



SEQRA DEIS DRAFT SCOPE COMMENTS

Site Plan/Special Permit Application Lifelong Cycle, Inc. Harley-Davidson Sales and Service

1324 Jericho Turnpike, Village of New Hyde Park, NY

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1.0 Introduction

Nelson, Pope & Voorhis, LLC (“NP&V”) has reviewed the November 7, 2017 (transmitted to the Village Clerk on February 14, 2017) Draft Scope for a Draft Environmental Impact Statement (“DEIS”) for the above-referenced project on behalf of the Village of New Hyde Park. The Draft Scope was compared to information contained in the Environmental Assessment Form (“EAF”) Parts 1, 2, 3, the agency Part 3 attachment and the Determination of Significance for the above-referenced project. The purpose of this review is to assist the Village Board in determining if the Draft Scope adequately addresses identified environmental issues and concerns so that potential impacts can be fully examined in the DEIS. Based on our review, it is our belief that the topics contained in the document do not satisfactorily address the issues and concerns noted by the Village’s preliminary environmental review and should be amended as follows:

1. Under “Description of the Proposed Action,” page 2, 3rd paragraph, last sentence, the Draft Scope should define and describe what they mean by “sound buffer” or make reference that the DEIS will include this information.
2. The items listed under the “Description of the Proposed Action” on Page 3 of the Draft Scope should indicate that the purpose, public need, and benefits, including social and economic benefits of the project will be addressed.
3. The fourth bullet under “Description of the Proposed Action” on Page 3 of the Draft Scope which includes items typically associated with project location and setting should include the site and surrounding area’s zoning as well as the applicable community service districts within which the property is located.

4. The fifth bullet under “Description of the Proposed Action” on Page 3 of the Draft Scope should also indicate that information about proposed demolition will be included.
5. The Draft Scope states that the proposed dealership does not plan on hosting any special events. As part of the “Description of the Proposed Action,” the Draft Scope should indicate the method by which the dealership will ensure that no special events will be hosted at the facility or provide reference that the DEIS will provide this information.
6. Although the Draft Scope states that the proposed dealership does not plan on hosting any special events, at the same time the Draft Scope indicates that the dealership plans on having a special sales event over a period of several days once a year. Further information should be provided about this event and if more than average patronage or activity is expected, these impacts should be evaluated based on the existing environmental setting and anticipated scale, duration and intensity of activities. This would include issues relating to parking, traffic, noise, and days/hours of operation.
7. The discussion under “Potentially Significant Adverse Impacts” on Page 4 of the Draft Scope should also include potential impacts from waste oil, degreasers, rags containing oil or degreasers, and any other potential hazardous materials as noted on Page 9 of the July 2016 “Analysis of Expanded Environmental Assessment” report prepared by NP&V.
8. Page 4 of the Draft Scope states that the acoustical engineer will measure sound levels including noise resulting from idling and driving. The Draft Scope should be clear that that idling and driving includes motorcycle acceleration and revving of engines which may occur during operations, to ensure that peak noise levels are examined. The analyses must account for the unique sound characteristics and tonal range expected from a Harley Davidson motorcycle.
9. The “Noise” section on page 4 of the Draft Scope indicates that the noise study will include noise sensitive locations such as the existing church but does not indicate whether noise measurements will be taken during normal church service hours as suggested by the “Analysis of Expanded Environmental Assessment” report. This should be included in the DEIS and referenced accordingly in the Draft Scope.
10. The “Noise” section, page 4, 2nd paragraph, indicates that special events will not be evaluated as the dealership will not host such events. It should be indicated if events will occur at the facility that are not “hosted” by the dealership such as a case where a group wants to hold an event or meet at the store location. The DEIS should examine the potential for this to occur based on other dealership locations and indicate if or how such events will be prevented, or include full disclosure and analysis of the traffic, parking, noise and related impacts.
11. In the “Noise” section of the Draft Scope, it should be indicated that since the proposed dealership is expected to be in operation during the weekends and in the evening, these time periods should also be evaluated in terms of traffic parking, noise and related impacts, recognizing that the relative impact of noise may increase during periods when the ambient noise is lower.

12. In the “Noise” section of the Draft Scope, there should be a clarification as to what is meant by 4 readings at 4 locations. Specifically, the Draft Scope should be clarified to indicate there will be 4 readings at 4 locations for a total of 16 readings, if this is what is proposed.
13. In the “Noise” section of the Draft Scope, it should be indicated if the Town of Hempstead Noise Code will be evaluated. If the position is taken that this does not apply, then the rationale should be provided.
14. In the “Air Quality” section, page 6, the Draft Scope should indicate that the venting of the exhaust from the basement repair shop will be fully described and addressed in terms of potential impacts.
15. The description of the proposed building and its uses indicates that the first floor will have 8,006± SF of floor space. A rendering of the proposed building suggests that the second floor will either be the same square footage as the first floor or would be comparable in area. Although the two floors appear to have the same or similar floor areas, the project description only accounts for 1,800± SF of second-floor office space. The land use section and/or the project description should account for the proposed use of the remaining 6,205± SF on the second floor.
16. The Draft Scope indicates that the only alternative to be considered is the “No-Action Alternative.” Since the proposed project requires a special permit as well as several setback variances, an alternative that does not require area variances and which is permitted as-of-right should be evaluated as a reasonable alternative.
17. With respect to Alternatives, SEQR 617.9(b)(5)(v) identifies alternatives typically included in a DEIS, noted as follows:

(v) a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. The range of alternatives must include the no action alternative. The no action alternative discussion should evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action. The range of alternatives may also include, as appropriate, alternative:

- (a) sites;
- (b) technology;
- (c) scale or magnitude;
- (d) design;
- (e) timing;
- (f) use; and
- (g) types of action.

The DEIS should examine how the subject site was selected and if alternative sites were considered. Further, any additional reasonable alternatives that are identified through the DEIS analysis that would result in reduced impacts, such as technology, scale or magnitude, design and timing, should be included. This is particularly important since the application involves a special permit and as a result, the Village Board may consider reasonable conditions to minimize and/or mitigate potential impacts of the proposed project.