

**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)
FOR THE
PROPOSED MASTER PLAN
OF THE
CITY OF GLEN COVE**

City of Glen Cove

Nassau County, New York

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A. INTRODUCTION

A.1. Procedure

The City of Glen Cove City Council is currently completing the preparation of its Master Plan. The Master Plan (referred to also as the “Comprehensive Plan” or the “Plan”) will guide land use and policy decisions over the next several years.

At the January 13, 2009 City Council meeting, the Glen Cove City Council adopted a Resolution declaring lead agency status, classifying the action as Type 1¹ pursuant to SEQRA. As such, the Council adopted a positive declaration of environmental significance requiring preparation of a Generic Environmental Impact Statement (GEIS) and finding that “the nature and structure of a Master Plan is such as to in part provide a template and forum for the consideration of environmental factors and that no further scoping is required.”

The New York State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR 617 suggest that the adoption of a Master Plan is likely to require a thorough review of environmental, social and economic impacts. It further suggests that this be done through the preparation of a Generic Environmental Impact Statement (GEIS). A GEIS is first prepared in the form of a Draft GEIS (“DGEIS”). A preliminary DGEIS was submitted to the Glen Cove City Council on February 10, 2009. The DGEIS considered the impacts associated with the adoption of the draft Master Plan². The City Council, which is serving as lead agency and project sponsor under SEQRA, authorized the preparation of the preliminary DGEIS. A workshop to solicit comments from the Council on the preliminary DGEIS was held on February 17, 2009. The City Council deemed the DGEIS complete on February 24, 2009.

The City Council adopted, filed and circulated a Notice of Completion of the DGEIS, posted the DGEIS and Master Plan on the internet, distributed copies to involved agencies, and made the documents available to the public for review at City Hall and at the Public Library. The City Council held a joint public hearing on the DGEIS and draft Master Plan on March 30, 2009, to solicit public comment. The public hearing was closed on March 30, 2009 respectively. The record was left open for public written comment through close of business on April 13, 2009. Although the public comment period was officially closed, the City Council determined to address comments received from the Nassau County Planning Department received on April 17, 2008, as well as comments that were submitted to the Glen Cove City School District Board of Education

¹ A Type 1 action is an action identified in 6 NYCRR 617 (SEQR) that is likely to require the preparation of an Environmental Impact Statement.

² The “draft Master Plan” refers specifically to the version of the Master Plan that was filed with the DGEIS for public and agency review. “Master Plan” describes the document in its final form, although it also refers more generally to an evolving policy document including its previous versions.

and copied to the City on April 16, 2009. All substantive comments received on the DGEIS will be responded to in this Final GEIS ("FGEIS").

The FGEIS is the second phase of a GEIS. It comprises responses to all substantive comments on the DGEIS, and contains any necessary revisions to the DGEIS and proposed action (i.e., the Master Plan) based upon such comments. The FGEIS, together with the DGEIS and public comments, will comprise the record upon which the City Council will make its SEQRA findings, as well as determine whether or not to adopt, or adopt with revisions, the proposed draft Master Plan. The FGEIS will also suggest where revisions need to be made to the draft Master Plan prior to adoption.

The SEQRA process is intended to aid the City Council in making its substantive decisions regarding the Master Plan in a manner that considers environmental, social and economic impacts, and balances those impacts against the public need and benefits. Both the DGEIS and this FGEIS are intended to be read along with the draft Master Plan. The FGEIS will be made available to the public for review along with a copy of the draft Master Plan. Written comments on the FGEIS will be accepted up to ten days following the first filing of the document.

A.2. Preparation of Master Plan

In order to prepare the Master Plan for the City of Glen Cove, the Glen Cove City Council appointed a Task Force comprised of a broad cross-section of the community, led by a team of appointed planning consultants. The consultants and committee held extensive public workshops, and undertook, among other activities, a comprehensive City-wide survey, to gather public opinion. Based on the input received from the Task Force, the City Council, and the City Council's consultants, a preliminary draft Master Plan for the City of Glen Cove was prepared. This preliminary draft was referred to the Planning Board for its comments in December 2008. Having received the comments of the Planning Board, City Staff, City Consultants and counsel to the Planning Board, and having performed a detailed review itself, the City Council revised the preliminary draft Master Plan, and made the final draft Master Plan (attached hereto as an Appendix) available for review by the public on February 10, 2009. At such time, the Preliminary DGEIS ("PDGEIS") accompanied the draft Master Plan.

A.3. Format of the FGEIS

Rather than reproducing the entire text of the DGEIS herein, this FGEIS incorporates the DGEIS for the Proposed City of Glen Cove Master Plan by reference. This FGEIS includes:

1. A chapter dedicated to those substantive facts and conclusions included in the DGEIS, which the City Council has revised in light of public comments and their own substantive review (Chapter "B");
2. A chapter dedicated to revisions to the Master Plan, which are suggested in light of comments received on the draft Master Plan and DGEIS (Chapter "C");

FGEIS for the proposed Glen Cove Master Plan

A. Introduction

3. Responses to public and agency comment (Chapter “D”);
4. A matrix keying particular comments to the responses of the FGEIS; and
5. An Appendix, including all comments received on the DGEIS and draft Master Plan.

A.4. Baseline Comparison of the GEIS

It should be noted that the purpose of the Generic Environmental Impact Statement is to analyze at a generic level of detail, those impacts which could be reasonably anticipated to occur as a result of implementing the Master Plan’s recommendations. The impacts of the Master Plan are not compared against a baseline of existing conditions, but of build-out under existing land use policies. For example, the impacts of limiting building heights in the Master Plan to twelve stories in the waterfront thus must be compared against those impacts associated with sixteen story buildings, the allowed height under the existing zoning.

A.5. Project Location

The City of Glen Cove is located on the north shore of Long Island in Nassau County, New York. It is completely surrounded by the Town of Oyster Bay and its incorporated Villages and by the Hempstead Harbor and Long Island Sound. A location map was included in the DGEIS.

B. REVISIONS TO THE DGEIS

The following revisions are being made to the text of the DGEIS in response to comments received by the public and involved and interested agencies, as well as the Lead Agency's own substantive review of the documents.

B.1. Inclusionary Housing Description

The DGEIS referenced only one standard for affordable housing for the City of Glen Cove. Specifically, the DGEIS referenced a 10% affordable set aside, which is currently applicable to the waterfront development in the MW-3 zone. The draft Master Plan recommends a "sliding scale" approach, as follows:

For developments of 4 to 9 units:

- 15% (one unit) at 80% of the Nassau County Median Income

For developments of 10 or more units:

- 10% at 80% of Glen Cove Median Income; or
- 15% at 80% of Nassau County Median Income; or
- 20% at 130% of Glen Cove Median Income

The draft Master Plan recommendations further suggest that developments of 4 to 9 units should be permitted as an option to provide the affordable units off-site, or provide a payment-in-lieu as of right. Larger developments would be allowed such options by special permit only. Both provisions suggest that there be a lottery system enacted to provide Glen Cove residents, Glen Cove workers and Glen Cove family-members (in that order) a preference for affordable units.

The sliding scale standards detailed above would result in the potential for more units at a greater variety of qualifying income limits than would have been created under the 10% standard that was discussed in the DGEIS. For those wishing to provide "workforce" housing, or housing at 130% of Median Income, approximately twice as many units would be set aside for inclusionary housing as would have been under a 10% requirement. The options that are afforded by the sliding scale also give developers options in how to accommodate inclusionary housing in their projects. Where new developments are priced close to the average market, developers may choose to provide housing at 130% of Median Income, as this is not as wide a departure from their target market. Where larger luxury developments are proposed, developers may choose to provide housing at 80% of Median Income to reduce the number of total inclusionary units they must provide.

The DGEIS is amended to clarify that there are two approaches to inclusionary housing proposed under the Master Plan. From a substantive standpoint, it is not necessary to amend the impacts analysis in the DGEIS since both approaches will result in an

increase in the quantity of affordable housing and in increased income diversity within the City.

B.2. Misidentification of health facilities in Glen Cove

The DGEIS identified a Community Hospital for Military and Veterans located within the City. This facility is not located within the City of Glen Cove.

B.3. Appointment of Task Force

The DGEIS stated that the City Council appointed the Master Plan Taskforce. This group was appointed by the Mayor as described in the Master Plan.

B.4. Reference to Relocation of the Sewer Plant

The DGEIS at page 125 incorrectly indicated that the Master Plan recommends the relocation of the Sewer Treatment Plant. The Plant is not recommended for relocation.

B.5. Mitigations to Master Plan Recommendation for Visualization Requirements

The DGEIS recommended that several types of projects be exempted from providing visualizations as part of project review. Upon reconsideration, the DGEIS is revised to instead allow the Planning Board or Architectural Review Board to adjust, but necessarily eliminate, the requirement for visualizations for certain inclusionary housing developments of 20 or fewer units.

C. SUGGESTED REVISIONS TO THE MASTER PLAN

C.1. Change to the Suggested Inclusionary Housing Recommendations.

The draft Master Plan recommended that some of the inclusionary housing options required for developments of 10 or more units be keyed to the Glen Cove median income. Specifically the Master Plan suggested the following options for the provision of affordable housing:

- 10% at 80% of Glen Cove Median Income; or
- 15% at 80% of Nassau County Median Income; or
- 20% at 130% of Glen Cove Median Income

After consideration of this issue, it was determined that it would be appropriate to use area median income (AMI). This was due to the fact that the most readily available data on income is published by the Department of Housing and Urban Development on an AMI basis. The Master Plan should be revised, as follows:

For developments of 4 or more units:

- 10% (at least one unit) at 80% of AMI; or
- 15% at 100% of AMI; or
- 20% at 130% of AMI.

The use of AMI instead of County or Glen Cove Median Income will affect the pricing of future affordable units. Glen Cove Median Income tends to be lower than the average for Nassau County. Nassau County Median Income corresponds closely to Area Median Income, although figures are published less frequently. Because no requirement for the provision of affordable housing exists today (except for the waterfront development), regardless of the income standard, the sliding scale inclusionary housing requirement that will be recommended by the Master Plan will result in the positive social benefit of providing affordable housing and increasing the income diversity of the City.

C.2. Recommendations for the South Glen Cove Creek Waterfront

In response to comments, the Master Plan should be revised to make explicit the potential for allowing office uses east of the Glen Cove Marina with the provision of public amenities, such as structured parking, park improvements and street-scape improvements. The Master Plan should also specify that any application for incentives for increased building height or non-maritime use should provide a full analysis of potential visual and traffic impacts in the surrounding area. See D.1.

C.3. Recommendations Governing Incentive Development of “Outparcels”

In response to comments, the recommendations of the Master Plan, limiting consideration of additional residential development on the “outparcels,” located on the north side of the waterfront, should be revised from 10 to 15 years to 7 years. The predicted build year for the PWD waterfront development is 7 years (2016). Language regarding expiration of time limitation should be deleted. The Master Plan should also be revised to add a requirement that any future incentive development of the “outparcels” on the northern waterfront must be compatible with the PWD waterfront development and subject to certain design guidelines and review. See D.2. Descriptions of the History of Morgan Island

C.4. Recommendation of the Draft Master Plan to Allow Accessory Apartments

In response to several comments, the Master Plan should be revised to remove all recommendations relating to the regulation of accessory apartments. While those regulations allowing seniors and others in need to earn extra income from renting a small apartment would be beneficial to certain City residents, such regulations would be difficult to enforce. The necessary enforcement mechanisms must be in place before accessory apartments are permitted by zoning. Any additional references suggesting the permissibility of accessory apartments, such as that on page 63, describing conditional variances, should also be removed from the Master Plan. See D.12.

C.5. Inclusionary Housing Requirements in the Planned Waterfront District (PWD)

In response to comments, and in recognition of the fact that the Planned Waterfront Development is already proposing to provide a 10% set-aside for “workforce housing,” the Master Plan should be revised to indicate that the inclusionary housing requirements applicable to the PWD remain at 10%, rather than revise the requirement to meet the new inclusionary housing requirements suggested by the Master Plan for areas outside of the PWD. See D.26.

C.6. Exemption of Private Redevelopment Projects from Inclusionary Housing Requirements and Hillside Protection Provisions

In response to comments, and in recognition of the economic and social benefits to the City of private redevelopment of blighted areas, the Master Plan should be revised to indicate that certain private redevelopment areas may be considered for partial or full waiver from the inclusionary housing and hillside protection recommendations of the Master Plan. This waiver should only be given for projects, which promote redevelopment of significantly deteriorated areas in a manner that does not result in environmental, social or economic impacts on the City or existing residents, as well as may include incentive zoning for density bonuses and public amenities. See D.49 and D50.

C.7. The Recommendations for Estate Preservation Will Be Clarified

In response to comments, the Master Plan will be clarified to indicate that the recommendation for an Estate Preservation District is not intended to result in additional density. See D.62.

C.8. Timeframe for Periodic Review

Pursuant to General City Law, the Master Plan should be revised to prescribe a periodic review of the Master Plan every ten years.

C.9. Clarification of Building Supplies and Sales on Sea Cliff Avenue

To clarify questions regarding the sale of lumber and building materials within the industrial corridor along Sea Cliff Avenue, the City Council will revise the Master Plan to indicate that “big-box” lumber and building sales would not be appropriate for this location if they resulted in significant potential traffic impacts at the intersections of Sea Cliff Avenue and Cedar Swamp Road as well as Sea Cliff Avenue and Glen Cove Avenue.

C.10. Clarification of Morgan Island History

The draft Master Plan’s description of Morgan Island and the J.P. Morgan estate should be researched, and revised to reflect the history of the Island as described by a commenter. See D.9.

D. RESPONSES TO COMMENTS

The following comments were received on the proposed draft Master Plan, and accompanying DGEIS:

D.1. Request for Additional Uses Along the South Glen Cove Creek

Comment: Mixed use buildings from five to six stories in height and permitting a mix of uses, including offices, retail, restaurants, catering facilities (including roof-top catering), and hotels, should be permitted subject to the provision of amenities, which would benefit the public. Such amenities include: visual screening of the wastewater treatment plant; redirection of traffic from Shore Road to Morris Avenue; the provision of parking structures that may be shared by the City's nearby recreation facilities; refurbishment and beautification of Morris Avenue, including bicycle, and pedestrian-friendly amenities and streetscape improvements; creation of new public parks and/or recreation facilities, including scenic overlooks and waterfront walkways.

Response: The Master Plan at page 149 already recommends a three story building height with a potential increase of up to five stories with the provision of park amenities. It would be reasonable to allow a mix of commercial uses, including those cited above, based on the provision of improvements to the pedestrian realm and adequate off-street parking. The existing zoning of this area (east of Glen Cove Marina and west of the City and County Maintenance Yards) is MW-1. This zoning already allows restaurants, retail uses, inns, and the offices of yacht brokers or marine insurance brokers. The requested uses are not significantly different from those already permitted, although they are not necessarily marine dependant. By allowing a broader range of uses at additional commercial densities, the City is balancing a small increase in potential traffic and visual impacts in exchange for significant enhancements to the public realm. Any project that proposes development under these incentives would provide a full analysis of the visual and traffic impacts to the surrounding area as part of its SEQRA review. See C.2 for revisions to the Master Plan to address these comments.

D.2. Request for Additional Use of Waterfront PWD Outparcels

Comment: Due to the pending waterfront development and the economic downturn, commercial-industrial use of the property at 20-36 Garvies Point Road will become unsustainable. Residential and mixed-use development should be permitted on parcels of less than five acres. Additional population in this area will increase the viability of the proposed ferry terminal and future ferry service.

Response: The Master Plan is designed to only allow additional residential density in Areas of Change, in exchange for appropriate public amenities. The existing MW-3 District already permits the parcel in question to be used for a range of permitted and special permit uses, including, entertainment, overnight accommodations, offices, restaurants, retail sales, museums, galleries, theaters, etc.

The Master Plan proposes that public amenities be required as a condition of allowing any additional non-industrial use. Specifically, residential use would be permissible

pursuant to incentive zoning, including, the potential contribution to public amenities. Due to the record of contamination in this area and the unique issues surrounding such impacts, residential density cannot be established at this time. However, the recommendations of the Master Plan leave open the option of future residential use under the proposed incentive zoning.

In response to comments, the recommendations of the Master Plan, limiting consideration of additional residential development on the “outparcels,” located on the north side of the waterfront, should be revised from 10 to 15 years to 7 years. The predicted build year for the PWD waterfront development is 7 years (2016). Language regarding expiration of time limitation will be deleted. Lastly, the Master Plan should also be revised to add a requirement that any future incentive development of the “outparcels” on the northern waterfront must be compatible with the PWD waterfront development, and subject to specific design guidelines and review.

D.3. Comments on Potential Negative Impacts of Waterfront PWD Development

Comment: The noise pollution, light pollution, visual pollution, traffic, waste and runoff will impact Sea Cliff and Hempstead Harbor. The proposed project is too dense for the site and the surrounding Villages. The proposed project will change the character of the Hempstead Harbor.

Response: The Master Plan included extensive public input on the waterfront. It is understood that there are concerns regarding the potential impacts of a certain specific development proposal on the waterfront, which is currently undergoing its own environmental review. The proposed waterfront PWD project predates the proposed draft Master Plan, and the density and other design matters were addressed in a preliminary agreement between the IDA and the selected redeveloper, subject to the requisite public review procedures. The Master Plan, nonetheless, includes guidelines for development of the waterfront applicable to this or any other project.

D.4. Request for Additional Use on Sea Cliff Avenue in Vicinity of Former Photocircuits

Comment: Uses within the I-2 zoning district, including 31 Sea Cliff Ave, should no longer limit retail uses (referring to currently Master Plan-proposed 10% limit on ancillary retail). It should permit any commercial uses, even if by special permit, and retail uses, such as the sale of lumber and building materials. The commenter is in agreement with recommendations in the Master Plan for this area, but feels they should be further expanded upon.

Response: The Master Plan recommends limiting the expansion of retail in certain areas, as it would discourage the use of the downtown and other existing commercial areas. The 10% retail limit was intended to allow a certain amount of convenience retail, which is customary to office use as contemplated for this zoning district. The limitation on general retail is appropriate. The Master Plan at page 105 recommends that the industrial area along Sea Cliff Avenue become a receiving site for industry displaced from the waterfront, including, “building-related services, sales and storage.”

The 10% limitation proposed on page 85 applies solely to retail ancillary to office uses, and does not apply to building-related services, sales and storage, provided that it would not be appropriate for significant “big-box” retail since such use may generate significant traffic at the corner of Sea Cliff Avenue and Cedar Swamp Road and Sea Cliff Avenue and Glen Cove Avenue.

D.5. Comments on the Role of the Master Plan Task Force and Criticisms on the Process Followed

Comment: In preparing the Master Plan there were often long periods between providing chapter comments where there was no communication from the City or Consultants, and where promised materials, documents, etc. were not provided. Some Task force members were not aware of the December 2008 Master Plan draft. Task force members provided information and comments that were ignored.

Response: The Master Plan Task Force was intended as a focus group to provide public input and opinions on approaches and strategies being considered by the consultant for the Master Plan. It was part of a multi-pronged public input approach, which included a questionnaire, a number of public workshops and a series of public meetings. The Master Plan Task Force was not charged with preparation of the Master Plan, nor was it expected to reach consensus on issues. As stated in the Master Plan, “The membership [of the Task Force] was intentionally eclectic, adopting a “big tent” approach in which people known to have very different perspectives and represent very different constituencies were recruited. This meant that unanimity would be rare, but that all sorts of outlooks and interests would be addressed.” While the City Council may have not followed particular suggestions of Task Force members, it appreciated and fully considered all input provided.

It is acknowledged that there were periods between communications with the Task Force. During periods where the preparation of certain sections of the Master Plan was extensive, there may have been a longer gap in communication. It was the goal, however, to maintain open communications with members of the Task Force, and believe that this was essentially accomplished.

D.6. Comments that Master Plan is Based on Waterfront PWD Development Proposal

Comment: The Master Plan does not provide a long-term vision for the Glen Cove Creek area, but rather endorses and overly relies on proposed design elements, which they believe have been negotiated by the redeveloper of the Glen Isle project. The bulk and size of the Glen Isle project is not desirable in this entire area, and is not representative of the desires of the entire Glen Cove community. The assertion that no negative impacts will result from these design guidelines is incorrect. A lower-density development would better reflect residents’ desires.

Response: The design guidelines were developed over ten months ago, irrespective of the original Glen Isle proposal. The design guidelines apply well-defined planning and

design principles. In fact, the current waterfront plan has been revised to reflect such design guidelines.

The DGEIS asserts that the design guidelines will not result in specific significant adverse environmental impacts because they establish standards, which would result in a reduction in impacts as compared to the impacts that could occur under existing zoning (*i.e.*, the No Build Alternative). For example, with regard to height, in the absence of the Master Plan's design policies under existing zoning³, sixteen-story buildings could continue to be proposed throughout the entire development site. The proposed guidelines limit height of buildings to twelve stories applicable only to a limited number of buildings as deemed appropriate by the relevant City review agencies.⁴ The impacts of whatever heights are ultimately proposed for the waterfront PWD will be assessed in the site-specific SEQRA review for the waterfront PWD project. The Planning Board of the City of Glen Cove, as lead agency, is currently coordinating the review of such project.

With regard to a lower density development at the waterfront, the impacts of such proposed density will be assessed during the SEQRA review of the Waterfront PWD project.

D.7. Comments on Non-Water Dependant Use of South Glen Cove Creek

Comment: Recommendations for additional residential development and indoor recreational uses on the south side of Glen Cove Creek are not appropriate. Such uses are out of character with water-dependent and water-related uses, and residential development as an accessory to any marina would be detrimental to the boating public.

Response: The Master Plan continues to recommend water-dependent and water related uses from Glen Cove Marina (inclusive) west. This is the area currently most heavily used for marina and marine-related services. There have been other comments, including, requests for this area to allow some sort of residential options in the future. Only water-related residential (dockominiums, which provide owned boatslips as an accessory to residential) would be considered for this area, and only in a manner that preserves the majority of an existing site's use as a marina. This type of water-dependant residential is being considered to enhance the financial viability of marinas at the R-3A density of 6.7 units to the acre.

East of the Glen Cove Marina, the Asphalt Plant is currently the only water-dependant use. The County/City DPW yards and the Sewer Treatment Plant do not require waterfront locations, nor do the majority of industrial properties on Morris Avenue. The Steamboat Landing site is enhanced by the waterfront location, but generally

³ It should be noted that the Waterfront PWD is subject to several additional limitations by contract with the CDA/IDA.

⁴ See the Master Plan Chapter 6 for full description of the recommendations for limitations to height of buildings on the north side of Glen Cove Creek.

restaurants are not considered to be water-dependant. The allowance of certain mixed-use loft-style buildings along Morris Avenue would be more compatible with the commercial and recreational uses in the area than the existing locale, as well as will be more compatible with the mixed-use areas along the north side of the creek. It is conceivable that some of these mixed-use buildings would permit "loft-style" residential use as discussed in the Master Plan. While residential is not a water-dependant use, it is water-enhanced. It will provide an additional resident population along the Creek's promenade, the City's existing recreational fields and in vicinity to the downtown.

As for an indoor recreational building, this concept is intended to support and enhance the existing City recreational fields and future promenade, as well as act as a focal point for the recreational focus of this area.

D.8. Comments Concurring with the Environmentally Protective Recommendations of Chapter 6 of the Master Plan

Comment: Other recommendations of the waterfront section, including, securing funding for environmental clean up, coordinating infrastructure improvement and natural resource protection, maximizing use of open space and recreational resources, and preserving the City's "maritime vitality," are appropriate.

Response: Comment noted.

D.9. Request to Correct History of J.P. Morgan Estate

Comment: The Commenter wishes to correct the record regarding the demolition of the J.P. Morgan Estate. The Estate was constructed in 1913. The barn was torn down in 1946. All the other estate buildings were torn down in 1980. At such time, the use of the estate for any other purpose had become untenable due to a lack of property surrounding the site.

Response: The facts detailed in the Master Plan will be revised in response to this comment. The Estate Preservation recommendations acknowledge that the future alternative uses of estates are often dependant on the presence of the open spaces surrounding an estate site. These open spaces lend an estate much of its character. The Estate Preservation Overlay District is envisioned to be written in a manner that will preserve much of the open space associated with a historic estate in order to avoid the demolition of these historic resources in the future.

D.10. Comments on Master Plan Task Force Selection and Role

Comment: The FGEIS states the Task Force was appointed by the City Council. This is an error. There were participants that wanted to be involved and, 'according to the Public Officers Law, they were thrown out of meetings when the Public Officer called, "present.'" Out-of-towners were asked to participate on the Task Force and not long-time residents, who are better suited to make decisions in the best interest of the Town. (See Public Hearing Transcript 31-32)

Response: The Mayor appointed the Task Force as described in the Master Plan. The DGEIS incorrectly identified the City Council as having appointed the Task Force. While non-city residents, including members of the Hempstead Harbor Coalition, different interest groups and City business people, were part of the Task Force, all persons involved in the process were considered stakeholders. The majority of the Task Force was comprised of City residents. The Task Force was selected to provide a diversity of opinions and backgrounds. Not all persons wishing to be selected were selected for inclusion on the Task Force. The Task Force was also not a Board, subject to the Public Officer's Law.

D.11. Comments on Conflicting Interim Code Provisions

Comment: The Interim codes are going to be put into effect [on a permanent basis], and these codes contain conflicting provisions. Service alley conflicts with alley. Home occupation, which requires one employee, does not allow any employees at all (280-6). Home Occupation is put under the original industrial code. (See Public Hearing Transcript p. 32)

Response: The definition of service alley in the Subdivision of Land chapter refers to alleys. There is no definition of a service alley in the Zoning Chapter. No conflict could be found.

Although the definition of Home Occupation states that a home occupation is, "any use customarily... carried on by the inhabitants thereof", this does not preclude the potential for employees. The limitation under the Interim Code provisions is appropriate.

The new limitations on home occupation were not enacted under the, "original industrial code." It was added to Article X: Districts under a new section entitled, "Commercial and industrial activities in residential district."

Comment: "There is the curb cut law and the paving of the driveway... we're going to allow the property in the rear, which I understand the Mayor is going to be corrected not to allow the rear, but I'm not sure if anybody really understands that you can't pave your back yard. The definition of this code speaks to a driveway, not to speaking of a yard for a parking lot and it speaks to not covering 40 percent of the property. You can't if you have 50-foot frontage cut a 22-foot square. You're in the required front yard. This says "required front yard." There is no other. So now people are cutting out 22-foot squares to allow for their illegal parking for their illegal apartments and it doesn't work, but you're opening up a very slippery slope with all of these codes that are extremely conflicting." (See Public Hearing Transcript p. 33)

Response: The Interim Code added two provisions that govern driveways. The first extends the limitation on paving to the front or rear yard. There was no limitation on paving in the rear yard prior to this provision. The second limits the width of driveways within the front yard setback to 22 feet. The total area that may be paved is limited by the 40% provision, but the width of driveways within the first 20 to 50 feet (depending on the district) is limited by this new provision to 22 feet. These provisions do not contradict each other. The standards will be clarified in the implementing amendments.

D.12. Disagreement with Proposed Recommendations of the Master Plan with Regard to Accessory Apartments

Comment: A number of comments were made disagreeing with the recommendations of the Master Plan with regard to Accessory Apartments. Numerous reasons were given by members of the public for discouraging these types of uses, including others, impacts to the neighborhood, impacts to community services, impracticality of provisions, and impacts to traffic.

Response: In response to several comments, the Master Plan should be revised to remove all recommendations relating to regulation of accessory apartments. While the regulations allowing seniors and others in need to earn extra income from renting a small apartment would be beneficial to certain City residents, such regulations would be difficult to enforce. The necessary enforcement mechanisms must be in place before accessory apartments are permitted by zoning. Any additional references suggesting the permissibility of accessory apartments, such as that on page 63, describing conditional variances, will also be removed from the Master Plan.

D.13. Request for Extension of Residential Use to PWD Outparcels

Comment: A property north of the Glen Cove Creek was and continues to be zoned for light industrial; however, it should not require assembly of 25 acres in order to "even think about other zoning." The Master Plan recommendations to reconsider removing lot area restrictions on redevelopment incentives only after a period of 10 to 15 years, and only based on the performance of the waterfront development are inappropriate. "It closes the door on zoning reconsiderations for too long a period of time...." It recommends a sunset provision after three years.

Response: As discussed in the Master Plan, the lot area restriction for the Planned Waterfront Development was employed to ensure that "outparcels" should only receive similar zoning treatment if they were included in the comprehensive waterfront project. This would ensure well-planned and coordinated development of the waterfront.

The commenter's desire for the Master Plan to recommend a sunset provision without dependence on performance of the waterfront development is noted. However, as stated in the Master Plan, such a provision may act as a disincentive for owners of surrounding parcels to seek redevelopment within the framework of the current zoning, which allows a range of permitted and special permit nonresidential uses.

In response to comments, the Master Plan is revised to limit consideration of additional residential development on the "outparcels," located on the north side of the waterfront, from 10 to 15 years to 7 years. This coincides with the predicted build year for the PWD waterfront development (2016). Language regarding expiration of time limitation is deleted. The Master Plan is also revised to add a requirement that any future incentive development of the "outparcels" on the northern waterfront must be compatible with the PWD waterfront development, and subject to design guidelines and review.

A final decision on whether or not to implement a sunset provision will be made at the time that implementing zoning is adopted. By removing language in the Master Plan, which discourages “sunset” provisions, the City Council may determine whether it wishes to revisit the limitation in 7 years or adopt a sunset provision at a later date.

D.14. Comment on Lack of Detailed Traffic Studies

Comment: There is a Total Lack of Reference to Any Traffic Studies

Response: The DGEIS is intended to address impacts on a generic basis. Generally, the DGEIS considers the impacts of the redistribution of density throughout the City on such a generic basis. As described in the DGEIS, maximum residential density would be reduced in outlying areas and the Downtown, and redistributed to the gateway corridors leading into the City. This will likely result in less impacts to City streets, as population is moved closer to the highest capacity roadways and to the railroad station on Cedar Swamp Road. Additional density along the south side of the waterfront will provide easier access to ferry service, and is also in proximity to the gateway corridors of Pratt Boulevard and Glen Cove Avenue. The traffic and other impacts of specific projects, if any, will be subject to an independent site-specific SEQRA review at the appropriate time.

D.15. Request for Location of Impact Analysis

Comment: Nowhere is the impact of recommendations concerning density, developments, traffic studies, traffic calming, jitneys or connections addressed within the Master Plan or within the DGEIS.

Response: The DGEIS addresses the impacts of all Master Plan recommendations. Future development proposals must provide their own compliance with SEQRA. The impacts of density, traffic calming, jitneys and the connections chapter of the Master Plan were each addressed in the DGEIS.

D.16. Question on the Fiscal Impacts of the Plan recommendations

Comment: In the current tough economic climate, what are the impacts associated with enacting the recommendations of the Master Plan? What are the fiscal impacts of regulating accessory apartments and rental units? What are the fiscal impacts of staffing a new architectural review and historic review board?

Response: Under SEQRA, impacts of the broad policies of a Master Plan are considered generally and at a level of detail commensurate to the potential severity and reasonable likelihood of the impact occurring.

As described in the DGEIS (See DGEIS section D.2.i), the density recommendations of the Master Plan result in an overall reduction of net residential buildout within the City of approximately 350 units. This would likely result in fewer demands on future community services and infrastructure than under existing land use policies. This reduction in density would also likely result in positive fiscal impacts to the City.

For every recommendation proposed by the Master Plan, the Lead Agency considered the potential significant adverse socio-economic impacts and discussed them where there was a reasonable likelihood of occurrence (See DGEIS pp. 26, 35, 48). Consistent with the requirements of SEQRA, the City Council shall balance the social, economic and environmental factors in reaching its decision on the proposed Master Plan.

The Master Plan is being revised to remove recommendations for Accessory Apartments (See D.12). With regard to rental units, the cost of implementing this recommendation is intended to be offset by an inspection fee.

With regard to a new Architectural Review/Historic Review Board, it is likely that the Board would be comprised of the same members, and would consist of a single Board. The costs of such a Board vary from community to community. For example, in the Village of Airmont, New York, the Architectural Review Commission is staffed completely by volunteers. In the Town of Stony Point, New York, the Board has a 2009 budget of approximately \$18,500. It would be difficult to predict the cost of regulating accessory apartments and rental units. The Master Plan recommends that the costs for regulating these items be offset by a registration fee.

D.17. Disagreement with the Specificity of the Master Plan with Regard to the Waterfront PWD Project

Comment: The Master Plan, as stated in the DGEIS, is supposed to be a generic document with general principles and guidelines. The Master Plan deals in specifics particularly for the waterfront.

Response: Typically, a Master Plan addresses primarily broad-ranging subject areas. It typically includes general statements of goals, objectives, principles, policies, and standards, upon which proposals for the immediate and long-range enhancement, growth and development of the municipality are based. The level of detail in a Master Plan is adapted to the special requirements of a particular municipality. The DGEIS, in turn, addresses the impacts of the City's planning policy document on a generic, rather than detailed or site-specific, basis. The general nature of the Master Plan recognizes that the implementation of the policies in the Master Plan will likely occur over time, and that the details of implementing such particular policies may involve future analysis, including, environmental review under SEQRA.

D.18. Request for a More Significant Affordable Housing Set-Aside

Comment: The affordable housing set aside for developments with over ten units should be 12% at 80% of City median income or 15% at 80% County median income. The affordable housing set aside for developments with six to nine units should be 15% at 80% County median income. The recommendation for 10% is inadequate. There was consensus among task force members on this matter. Other communities provide up to 25% in their inclusionary requirement.

Response: The DGEIS reported the 10% requirements for affordable housing as if it applied to all zoning districts within the City. The Master Plan recommends that the 10% set-aside only be applied to the PWD Waterfront development, as this is the current requirement in the MW-3 Zoning District. The sliding scale standard, which is described by the commenter, is the standard required by the Master Plan throughout the City in all districts, other than the PWD. Certain revisions to the DGEIS and the Master Plan are recommended, as set forth in Section B.1_ and C.1.

D.19. Disagreement with Maximum Existing Density Indicated in DGEIS

Comment: The DGEIS states that 80 units per acre is permitted in the downtown. This is only true for business zones, and the units are purely rental. As such, the document gives a false impression of what is currently acceptable as residential density in Glen Cove.

Response: Currently the downtown is zoned for B-1. B-1 allows residential multifamily uses at up to 80 units per acre. The zoning does not require that the units be rental or owned.

D.20. Disagreement with Master Plan Recommended Density

Comment: Public hearing transcript pages 50-51. The Master Plan recommends density significantly higher than is permitted in the City of Glen Cove. “Very high-density” was not discussed at task force meetings. The Master Plan recommends up to 50 units per acre for the Livingston site, which is 2.5 times the permitted density at the waterfront. 45 units is recommended for the Transit Oriented Development (TOD), 35 units per acre for the Orchard, 45 units per acre within the downtown in mixed-use buildings. Higher densities would result in higher volumes of traffic and increased impacts to community services. Claims of the DGEIS that there will be a reduction in maximum permissible density are false. Currently, there are no less than 8 major residential projects planned, 6 of which the number of units have been made public yielding an increase of 1,341 units.

Response: The maximum residential density currently permitted in the City is 80 units per acre in the B-1 district. The R-6 zoning district currently allows up to 43.56 units per acre. The highest proposed densities in the Master Plan are not higher than the permitted densities within the B-1, and are approximate to those permitted in the R-6. Further, it is noted that the densities described in the DGEIS for “areas of change,” would only be permitted if an applicant provided certain public amenity incentives. Without such incentives, the suggested density of the Livingston site, for example, is 30 units per acre (as opposed to 50 units per acres, which was analyzed in the DGEIS); the TOD is 25 units per acre (as opposed to 45 units per acre, which was analyzed in the DGEIS); the Orchard is 18 units per acre (as opposed to 35 units per acre, which was analyzed in the DGEIS); and 25 units per acre for the downtown (as opposed to 45 units per acre, which was analyzed in the DGEIS).

As detailed in section D.2.i of the DGEIS, the maximum residential development that could proceed, assuming eligibility for incentive zoning, would result in approximately

350 fewer units than the maximum that could be achieved under current land use laws and regulations.

The DGEIS properly analyzes the existing conditions as a baseline. More specifically, the analysis in the EIS must consider the maximum residential density recommended by the Master Plan, as compared to the maximum density permissible under existing land use policy.

The 860 units proposed for the Waterfront PWD project, the 72 units proposed for the Glen Cove Mews project, and the 60 units proposed for the Lee Gray Court project, for example, are all permitted under the current zoning. Although proposed projects, the densities contained under such proposals are counted in the No-Build analysis.

Because the Master Plan results in fewer potential units than is permissible under existing zoning, and because the redistribution of units encourages future development in locations closest to mass-transit and the highest capacity roads, there is likely to be fewer adverse environmental impacts to traffic and community services than if the City proceeds under existing land use laws and policies.

The public service costs of particular development proposals, such as the Waterfront development, will be assessed as part of the SEQRA review for that project.

D.21. Disagreement with DGEIS Mitigations to Impacts of Accessory Apartments

Comment: Limiting accessory apartments to those with homes priced below the median single-family home price in Nassau County may be discriminatory and would limit those with higher value homes from creating accessory apartments for family members. This criterion was not mentioned in any of the Task Force workshops. The Task Force had several criteria to ensure that accessory apartments did not result in blight. It may be overly restrictive and only ensures that neighborhoods with overcrowded housing will gain additional multifamily dwellings.

Response: The suggestions of the commenter are duly noted by the Lead Agency. In response to several other commenters, the Master Plan is revised to remove all recommendations relating to regulation of accessory apartments. While the City Council believes that regulations allowing seniors and others in need to earn extra income from renting a small apartment would be beneficial to certain City residents, it is concerned that any such regulations would be difficult to enforce, and result in adverse potential impacts. Necessary enforcement mechanisms must be in place before accessory apartments are permitted by zoning. Any additional references suggesting the permissibility of accessory apartments, such as that on page 63, describing conditional variances, should also be removed from the Master Plan.

D.22. Disagreement with the Expenditure of Public Money on a New Ferry Terminal

Comment: Public money should not be expended on a ferry terminal. There is already a ferry terminal. No ferry operator has, “come forward,” and other ferry lines are not

successful. The money will be spent to build a parking lot for the hotel instead. The ferry will not help traffic problems.

Response: The comment is duly noted, and considered. The Master Plan encourages the exploration of, and supports alternative modes of transportation from the single personal vehicle. A separate Environmental Assessment under the National Environmental Policy Act (NEPA) and SEQRA was performed for the Ferry.

D.23. Disagreement with Use of 2000 Census Data; Data from the Long Island Railroad Provided

Comment: 2000 Census Data should not be relied upon. The Long Island Railroad has reported that 20% of their total ridership goes to Wall Street.

Response: The comments are duly noted, and considered. The use of reliable general planning data, such as that provided by the 2000 U.S. Census, is appropriate when establishing general long-term planning policies. The 2000 U.S. Census is the most recent comprehensive data set available. Several other data sources were also included in preparing the Master Plan, including, service provider interviews, 2006 demographic data estimates by Claritas Inc., as well as data provided and maintained by a number of State and other agencies.

D.24. Comment Equating Mixed-Use with Commercial Traffic Impacts

Comment: “The Master Plan speaks of the benefits of “mixed use” development. We are already experiencing some of these quote benefits. Every Thursday at 3:15, we see the Budweiser truck speeding down Albin Street.” A City ordinance restricting trucks was passed in 2006, and that the City does not enforce the ordinance. There is not enough enforcement. See Public Hearing Transcript, p.57.

Response: The Master Plan recommends increased enforcement of existing ordinances.

D.25. Concern that Mixed Use will Result in Noise Impacts

Comment: “Another “negative benefit” of mixed use is the noise we are experiencing from Steamboat Landing a restaurant near the commenter’s home] each weekend. Noise from construction will impact residents.” See public Hearing Transcript p. 58.

Response: Restaurants are already permitted within the downtown, and in other commercial areas. Allowing mixed-uses should not result in additional impacts from restaurant noise. Construction noise impacts from individual projects will be assessed, and mitigated, if necessary, during site-specific SEQRA reviews.

D.26. Request for Clarification of Applicability of Sliding Scale Inclusionary Housing Recommendations to the Waterfront PWD Development

Comment: The Master Plan at pages 54 and 55 recommends a sliding scale inclusionary housing requirement. This should be revised to clarify that it does not

apply to the MW-3 zone and the Glen Isle project specifically. The Planned Waterfront District (PWD) criteria for the MW-3 zone specify that 10% of units shall be “workforce housing” without clearly specifying what the income requirement for workforce housing is.

Response: The proposal and the development program for the PWD include a 10% “workforce” housing set-aside. It is reasonable to exclude developments that have been planned under a preceding housing requirement from the inclusionary housing recommendations in the Master Plan.

In response to comments, and in recognition of the fact that the PWD is already proposing to provide a 10% set-aside for “workforce housing,” the Master Plan should be revised to indicate that the inclusionary housing requirements applicable to the PWD remain at 10%, rather than revised to meet the new inclusionary housing requirements suggested by the Master Plan outside of the PWD. See C.1.

D.27. Non-Substantive and Editorial Suggestions on the Master Plan

Comment: Several comments were received suggesting non-substantive and editorial edits to the Master Plan.

Response: Pursuant to SEQRA, the FGEIS is intended to address substantive comments on the environmental impacts. The editorial suggestions submitted by commenters are appreciated, will be reviewed and suggested edits made, as appropriate.

D.28. Disagreement with Increased Height

Comment: Increased height limits will dramatically change the overall density and character of Glen Cove.

Response: The Master Plan recommends increased height limits in certain specific areas: (1) the Downtown; (2) train station at Cedar Swamp Road and (3) at the Livingston site. Height limits proposed by the Master Plan for the waterfront are more restrictive from the current standards of the MW-3 district. These three areas of increased height are not likely to have wide reaching implications or significant adverse impacts on the overall character of Glen Cove, but should provide incentives needed focused revitalization.

D.29. Comments on the Density of Lands Surrounding the Waterfront PWD Project

Comment: Remaining waterfront land, outside of the Waterfront PWD Project, should be rezoned for low density similar to R-4.

Response: If the development of the waterfront is successful, it will put market pressure for redevelopment on adjacent lands. This will hopefully encourage the further clean up of remaining brown-fields. The Master Plan provides for allowing lower-density

residential (but likely higher than R-4) and other uses on the sites surrounding the waterfront as a transition toward the established R-4 neighborhoods to the north.

D.30. Comments on the Use of Properties Along Shore Road

Comment: Properties along Shore Road should be designated a "maritime recreational zone".

Response: The market potential for a pure maritime recreation zone is questionable for the entirety of Shore Road. All properties on Shore Road west of and including the Glen Cove Marina shall be required to maintain a maritime water-dependant focus, but may be permitted to seek certain limited water-enhanced uses as a means of achieving economically viability.

D.31. Disagreement with Additional Rental Units

Comment: The City has enough rental units and no additional rental units should be advocated.

Response: The Master Plan is intended to make recommendations regarding the use of land. While the Master Plan makes several recommendations that would encourage home ownership, especially of affordable units, it does not prohibit rental units.

D.32. Question Regarding the Benefit of Mixed-Use Development

Comment: How will mixed use developments in the Downtown attract downtown investment and make the area more desirable?

Response: Many existing mixed-uses in the Downtown are non-conforming. As such, there is a lack of investment in their maintenance. Making them conforming is intended to contribute to their upkeep. In addition, permitting mixed use Downtown is intended to result in the introduction of certain high-quality amenities, such as elevators, etc. The result would encourage a higher-quality multifamily environment, which will attract more residents to patronize Downtown businesses. The introduction of a more economically-diverse resident population (including empty nesters and young professionals) in the Downtown would also provide increased support for Downtown businesses. The increase in street traffic and the "eyes on the street" would also make the Downtown more welcoming to visitors.

D.33. Question Regarding Difference Between Major and Minor Subdivision

Comment: What is the difference between a major and minor subdivision? Why should minor subdivisions be exempt from providing visual analysis.

Response: A minor subdivision consists of two lots, and does not require a new road. All subdivisions consisting of more than two lots are classified as a major subdivision. The subdivision at the corner of Woolsey and Dosoris, referenced by certain commenters, would qualify as a major subdivision under the new standards in the

Master Plan. The requirement for 3-D visualizations would be unreasonable for a two-lot subdivision not requiring construction of a street.

D.34. Disagreement with the DGEIS Mitigation to Affordability Impacts on Inclusionary Housing by Requirements for 3-D Visualizations

Comment: Not requiring 3-D visualizations for workforce and affordable housing complexes risks these developments having sub-standard architectural design, which will adversely affect adjacent neighborhoods.

Response: The standard of visualizations being promoted in the Master Plan could add expense to develop exclusively affordable housing., which may make it more difficult to develop. Exempting such projects to all visualization standards as recommended by the DGEIS may not be prudent upon reconsideration. A more appropriate mitigation is to allow the Planning Board or Architectural Review Board to adjust, however not eliminate, such y visualization requirements for certain inclusionary housing developments of less than 20 units.

D.35. Request for Ban of Development on the Waterfront

Comment: Open Space in Glen Cove is at a minimum. No new building should be permitted along Glen Cove Creek or Long Island Sound.

Comment: Long Island Sound should be protected, and no development should be permitted along Glen Cove's waterfront. Development pollutes the environment and degrades wetlands. Open space should be preserved and remain in a natural state.

Response: The contamination of lands along the Glen Cove Creek has caused the City to enter into a public-private partnership to remediate and develop such parcels. Remediation of contaminated properties benefits the City, the Glen Cove Creek and the Long Island Sound. It would also be illegal under current applicable federal and state law to completely prohibit the use of private waterfront lands for development.

D.36. Comments on the Clean Up of Industrial Properties

Comment: The clean up of industrial sites or neglected properties should be discussed in the Master Plan.

Response: The Master Plan includes several recommendations to encourage the remediation of private lands.

D.37. Comments on the Impact of the Waterfront Development on Downtown

Comment: Development of the waterfront will take business away from the Downtown and Cedar Swamp Road.

Response: The permitted uses for the Waterfront, complement the uses permitted in the Downtown. Waterfront development will also introduce a large population in the vicinity of Downtown, thereby increasing patronage of existing businesses.

D.38. Comment on the Impact to Residences by Limiting Truck Traffic to Collector Roads

Comment: What is the impact on residential properties located on collector roads such as Walnut or Town Path?

Response: Limiting truck traffic to collector roads such as Walnut Road or Town Path would increase traffic impacts on those roads. These roads are better designed, however, to support truck traffic in a safe manner. More narrow residential streets are less suited to convey these vehicles safely. See DGEIS, p. 48.

D.39. Request for Information on City Expenditures Related to Preparation of the Master Plan

Comment: What is the anticipated total cost of the Master Plan study and how was it paid for?

Response: This is not a substantive comment on the impact of the Master Plan's policies and recommendation. Any information on the expenditure of public funds may be available from the City Clerk.

D.40. Comments on Impact of Jitneys

Comment: What are the impacts of the proposed jitneys?

Response: As stated in the DGEIS, the institution of jitney service to several key destinations throughout the City would likely result in positive impacts to traffic, air quality and health. It would likely also increase the patronage of existing and future business establishments in the Downtown. If funded and operated by the MTA and/or Nassau County, the fiscal impact of such a jitney is also not likely to significantly impact the fiscal health of the City. A locally financed transit option, or one that is partially financed locally, could impact the City fiscally. This impact could potentially be offset by positive impacts to City retail and service sales. The City will fully consider the fiscal implications, should it choose to implement this recommendation. It is unlikely that jitneys will have a significant adverse impact on traffic through residential neighborhoods.

D.41. Comment on the Reference to Specific Development Proposals in the Master Plan

Comment: Why does the plan specifically recommend current development proposals?

Response: The Master Plan is a document, which includes input from several stakeholders, including, members of the public, an appointed Task Force, property owners, business owners, the City's consultants and private developers. The City Council is pursuing those policies, which it believes will best achieve the goals and objectives developed during the Master Plan planning process. The Master Plan is not based on an uninformed view, which ignores the reality of existing development applications at the time of its drafting. Rather, it considers the reality of these

proposals, the suitability of lands to support the proposed development, and the appropriateness of the scale and use of these proposals, given the surrounding existing conditions. The final Master Plan will contain the policy decisions of the City Council, based upon the extensive input of a diverse population of stakeholders. These policy decisions may support development proposals, which were previously received, disagree with such proposals, or recommend modifications.

D.42. Question Requesting Location of the TOD Recommendation of the Master Plan

Comment: Where is the “high density” transit oriented development district, recommended by the Cedar Swamp Road Study, proposed to be located?

Response: Near the train station on Cedar Swamp Road.

D.43. Question for Clarification of Language in Master Plan Describing Big Ralph Park

Comment: What is meant by the designation "Financial Asset/ Future Redevelopment Site" for Big Ralph Park and what would the impacts to surrounding properties be if this park were redeveloped?

Response: Big Ralph is a neighborhood park, providing reduced recreational capacity due to the location of a city well field in the baseball field. The idea here is to potentially allow private reuse (or an additional public well) on a portion of the site, while enhancing the park to support the more neighborhood related uses. No significant adverse impacts are anticipated as a result of this recommendation.

D.44. Comments on the Master Plan Recommendation to Make Zoning Reflect Built Environment

Comment: The recommendation to lower zoning standards to reflect the built environment will encourage increased density in poorer neighborhoods that have developed under ineffective code enforcement.

Response: The commenter is correct in that lowering zoning standards in areas such as the Orchard could result in increased density. However, the majority of these “poorest” city neighborhoods are already at the highest single- and two-family residential densities (R-4). Higher density in the Orchard could only be achieved through a redevelopment district, which would require assembly of parcels, demolition of existing substandard structures, and the provision of public amenities. This is what is being proposed in the Master Plan.

D.45. Comments on Master Plan’s Lack of Recommendations Encouraging Business and Industrial Use

Comment: Not enough land is recommended for additional businesses and light industry. The City needs to generate higher end jobs intended for young professionals.

More businesses in the City would reduce congestion on roads and reduce commute times.

Response: Additional office use (and office parks) is encouraged on the south side of the Glen Cove Creek, and will be permitted within the current industrial district along Sea Cliff Avenue.

D.46. Request for Mixed-Use Residential Development throughout the Glen Cove Creek

Comment: The Master Plan should permit mixed use developments with a residential component throughout the Glen Cove Creek area so long as the development satisfied the design criteria.

Response: Full residential use of the waterfront would not achieve many of the goals of the Master Plan. Further, broader residential development in the area, beyond that proposed in the Master Plan, may result in a net increase in the City density in excess of the current baseline, which could result in significant adverse impacts to traffic, community services and utilities.

D.47. Comment on the Impact of the Master Plan on the Webb Institute

Comment: The Master Plan will have potential adverse impacts on any possible future development of the Webb Institute by proposing additional regulations of non-conforming uses.

Response: The Master Plan encourages adaptive reuse of former estates, one of which is the current Webb Institute. Under such provisions, the Institute would be permitted to apply for a permit, which allows reuse of the estate in a manner that preserves its historic significance, while permitting additional use options and granting flexibility from strict adherence to bulk requirements.

D.48. Comment Requesting LEED Certification by Mandated

Comment: All new buildings in Glen Cove should be LEED-certified.

Response: The Master Plan recommends incentives for LEED certification, without fully mandating all buildings be LEED certified at this time.

D.49. Request to Exempt Certain Development from Affordable Housing Requirements

Comment: The Certain developments in areas of the City with concentrations of affordable housing should be excused from the requirement of providing additional affordable housing.

Response: In response to comments, and in recognition of the economic and social benefits to the City of private redevelopment of blighted areas, the Draft Master Plan is being revised to acknowledge that certain private redevelopment projects should be

considered for waiver from the inclusionary housing and hillside protection recommendations of the Master Plan. This waiver should only be given for projects, which provide redevelopment of significantly deteriorated areas in a manner, which does not result in significant adverse environmental, social or economic impacts on the City or existing residents.

D.50. Request to Exempt Certain Development from Hillside Protection Provisions

Comment: Certain developments should be excused from the Hillside Protection Provisions, where existing sites are already mostly developed and where engineering practices can allay environmental concerns.

Response: See Response at D.49.

D.51. Comments on the Environmental Analysis on Master Plan Recommendations Concerning the Waterfront Development

Comment: There are disparities between the recommendations of the Master Plan Task Force's recommendations on the Waterfront, and the Master Plan's recommendations on the Waterfront. There are contradictions in statements, which relate to environmental review of other contaminated brownfields, and the finding in the DGEIS that additional guidelines contained in the Master Plan for the Waterfront development are not likely to result in significant adverse environmental impacts (referring to FGEIS section D.5.u).

Response: With regard to the role of the Master Plan Task Force, see the response to comment D.5. The DGEIS for the Master Plan is not charged with assessing the environmental impacts of the currently proposed Waterfront development. The Master Plan may impose additional requirements on the Waterfront development beyond what exist currently. The GEIS assesses the impacts of these additional requirements. The impacts of the waterfront development proposal are currently undergoing an independent environmental review with the Glen Cove Planning Board acting as the Lead Agency. (See DGEIS chapter 5)

D.52. Comments Requesting Application of Sky Exposure Planes to Waterfront PWD Development

Comment: The standards of sky exposure planes should be utilized to prevent overly imposing structures and questions why this is not considered for the waterfront.

Response: The sky exposure planes were intended for single- and two-family residential zoning districts. The Master Plan includes specific height restrictions for the waterfront instead. The waterfront development is currently undergoing a SEQRA review, which includes consideration of visual impacts.

D.53. Request for Lower Densities at Glen Cove Creek

Comment: Notwithstanding the contractual obligations between the City and the Waterfront Developer, the Master Plan should suggest lower density development on the Glen Cove Creek. Not doing so may encourage additional heights and density by other developers around the creek and in other parts of the City.

Response: The Master Plan contains development principles, which would presumably enhance the quality of life and environment for the City of Glen Cove, and are not directed exclusively at or generated by any specific development proposal.

D.54. Suggested Additional Standards for Conditional Variances

Comment: A provision for the cessation of conditional variances upon the sale of the property should be reincluded in the Master Plan.

Response: The Master Plan recommendation for annual licensing will ensure continuing compliance of the variance regardless of the owner. .

D.55. Comments Suggesting Higher Density in Downtown

Comment: “It should be noted that the trend has been to encourage the increase of densities in certain downtowns so they become more of a destination and a viable “24/7” environment. While a reduction in Downtown’s density to 45 units per acre may have some value with regard to the City’s objectives for its Downtown, the City may consider special exceptions to increase density under certain conditions where warranted that would be consistent County-wide goals of encouraging greater downtown density where the local support exists.” See Nassau County Comment Letter.

Response: The City Council considered a number of factors before arriving at its decision to reduce the maximum potential density within the Downtown. It is believed that 25 units to the acre, or 45 units to the acre with special incentives, is adequate to achieve the goals of providing additional resident consumers in the Downtown, and making the downtown a 24/7 environment. The proposed densities are some of the highest densities permitted in the City. This is consistent with the goal of encouraging greater Downtown densities.

D.56. Comment on Consistency of Master Plan with Cedar Swamp Road Corridor Study

Comment: “It should be emphasized that this TOD proposal was generated from a recommendation of the Cedar Swamp Rd. Corridor Study. It is important to have consistency with regard to recommendations advanced from one study to another.” See Nassau County Comment Letter.

Response: The comment is duly noted, and considered. The draft Master Plan, on page 86, is consistent with the Cedar Swamp Road Corridor Study.

D.57. Comment in Support of Accessory Apartments

Comment: “Accessory Apartments – This recommendation is a positive development as it provides mechanisms to make these units desirable without having an adverse effect on the neighborhood. This initiative would be even more acceptable if it was implemented in conjunction with the City strengthening its ability to curb illegal units through tougher enforcement where there is overcrowding and where there is a danger to health, safety and welfare of the tenants and the neighborhood as a whole.” See Nassau County Comment Letter.

Response: In response to several comments, the Master Plan should be revised to remove all recommendations relating to regulation of accessory apartments. While regulations allowing seniors and others in need to earn extra income from renting a small apartment would be beneficial to certain City residents, any such regulations would presently be difficult to enforce. The necessary enforcement mechanisms should be in place before accessory apartments are permitted by zoning. Any additional references suggesting the permissibility of accessory apartments, such as that on page 63, describing conditional variances, should also be removed from the Master Plan.

D.58. Comment on Balance of Density

Comment: “The issue of what is an appropriate density in a particular area may be a difficult balance to achieve and may create some controversy.” See Nassau County Comment Letter.

Response: As evidenced by the comments received on the draft Master Plan, the recommendations of the Master Plan were not without some controversy. The density proposals of the Master Plan strike a balance between providing incentive for redevelopment, providing for focused growth, aiding the economic development of the Downtown, providing public amenities and arriving at proposals that would result in a minimum of negative environmental, social or economic impacts.

D.59. Comment in Support for Affordable Housing and Suggesting Incentives

Comment: “This goal supports county-wide, regional and statewide efforts to encourage affordable housing as part of new developments. It may be appropriate for the City to issue density bonuses to developers in exchange for an affordability set aside. This may have to be done selectively.” See Nassau County Comment Letter.

Response: The Master Plan requires an inclusionary housing set-aside, but allows developers a range of income targets to satisfy. Although not an incentive, developers can choose which market they wish to satisfy in providing their obligation for affordable housing.

D.60. Comment on Potential Erosion and Strengthening of Neighborhood Character

Comment: “Protecting character of stable neighborhoods –revise zoning to better reflect established neighborhood character and minimize inconsistencies. This strategy

would reduce the need for variances, which may erode the character of a neighborhood while at the same time strengthen the character of the neighborhood.” See Nassau County Comment Letter.

Response: The revision of zoning to reflect the reality of built neighborhoods would assure that future development is in line with current standards.

D.61. Comments on Potential Density Increases of Landmark Preservation Master Plan Recommendations

Comment: “While the Plan says residential density will not increase, it appears that there may be a provision for density incentives, which would be tied to public benefit and would, required a mix of affordable, workforce and senior housing. The objective to preserve the more rural and historic character [through estate preservation] may be at odds with the density incentive provision for landmark preservation. This is somewhat confusing and may require some clarification.” See Nassau County Comment Letter.

Response: Under the Master Plan recommendations for estate preservation, equal net density would be permitted as-of-right by current zoning. By requiring clustering, higher-density may exist on a smaller portion of the site, but net density would remain the same. This is now clarified in the Master Plan.

D.62. Comment on Impacts to Economic Development of Historic Preservation and Design Review

Comment: “Historic preservation and design review may be warranted, but may be at odds with Downtown economic development objectives by placing additional burdens on the developer. This may require further investigation.” See Nassau County Comment Letter.

Response: The extent to which design review regulations place burdens on development will depend to a large extent on what type of restrictions are enacted. Generally, the purpose of form-based zoning is to allow greater flexibility with greater oversight.

Appendix A: Commenter Matrix

Commenter	Organization	Type of Comment	Date Received	Paraphrased Comment	Response
Joseph Weiser		Written	30-Mar-09	Additional uses along the south side of the Glen Cove Creek subject to incentives.	D.1
David Abiri	76 North Realty Co.	Written	3/30/2009	Residential use of waterfront PWD outparcels	D.2
Nanci Steiner		Written	3/31/2009	Negative impacts associated with the waterfront development.	D.3
Kathleen Deegan Dickson	Forchelli, Curto, Crowe, Deegan, Schwartz, Mineo & Cohn,	Written		Retail and additional commercial use on Sea Cliff Avenue.	D.4
Carol DiPaolo	Coalition to Save Hempstead Harbor	Written/Oral	3/30/2009	The Master Plan Task force was not always informed of documents and was sometimes ignored.	D.5
Carol DiPaolo	Coalition to Save Hempstead Harbor	Written/Oral	3/30/2009	Master Plan design guidelines for the north Glen Cove Creek relies on developer's design and does not account for Task Force or citizen input. Assertions that the design guidelines will have no negative impact are incorrect.	D.6
Carol DiPaolo	Coalition to Save Hempstead Harbor	Written/Oral	3/30/2009	Disagreement with land use proposed for south Glen Cove Creek	D.7
Carol DiPaolo	Coalition to Save Hempstead Harbor	Written/Oral	3/30/2009	Agreement with recommendations on securing funding for environmental clean up, coordinating infrastructure improvement and natural resource protection, maximizing use of open space and recreational resources, and preserving the City's "maritime vitality".	D.8
Lindsay Anderson		Oral	3/30/2009	Factual correction of details surrounding the demolition of the J.P. Morgan Estate	D.9
Gail Waller		Oral	3/30/2009	Comments on the selection of the Master Plan Task Force and the selection and appointment of the Task Force.	D.10
Gail Waller		Oral	3/30/2009	Interim Code inconsistencies	D.11
Gail Waller		Oral	3/30/2009	Opposition to accessory apartments	D.12
Donald Brown		Oral/Written	3/30/2009 and 4/8/2009	Residential use of waterfront PWD outparcels	D.13
Paul Meli		Oral	3/30/2009	Lack of reference to any traffic studies.	D.14
Paul Meli		Oral	3/30/2009	Commenter could not find impact analysis.	D.15
Paul Meli		Oral	3/30/2009	Fiscal impact of the Master Plan recommendations.	D.16
Debra Dumas		Oral	3/30/2009	Negative impacts associated with the waterfront development.	D.3
David Nieri		Oral	3/30/2009	Master Plan is supposed to be generic, but gives overly specific recommendations on the waterfront.	D.17
David Nieri		Oral	3/30/2009	The Master Plan should recommend a more significant required set aside for affordable housing.	D.18

Commenter	Organization	Type of Comment	Date Received	Paraphrased Comment	Response
David Nieri		Oral	3/30/2009	80 Units per acre is not permitted in any residential zone in the City.	D.19
David Nieri		Oral	3/30/2009	Disagrees with Density Recommendations of Master Plan	D.20
David Nieri		Oral	3/30/2009	Proposed DGEIS mitigations limiting accessory apartments further than is proposed by the Master Plan are inappropriate.	D.21
Pat Tracy		Oral	3/30/2009	Disagrees with the density recommendations of the Master Plan	D.20
Pat Tracy		Oral	3/30/2009	Disagrees with the expenditure of public money on a new ferry terminal.	D.22
Pat Tracy		Oral	3/30/2009	Disagrees with use of 2000 Census Data. Provides data from the Long Island Railroad.	D.23
Pat Tracy		Oral	3/30/2009	"Mixed use" development and truck traffic	D.24
Pat Tracy		Oral	3/30/2009	Noise impacts from "mixed use" development.	D.25
Anthony S. Guardino		Written	4/9/2009	The Master Plan should clarify that the sliding scale for affordable housing requirements does not apply to the Waterfront development.	D.26
Anthony S. Guardino		Written	4/9/2009	Several non-substantive editorial comments were also submitted.	D.27
Ellen Quasha		Written	4/13/2009	Opposition to increased height	D.28
Ellen Quasha		Written	4/13/2009	Increase density will increase traffic	D.20
Ellen Quasha		Written	4/13/2009	Opposition to accessory apartments	D.12
Carol Kenary		Written	4/13/2009	remaining waterfront land, outside of the Glen Isle project, should be rezoned for low density similar to R-4.	D.29
Carol Kenary		Written	4/13/2009	Land along Shore Road should be designated a "maritime recreational zone".	D.30
Carol Kenary		Written	4/13/2009	Disagrees with Density Recommendations of Master Plan	D.20
Carol Kenary		Written	4/13/2009	Opposition to accessory apartments	D.12
Carol Kenary		Written	4/13/2009	Opposition to rental units	D.31
Carol Kenary		Written	4/13/2009	Economic development value of mixed-use in downtown	D.32
Carol Kenary		Written	4/13/2009	Opposition to accessory apartments	D.12
Carol Kenary		Written	4/13/2009	difference between a major and minor subdivision and why should minor subdivisions be exempt from visualizations.	D.33
Carol Kenary		Written	4/13/2009	Not requiring 3-D visualizations for workforce and affordable housing complexes risks these developments having sub-standard architectural design which will adversely affect adjacent neighborhoods.	D.34
Gene Rooney		Written	4/10/2009	Opposition to accessory apartments	D.12
Linda Thompson		Written	4/11/2009	Opposition to accessory apartments	D.12
Mary Normandia		Written	4/13/2009	Ban on new development at waterfront	D.35
Mary Normandia		Written	4/14/2009	Clean up of industrial sites or neglected properties should be discussed in the Master Plan	D.36
Mary Normandia		Written	4/15/2009	Glen Cove does not need a Ferry Terminal.	D.22

Commenter	Organization	Type of Comment	Date Received	Paraphrased Comment	Response
Mary Normandia		Written	4/16/2009	Downtown business impacts of waterfront development	D.37
Paul Meli		Written	4/12/2009	Impact of limiting truck traffic	D.38
Paul Meli		Written	4/12/2009	Cost of Master Plan Implementation	D.39
Paul Meli		Written	4/12/2009	Cost of Implementation	D.16
Paul Meli		Written	4/12/2009	Location of Traffic Study	D.14
Paul Meli		Written	4/12/2009	What are the impacts of the proposed jitneys.	D.40
Paul Meli		Written	4/12/2009	Role of Task Force	D.5
Paul Meli		Written	4/12/2009	Timing of delivery of Draft Plan to Task Force	D.5
Paul Meli		Written	4/12/2009	Role of Task Force	D.5
Paul Meli		Written	4/12/2009	Why does the plan specifically recommend current development proposals?	D.41
Paul Meli		Written	4/12/2009	Location of Transit Oriented Development	D.42
Paul Meli		Written	4/12/2009	Recommendation for Big Ralph Park	D.43
Marilyn Brenner		Written	4/9/2009	Opposes accessory apartments	D.12
David Nieri		Written	4/13/2009	Master Plan is supposed to be generic, but gives overly specific recommendations on the waterfront.	D.17
David Nieri		Written	4/13/2009	Conflict between Master Plan and DGEIS regarding Affordable Housing	D.18
David Nieri		Written	4/13/2009	The recommendation to lower zoning standards to reflect the built environment will encourage increased density in poorer neighborhoods that have developed under ineffective code enforcement.	D.44
David Nieri		Written	4/13/2009	Disagreement with residential use of south waterfront	D.7
David Nieri		Written	4/13/2009	Benefits of Accessory Apartments	D.21
David Nieri		Written	4/13/2009	Comment on maximum build out analysis	D.21
David Nieri		Written	4/13/2009	80 Units per acre is not permitted in any residential zone in the City.	D.19
David Nieri		Written	4/13/2009	Impacts of increases in population	D.20
David Nieri		Written	4/13/2009	Task Force was not informed of plans to move transfer station and sewer plant	D.5
David Nieri		Written	4/13/2009	Not enough lands recommended for additional businesses and light industry.	D.45
David Mejias	EV/L-A GC, owner of GC marina	Written	4/13/2009	Master Plan should permit mixed use developments with a residential component throughout the Glen Cove Creek area so long as the development satisfied the design criteria.	D.46
R.C. Olsen, Jr.	Webb Institute	Written	4/13/2009	Potential Impacts on Webb Institute	D.47
Jim O'Grady		Written	4/13/2009	All new buildings in the City should be LEED certified.	D.48
Daniel Livingston	Livingston Development Corp	Written	4/10/2009	Certain developments in areas of the City with concentrations of affordable housing should be excused from the requirement of providing additional affordable housing.	D.49

Commenter	Organization	Type of Comment	Date Received	Paraphrased Comment	Response
Daniel Livingston	Livingston Development Corp	Written	4/10/2009	Certain developments should be excused from the Hillside Protection Provisions, where existing sites are already mostly developed and where engineering practices can allay environmental concerns.	D.50
Christine Budzenski		Written	4/10/2009	Opposition to accessory apartments	D.12
Leslie McCarthy		Written	4/13/2009	Opposition to accessory apartments	D.12
Carol DiPaolo		Written	4/13/2009	Environmental analysis of waterfront development in Master Plan DGEIS	D.51
Carol DiPaolo		Written	4/13/2009	Sky exposure planes should apply to waterfront	D.52
Carol DiPaolo		Written	4/13/2009	Lower density on Glen Cove Creek	D.53
Carol Kenary		Written	4/14/2009	Opposition to accessory apartments	D.12
Jon Schapiro		Written	4/14/2009	Conditional variances should cease with change of owner	D.54
Murray Serether		Written	4/15/2009	Opposition to accessory apartments	D.12
Jennifer Przewoznik		Written	4/10/2009	Opposition to accessory apartments	D.12
Jennifer Fort		Written	4/10/2009	Opposition to accessory apartments	D.12
Leatrice & Wallace Green		Written	4/13/2009	Opposition to accessory apartments	D.12
Christopher Krako		Written	4/13/2009	Opposition to accessory apartments	D.12
Suzanne Anderson		Written	4/13/2009	Opposition to accessory apartments	D.12
Suzanne Anderson		Written	4/13/2009	Opposition to accessory apartments	D.12
Martin Katz	Nassau Co Planning Commission	Written	4/17/2009	Greater Density in Downtown	D.55
Martin Katz	Nassau Co Planning Commission	Written	4/17/2009	Consistency with Cedar Swamp Road Corridor Study	D.56
Martin Katz	Nassau Co Planning Commission	Written	4/17/2009	Support for accessory apartments	D.57
Martin Katz	Nassau Co Planning Commission	Written	4/17/2009	Controversy of redistributing density	D.58
Martin Katz	Nassau Co Planning Commission	Written	4/17/2009	Support for affordable housing	D.59
Martin Katz	Nassau Co Planning Commission	Written	4/17/2009	Making zoning reflect built environment may strengthen neighborhood character	D.60
Martin Katz	Nassau Co Planning Commission	Written	4/17/2009	Density increase associated with estate preservation	D.61
Martin Katz	Nassau Co Planning Commission	Written	4/17/2009	Design review in Downtown	D.62

Appendix B: Comments Received