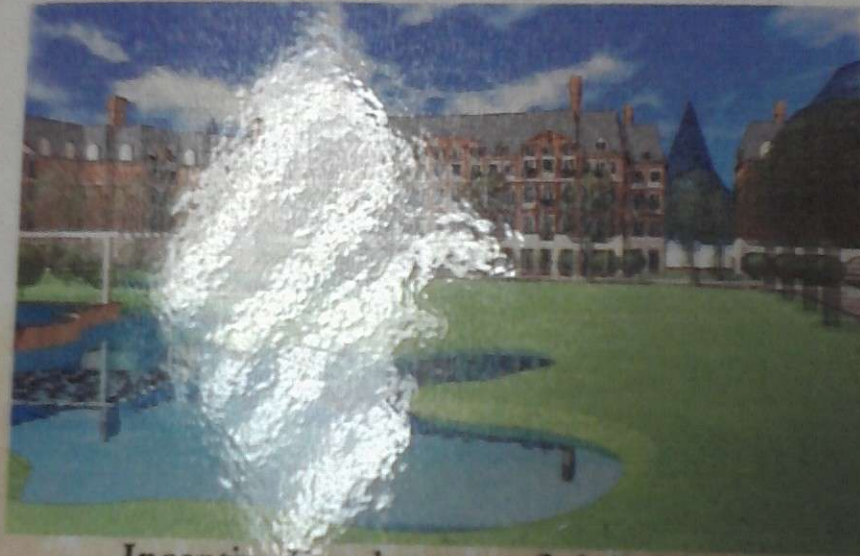
This Notice has also been forwarded for publication in the Environmental Notice Bulletin



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ABOVE ALMOST ALL FROM DRAFT EIS; FEIS completed 2006, as seen below.

Final Environmental Impact Statement
(FEIS)
for
The Residences at North Hills



Incentive Development, Subdivision
& Site Plan Application

Incorporated Village of North Hills
Nassau County, New York

Prepared By:

Johnson, Pope & Voorhis, LLC

100 Walt Whitman Road

Great Neck, New York 11747

427-5665

Lead Agency:

The Incorporated Village of North Hills

Board of Trustees

One Shelter Rock Road

Roslyn, New York 11576

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Photos of RXR / X-Cell forest in North Hills, November 2013





Photo of Forest. Nov 2013