

APPENDIX C



NELSON, POPE & VOORHIS, LLC

ENVIRONMENTAL • LAND USE • PLANNING

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August 30, 2019

Forchelli, Deegan, Terrana, LLP
333 Earle Ovington Blvd., Suite 1010
Uniondale, New York 11553
Attn: Andrea Tsoukalas, Esq.

**Re: Review of Revised DEIS
Proposed Harley-Davidson Facility
1324 Jericho Turnpike, New Hyde Park
NP&V #17011**

Dear Applicant:

This letter provides a review of the contents and analyses contained in the Draft Environmental Impact Statement (DEIS) for the above-referenced project, which was dated August 2019, and had been revised in response to a previous review letter (dated July 19, 2019) on the prior submission of the DEIS (dated May 2019).

The main text portion of the revised DEIS was reviewed by this office to determine whether the comments on the May 2019 DEIS related to an inconsistency between the alternative plan that was evaluated in the text of the DEIS and the alternative plan that was evaluated in the air quality/odor report (Appendix I) had been adequately addressed. Review of the revised DEIS indicates that this inconsistency has been corrected.

Similar to the original review of the DEIS, separate analyses of the noise report (revised DEIS Appendix E), and air/odor report (revised DEIS Appendix I) were prepared for this revised DEIS review. **Attachment A** contains two memoranda documenting the results of those reviews.

Based on the results of the two reviews contained herein, it is recommended that the revised DEIS dated August 2019 be returned to the project sponsor so that the issues identified in Appendix I, Air Quality and Odor Assessment, can be addressed.

Please let me know if you need any additional information, and do not hesitate to call should you have any questions. Thank you.

Sincerely,
NELSON, POPE & VOORHIS, LLC

Charles J. Voorhis, CEP, AICP
Managing Partner

Attachments

cc:

LONG ISLAND OFFICE

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ATTACHMENT A

**DEIS COMPLETENESS REVIEW: AIR
QUALITY/ODORS
and
NOISE**

RTP Environmental Associates, Inc.

August 28, 2019



RTP ENVIRONMENTAL ASSOCIATES, INC.®

AIR • WATER • SOLID WASTE CONSULTANTS

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Westbury, New York 11590
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PROJECT MEMORANDUM

TO: Phil Malicki, Nelson, Pope & Voorhis, LLC
FROM: Kenneth Skipka, Principal
RE: **Lifelong Cycles, Inc. Proposed Harley-Davidson Dealership
DEIS Completeness Review; Air Quality and Related Issues**
DATE: August 28, 2019

RTP Environmental Associates, Inc. (RTP) is providing our review comments on the air quality and related issues as described in the *Air Quality and Odor Assessment* (prepared by Laurel Environmental Associates, LLC, and dated July 25, 2019), which was included in the Draft Environmental Impact Statement (DEIS) dated August 2019 as Appendix I. This review includes comments on Appendix C of the Assessment.

COMMENTS ON APPENDIX I (Air Quality and Odor Assessment)

First, Table 1 (in Appendix C) contains a summary of the computer model runs for nitrogen oxides impacts. However, the maximum values presented in the model runs are not those presented in Table 1.

Second, the SCREEN model results are for nitrogen oxides and the values are compared to the nitrogen dioxide air quality standard. To model the impact properly, one needs to consider the conversion rate of nitrogen oxide to nitrogen dioxide. Otherwise, the impact for nitrogen oxide as nitrogen dioxide is underestimated by up to roughly 33%. The regulatory approved model for this impact analysis should be used, or the conversion rate should be calculated and then the impact concentrations adjusted accordingly.

Third, the proper impact distances to the nearest property line should be used directly in the model instead of the maximum that were predicted by SCREEN to give estimates of the expected impacts. This is for both cavity impacts and impacts outside the influence of the cavity.

DEIS Completeness: Lifelong Cycles, Inc.
Proposed Harley-Davidson Dealership
August 27, 2019
Page 2 of 2

Fourth, the revised impacts should be incorporated into Table 1 and the summary of the results in Appendix I should correspond to the revised values.

Appendix I revised July 23, 2019. This office's previous review of the text of Appendix I (review dated July 19, 2019) provided a number of comments. However, the revised Appendix I that was provided for this review showed revisions in only one location, in the first paragraph on page 18.

Please verify that all of the July 19, 2019 comments have been addressed, then provide a "redlined" version of Appendix I showing where and how those comments were addressed, to enable the reviewer to confirm that the comments have been addressed.



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PROJECT MEMORANDUM

TO: Phil Malicki, Nelson, Pope & Voorhis, LLC
FROM: Kenneth Skipka, Principal
CC: Yeuk Moy, Analysis & Computing, Inc.
RE: **Lifelong Cycles, Inc. Proposed Harley-Davidson Dealership
DEIS Completeness Review; Air Quality and Related Issues**
DATE: August 28, 2019

COMMENTS ON APPENDIX E (Acoustic Report)

The following presents the results of the review of the noise analysis (document titled “*Acoustic Report, DEIS: Lifelong Cycles Harley-Davidson Dealership at 1324 Jericho Turnpike, New Hyde Park, NY*”, dated July 23, 2019), which is included in the Revised DEIS (dated August 2019) as Appendix E. The Acoustic Report was reviewed and commented on by Analysis & Computing, Inc.

Appendix E, Section 5.1, Pg. 21 of 45, bottom paragraph: “*The quietest one-second time intervals from the ambient measurement were replaced with the modeled motorcycle sound levels in order to evaluate the worst-case scenario impact to the soundscape.*” The methodology of discarding the lower of the two values will underestimate the resultant 1/3 octave spectrum. Adding statistical octave spectrums is inherently problematic and consequently, rarely done. However, for the present case, the underestimation is not likely to be significant and should not alter the conclusions.



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July 19, 2019

Forchelli, Deegan, Terrana, LLP
333 Earle Ovington Blvd., Suite 1010
Uniondale, New York 11553
Attn: Andrea Tsoukalas, Esq.

**Re: Review of Revised DEIS
Proposed Harley-Davidson Facility
1324 Jericho Turnpike, New Hyde Park
NP&V #17011**

Dear Applicant:

This letter provides a review of the contents and analyses contained in the Draft Environmental Impact Statement (DEIS) for the above-referenced project, which was revised in May 2019 in response to a previous review (letter dated March 21, 2019) on the original DEIS submission (which was dated February 2019). The revised DEIS was submitted to the lead agency on June 4, 2019.

The main text portion of the revised DEIS was reviewed by this office to determine whether the comments on the February 2019 DEIS had been adequately addressed. With only one (1) exception, the revised DEIS did adequately address the review comments. That single exception is related to an inconsistency between the alternative plan that was evaluated in the text of the DEIS and the alternative plan that was evaluated in the air quality/odor report. Specifically, both evaluations were to consider an As-of-Right (AOR) development on the project site, but the AOR plan evaluated in the air quality/odor report (presented as Figure 5 in DEIS Appendix I) is significantly different in terms of building orientation and coverage than the AOR layout evaluated in Section 5.2 of the DEIS. A single AOR plan must be determined, so that each analysis describes and evaluates the same plan.

Similar to the original review of the DEIS, separate analyses of the noise report (revised DEIS Appendix E), traffic impact study (TIS; revised DEIS Appendix H), and air/odor report (revised DEIS Appendix I) were prepared for this revised DEIS review. **Attachment A** contains the reviewer's report on the TIS, and **Attachment B** contains the reviewer's reports for air quality/odors and noise.

Based on this letter and the results of the reviews of the TIS, and the air/odor and noise reports contained herein, it is recommended that the revised DEIS dated May 2019 be returned to the project sponsor for revision and re-submittal.

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Please let me know if you need any additional information, and do not hesitate to call should you have any questions. Thank you.

Sincerely,
NELSON, POPE & VOORHIS, LLC



Charles J. Voorhis, CEP, AICP
Managing Partner

Attachments

cc:

ATTACHMENT A

REVIEW OF TRAFFIC IMPACT STUDY

Nelson & Pope, Engineers, Architects & Surveyors

July 19, 2019



NELSON & POPE

ENGINEERS | ARCHITECTS | SURVEYORS

JOSEPH R. EPIFANIA, PE • ROBERT G. NELSON JR., PE • THOMAS F. LEMBO, PE • ERIC J. McFERRAN, PE
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**Review of Traffic Impact Study
Revised May 2019
Special Permit and Site Plan Approval
for a Proposed Harley-Davidson Facility
1324 Jericho Turnpike, Village of New Hyde Park**

**Prepared by:
Nelson & Pope
Engineers, Architects & Surveyors
572 Walt Whitman Road
Melville, NY 11747
Contact: Osman Barrie, PE, PTOE, PTP
July 19, 2019**

INTRODUCTION:

R&M Engineering prepared a Revised Traffic Impact Study for the proposed Harley-Davidson noted above.

This Revised Traffic Impact Study was in response to our March 19, 2019 comments of the R&M Engineering Supplemental Traffic Study (dated January 2019).

REVIEW AND COMMENTS:

Based upon our review of the revised R&M Traffic Study, all our comments have been addressed. However, we offer the following for the Village's consideration.

- With respect to special events, R&M Engineering stated that the proposed dealership will not host special events. The Village should consider making "No Special Events" as a condition of approval.

ATTACHMENT B

**DEIS COMPLETENESS REVIEW: AIR
QUALITY/ODORS
and
NOISE**

RTP Environmental Associates, Inc.

July 19, 2019



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PROJECT MEMORANDUM

TO: Phil Malicki, Nelson, Pope & Voorhis, LLC
FROM: Kenneth Skipka, Principal
CC: Yeuk Moy, Analysis & Computing, Inc.
RE: **Lifelong Cycles, Inc. Proposed Harley-Davidson Dealership
DEIS Completeness Review; Air Quality and Related Issues**
DATE: July 19, 2019

RTP Environmental Associates, Inc. (RTP) is providing our review comments on the Draft Environmental Impact Statement (DEIS) for Lifelong Cycles, Inc. proposed Harley-Davidson Dealership Project at 1324 Jericho Turnpike, New Hyde Park, New York. The review includes Appendix I (air quality and odor appendix prepared by Laurel Environmental Associates, LTD) of the DEIS, Appendix E (acoustic report prepared by SoundSense) and the DEIS prepared by KGO Consulting, Inc. The review includes the updated sections of the DEIS and referenced appendices revised on May 29, 2019.

COMMENTS ON APPENDIX I (Air Quality)

Cover: There appears to be two titles of the Air Quality report; the cover reads “*Air Quality and Odor Assessment*”, but the interior pages are titled “*Environmental Assessment – Air Quality*.” Please make the title consistent with the DEIS.

Pg. 1 4th Paragraph: “*This document also assesses the potential odors associated with the proposed dealership.*” Should this read “... with the proposed operation of the dealership”?

Pg. 1 Last Paragraph: “*The facility is being relocated from its current location at 215 Northern Blvd, Great Neck, and NY 11021 with no changes in types or methods of operation.*” Remove “and.”

Pg. 2 4th Paragraph: “*Historic wind data from representative year (2017) was compiled from Queens College, Queens, NY and Eisenhower Park Nassau County, NY for the Long Island area (Figures 3 and 4).*” Wind data in Figure 3 are labelled as “Islip,” not Queens College (maybe LaGuardia Airport, LGA?) for 1992 and not 2017. And in Figure 4, winds are labelled as from LGA not Eisenhower Park, also for 1992 and not 2017.

“These are two of the closest air monitoring stations with published annual data that are considered representative of wind conditions for any given year. According to this data, the prevailing winds generally originate from almost every direction with majority contributions from the NW, NE, SW and south.” Prevailing winds are from the SW and NW quadrants, and on average a 1-year wind rose is not necessarily indicative of prevailing direction.

Pg. 3 1st Full Paragraph: *“The exhaust system will be necessary to discharge engine exhaust for interior engine testing to prevent accumulation of combustion gases including carbon monoxide, carbon dioxide, and nitrogen oxides.”* Also, note other exhaust fume constituents.

Pg. 5 1st Paragraph: *“...maintenance, could be expected to be similar to proposed operations, with some minor differences (see Section IV.E Fugitive Emissions). It is assumed that basic automotive repairs and fleet maintenance also occurs at proposed site, as well as storage of cleaning chemicals, oils and solvents.”* Change to *“occur.”*

Pg. 8 1st Paragraph: *“The most recent concentrations of all criteria pollutants at NYSDEC air quality monitoring stations nearest to the Site are summarized in Table 4 with a complete listing in Appendix A. The concentrations presented in Table 4 and Appendix A are based on 2017 monitoring data for including the closest monitoring station located 7.36 miles west of Site at the Queens College monitoring station, 65-30 Kissena Blvd Parking Lot #6, AQS Site ID: 36-081-0124.”* Is there some text missing between *“for“* and *“including”*? Lead is not monitored at Queens College site based on the 2017 DEC AQ report. Change titles of Tables 3 and 4 to agree with the Table of Contents.

Pg. 10 Next to Last Paragraph: *(See Section 3.3.7, “Construction Impacts” of Chapter 3 for a description of truck related particulate matter during construction.)* Is this reference correct?

Pg. 14 Last Paragraph: *“Monitored ambient pollutant concentrations for the metropolitan region are shown in Table 4 Values of ozone and PM2.5 were monitored in Queens and lead values were from the monitoring station in Queens College.”* Lead is monitored at IS 52.

Pg. 19 1st Paragraph: *“A SCREEN 3 evaluation of contaminants at the closest property boundary from a stack height of 24 feet results in values added to average ambient air conditions for carbon monoxide and nitrogen oxide emissions for idling motorcycle are below NAAQS allowances (see Appendix C) – confirming trivial status; The SCREEN 3 analysis for two idling motorcycle vehicles (“MC”) each have a maximum concentrations at 100 feet from a 4-inch diameter exhaust stack, with maximum ground level concentrations of CO and NOx of 170 and 0.001 ug/m3 respectively. (see Table 5). When added to even worst case air quality from 2017 (Table 4) there are no exceedances of the NAAQS due to the exhaust system as expected.”* Rewrite this paragraph to coincide with the SCREEN 3 Results. Quoted maximum does not correspond with actual

cavity maximum; 100 foot impact was at 100 meters; two SCREEN 3 analyses were presented; one with an exit velocity of 14.6 m/sec, and the second with a velocity of 1.75 m/sec (indicate which one is correct and address the cavity max values); cavity max's were much higher than listed values; add max's to ambient concentrations for total impacts; present both HS downwash case and cavity impacts with proper distances; Table 5 does not compare max concentrations to standards (see Table 1 in Appendix C of Appendix I); and finally, if the two model runs depicted in Appendix C are for separate sources, the combined impact of the two sources needs to be added to the ambient background concentration to get the proposed total concentrations for NOx and CO with the project prior to comparing the values with the standards.

Pg. 24 1st Paragraph: “ODORS” Consider revising the title of this section to “Operational Odors,” since odors from other activities are addressed in other sections.

Pg. 26 2nd Paragraph: “There are no permitted industrial sources identified within the study area and no siting of any new source of air pollutants is in Proposed Action. Any air quality impacts will be short-term and localized during construction and, therefore, no significant adverse impacts to air quality are anticipated.” This is awkwardly phrased; consider replacing the “is in” with “.....as part of the.....”, or remove the “is” altogether.

Pg. 27 First Full Paragraph: “The No-Action alternative is expected to be nearly equivalent to the Proposed Action, accept for the short-term impacts from demolition and construction, which can be mitigated.” Change “accept” to “except.”

Pg. 28 Item 5. First Full Paragraph: 5. “All necessary measures will be used to minimize fugitive dust emissions during construction activities. The preferred method for dust suppression is water application. Additionally, the following measures are recommended during construction:

- *Idling restriction. In addition to adhering to the local law restricting unnecessary idling on roadways, on-site vehicle idle time will also be restricted to five minutes for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine;*
- *Utilization of Newer Equipment. EPA's Type 1 through 4 standards for non-road engines regulates the emission of criteria pollutants from new engines, including PM, CO, NOx, and hydrocarbons (HC). All non-road construction equipment with a power rating of 50 horsepower (hp) or greater will meet emissions standard to the extent practicable;*
- *Best Available Tailpipe Reduction Technologies. Non-road diesel engines with a power rating of 50 hp or greater and controlled truck fleets (i.e., truck fleets under long term contract with the Project) including but not limited to concrete mixing and pumping trucks will utilize the best available tailpipe (BAT) technology for reducing DPM*

emissions ;

- *Diesel particulate filters (DPFs) have been identified as being the tailpipe technology currently proven to have the highest reduction capability. Construction contracts will specify that all diesel non-road engines rated at 50 hp or greater will utilize DPFs, either installed by the original equipment manufacturer (OEM) or retrofitted. Retrofitted DPFs must be verified by EPA or the California Air Resources Board (CARB). Active DPFs or other technologies proven to achieve an equivalent reduction may also be used;*
- *enforcing a 15-mph speed limit within the construction site;*
- *cleaning track-out on public roads in a timely manner; and*
- *restoration of disturbed areas as soon as practicable.”*

“All practices should be documented in a fugitive dust control plan for the construction.” The above Item 5 should be revised throughout to indicate that the measures are to be implemented for **demolition and** construction activities.

COMMENTS ON APPENDIX E (Acoustic Report)

The following presents the Noise Section Review of the Revised May 29, 2019 Appendix E: Acoustic Report, DEIS: Lifelong Cycles Harley-Davidson Dealership at 1324 Jericho Turnpike, New Hyde Park, NY, as reviewed and commented on by Analysis & Computing, Inc.:

Pg. 27 Section 5.1, 2nd paragraph: *“The measured motorcycle sound levels, mathematically extrapolated to meet the trip conditions described above for each receiver, were incorporated into a representative hour using logged data from the ambient sound level measurements at each receiver, and the changes to the overall L10 and L90 sound levels and 1/3rd octave band L10 and L90 spectra were reported.”* The term “*mathematically extrapolated*” needs to be clarified. There are many types of mathematical extrapolations, such as linear extrapolation. The Leq from multiple sources can be added, such is not the case for L10, L90 or other statistical noise metrics since frequency of the sampling is a factor. As such, the methodology of the mathematical extrapolation needs to be identified.

Pg. 28 Section 5.1, 3rd paragraph: *“Additionally, the Village Noise Code does not apply to motorcycles or other vehicular traffic noise, and as such the Leq limits within the Village Noise Code are not relevant to the modeling of the expected impacts.”* The Noise report claims that the Village ordinance does not regulate motorcycles and was dismissed with regards to the Village ordinance. While it is true that the Village has no jurisdiction on traffic noise on public roadways, the Village ordinance does apply to all noise sources not on public roadways, to include motor vehicle noises within the project site. Consequently, the Report should assess all the noise from the project site (such as the parking lot), to include motorcycles, as compared to the Village noise ordinance.

There is no exemption noted in the Village Ordinance for motorcycles off of public roadways.

Pg. 37 Appendix A, Figures A.1-A.26: “*See scale on right margin of figures.*” Please Define “*LZeq.*”

Pg. 47 Appendix A, Figures B.1-B.3: “*See scale on bottom margin of figure.*” Please Define “*LZSmax.*”

COMMENTS ON THE DEIS

The review includes the updated sections of the May 29, 2019 DEIS and Air Quality and Noise appendices revised on May 29, 2019.

Pg. 30 Last Full Paragraph: “*Additionally, the Village Noise Code does not apply to motorcycles or other vehicular traffic noise and, as such, the Leq limits within the Village Noise Code are not relevant to the modeling of the expected impacts.*” See the Note on this issue in Acoustic Report above.

Pg. 78 First Paragraph: “*The results of the Air Quality Analysis are summarized in the following sections and the report is included in its entirety in Appendix I of this DEIS*” Insert a period at end of this sentence. Change “*entirely*” to “*entirety.*”

Pg. 83 First Paragraph: “*Historic wind data from representative year (2017) was compiled from Queens College, Queens, NY and Eisenhower Park Nassau County, NY for Long Island area...*” Historic wind data is from LGA and Islip airports, and not Queens College and Eisenhower Park. See comments on Appendix I above.

Pg. 83 Fourth Paragraph: “*(Appendix C of the Air Quality Analysis). The SCREEN 3 analysis for two idling motorcycle vehicles... there would be no exceedances of the NAAQS due to the Exhaust system.*” This entire paragraph needs to be rewritten to correspond to the analysis presented in Appendix I.



March 21, 2019

Board of Trustees, Incorporated Village of New Hyde Park
c/o Spellman Gibbons Polizzi Truncale & Trentacoste, LLP
229 Seventh Street, Suite 100
Garden City, New York 11530-7775
Attn: Benjamin Truncale, Esq., Village Attorney

**Re: Review of DEIS
Proposed Harley-Davidson Facility
1324 Jericho Turnpike, New Hyde Park
NP&V #17011**

Dear Mr. Truncale:

This letter provides a review of the contents and analyses contained in the Draft Environmental Impact Statement (DEIS) for the above-referenced project, with respect to the content required for that document, as specified in the Final Scope issued by the Village of New Hyde Park Board of Trustees. The DEIS was submitted to the lead agency on February 8, 2019.

Separate analyses of the noise, traffic, and air/odor studies that were prepared for the DEIS were prepared for this DEIS review, and are attached hereto, in **Attachments A, B, and C**, respectively.

The proposed action involves demolition of the existing buildings of Miller Bros. Plumbing & Heating, Inc. and replacement with a 2-story 16,012 square-foot (SF) motorcycle dealership building, including a 6,206 SF repair facility in the cellar, and associated parking, access driveways, and landscaping that will be used to sell and service Harley-Davidson motorcycles (“Harley-Davidson facility” or “proposed facility”).

The purpose of this document is to review the contents of the submitted DEIS in detail, and determine whether the descriptions and analyses of impacts satisfy the requirements as specified in the Final Scope. If so, the DEIS can be deemed “*complete and adequate for public and agency review and comments*” under the applicable provisions of the New York State Environmental Quality Review Act (“SEQRA”). If the DEIS is not judged to have adequately met the Final Scope, the inadequacies are returned to the project sponsor in written form, and the DEIS is to be revised accordingly. This submission/review/revision process continues until the DEIS is deemed acceptable by the lead agency, upon which event the DEIS is made available to the public and involved agencies for review and comment, as part of the SEQRA review process.

The following presents the reviewer’s comments on the contents of the DEIS.

Cover

- It would be useful to insert some of the information contained on the Cover Page onto the Cover as well, such as “Prepared for”, “Lead Agency”, and “Prepared by” (this latter item limited to only the main document preparer, KGO Consulting, Inc.).

1.1 Introduction

- It is expected that the text of sub-sections 1.2 through 1.6 are adapted from text in corresponding locations in Sections 2.0, 3.0 and 5.0, so that the same comments directed to those sections would apply to the corresponding sub-sections of Section 1.0.

1.3 Potential Impacts

- In the sub-section Debris Removal and Management, it is noted that due to the age of the building there is a for potential asbestos containing materials (ACM) and/or lead-based paint (LBP). This is noted in numerous sections throughout the DEIS but not reflected in the Schedule in Appendix D. This needs to be included in the schedule to accurately reflect the duration of the project.
- In the sub-section Construction Related Traffic, it notes that overnight work would mitigate lane closures. Overnight work will not be permitted as a result of nearby residents. Sunday construction work will also not be permitted.
- In the sub-section Subsurface Investigation and Removal of Structures, it is noted the presence of two underground storage tanks and discussed in follow-on sections. However the Appendix D schedule does not include the removal of these tanks. This needs to be included in the scheduled to accurately reflect the overall duration of the project.

2.2 Location of the Subject Property

- In Section 2.2.2, refer to the Land Use Map (in Appendix A) in the second paragraph. This would necessitate renumbering this figure to Figure 3, and changing Figure 3/Zoning Map to Figure 4.
- In the second paragraph, describe the pattern of land uses in greater detail, particularly the pattern of uses that line and dominate properties along the Jericho Turnpike commercial corridor, with less-intensive and/or residential uses away from it.
- At the end of this sub-section, add a short sentence noting that land use is discussed in greater detail in Section 3.4.1.
- In the second paragraph of Section 2.2.3, similar to the description of land uses above, describe the pattern of zoning in the area in greater detail, and discuss how these two patterns support of differ from each other.
- At the end of this sub-section, add a short sentence noting that zoning is discussed in greater detail in Section 3.4.1.

2.3 Project Design and Layout

- In Section 2.3.1, third paragraph, note the purpose for orienting the building so that it will be an acoustic barrier for sound from the parking lot and service areas. Who would benefit from this design consideration?
- In the fifth paragraph discussion of the proposed pylon sign, it would be useful to include a graphic of that sign, to include maximum, height, width, whether it is illuminated (and if so, internally or externally), etc.
- In Section 2.3.2, will the cellar-level service area be soundproofed or otherwise equipped with sound baffles, to reduce fugitive noise? Will this area be provided with any sort of enhanced ventilation system, to avoid carbon monoxide build-up?
- In the first paragraph of Section 2.3.3, note the reason that the Herkomer Avenue driveway will be limited to only left turns for exiting vehicles.

- In the third paragraph, provide the reason that the proposed parking spaces are smaller than required.
- In the first paragraph of Section 2.3.5, note the location and size of the current water supply line to the site, and, if available, information on the proposed location of the service line to the proposed new building.
- In the fifth paragraph, under *Sanitary Waste Disposal*, note the location and size of the current sanitary sewer line to the site and, if available, information on the proposed location of the service line to the proposed new building.

3.1 Construction-Related Impacts

- In Section 3.1.1, under Construction-Related Traffic, indicate where the construction worker parking will be provided, the estimated number of such spaces that can be provided, and the number of construction workers that would be present at any one time, to demonstrate that all such parking needs can be accommodated without impact to traffic flow or parking availability in the vicinity.

3.2 Noise

- See separate review document, contained in **Attachment A**.
- In sub-section 3.2.2, the number of new motorcycle trips generated per hour (Worst Case) seems low. How were these values derived? How does this compare to other facilities? How do these assumptions hold up during sales events?

3.3 Aesthetics, Visual Resources and Community Character

- In Section 3.1.1, under Aesthetics and Visual Resources, change the reference to the prior July 2016 EEA to Appendix B of the DEIS.

3.4 Land Use and Zoning

- In the third paragraph of Section 3.4.1, describe the pattern of land uses in greater detail, particularly the pattern of uses that line and dominate properties along the Jericho Turnpike commercial corridor, with less-intensive and/or residential uses away from it.
- In the fifth paragraph of Section 3.4.1, similar to the description of land uses above, describe the pattern of zoning in the area in greater detail, and discuss how these two patterns support or differ from each other.
- In sub-section 3.4.1, page 40, the second paragraph notes that the proposed action would not burden the site with undue noise, odors and fumes. This is incorrect as motorcycles will add noise, odors and fumes. This also contradicts page 47, which notes that the facility is not expected to produce significant noxious noises, fumes, odors and effluents.

3.5 Transportation and Parking

- See separate review document, contained in **Attachment B**.
- In sub-section 3.5.2, page 66, the first paragraph notes that the LIRR project will have minor disruptions to typical traffic patterns and volumes during the construction phase. This is

contradicted based on the LIRR Traffic Detour Plan and LIRR Haul Routes, which indicate that there will be detours in the area and significant disruption.

3.6 Air Quality and Odors

- See separate review document, contained in **Attachment C**.

3.7 Community Services and Utilities

- In Section 3.7.2, in the sub-section titled, Nassau County Department of Health, the three (3) numbered Items in “Site Environmental Assessment” outlined in the May 18, 2017 lead agency Coordination letter from Carlos A. Pareja, P.E., Bureau Environmental Engineer for the NCDH are to be addressed. However, only the first Items (numbers 4 and 5) are included and responded to here; Item 6 remains to be addressed.

3.8 Subsurface Conditions

- As stated in the Final Scope, Section 3.8 is to address the following information related to operation of the proposed motorcycle sales & service facility: *“With respect to toxic and hazardous waste handling and disposal, this section of the DEIS will address waste generation, on-site handling and disposal methods for the service center, including solid waste, recyclable materials, waste oil, degreasers, and rags containing oil, degreasers or other potentially hazardous materials. The relevant County, State, and Federal regulatory requirements as they relate to the site and the proposed project will also be discussed.”* While the DEIS does address this requirement, that text is presented in Section 2.0, Description of Proposed Action, sub-section 2.3.7, Solid Waste Generation, Handling and Disposal. It would be appropriate for Section 3.8.2 to refer the reader to Section 2.3.7 for information on the planned solid waste handling operations and disposal procedures, followed by discussions of any anticipated impacts of implementing those operations and procedures.
- Section 3.8.2 does not address either the “Site Environmental Assessment” or the “Other Requirements” items outlined in the May 18, 2017 lead agency Coordination letter from Carlos A. Pareja, P.E., Bureau Environmental Engineer for the NCDH . It is noted that two of the three numbered items under “Site Environmental Assessment” are addressed in Section 3.7.2. . It would be appropriate for Section 3.8.2 to refer the reader to Section 3.7.2 for information on conformance to the NCDH items under “Site Environmental Assessment”, and address the NCDH items under “Other Requirements” in Section 3.8.2.

Appendix B, Expanded EA – July 2016

- How will new motorcycles be delivered to the new facility? Deliveries need to be limited to Jericho Turnpike and drop off will be prohibited on Herkomer St.

Appendix C, Final Scoping Document

- Text within the DEIS notes that no events will be held at the proposed facility. Yet this section notes potential Special Events such as “Ride for a Cure”, one day charity fund raising, etc. This is contradictory and impacts noise and traffic. This also impacts Appendix E, Sound Sense Acoustic report, as the report only includes assumptions for motorcycle trips to proposed facility. These

assumptions first seem low with respect to the number of trip to the facility and do not include special events. The analysis requires this to be addressed and needs to be updated.

Appendix G, Site Photographs, Building Elevations and Rendering

- The Village Architectural Review Board will need to approve the pylon sign proposed for the site. It is recommended that this sign be reviewed, modified or removed, to a design that fits more in character to the Village.

Appendix I, Figure 5

- This drawing is incorrect in that it does not reflect the current As of Right building layout and structure, as shown in Appendix L.

Based on the results of the review contained herein, it is recommended that the DEIS dated February 2019 be returned to the project sponsor for revision and re-submittal.

Please let me know if you need any additional information, and do not hesitate to call should you have any questions. Thank you.

Sincerely,
NELSON, POPE & VOORHIS, LLC



Charles J. Voorhis, CEP, AICP
Managing Partner

Attachments

cc:

ATTACHMENT A

COMPLETENESS REVIEW
DEIS Appendix E: Acoustic Report

Analysis & Computing, Inc.
for
RTP Environmental Associates, Inc.

February 25, 2019

Memorandum

To: Mr. Skipka/RTP

From: Y. Moy/ACINC

Subject: Completeness Review
Appendix E: Acoustic Report
Lifelong Cycles, Inc. Harley-Davidson Dealership
1324 Jericho Turnpike, New Hyde Park, NY

Date: February 25, 2019

This memorandum presents our Noise Section comments for a Completeness Review of the Appendix E: Acoustic Report, DEIS: Lifelong Cycles Harley-Davidson Dealership at 1324 Jericho Turnpike, New Hyde Park, NY.

1. **Pg. 5, Final Scope 3.2 Noise:** The ambient/background noise at the proposed site in New Hyde Park shall be presented in 1/3rd Octave bands. One-third Octave bands were only presented in Section 5 - Expected Impacts, but it is in L10, not Leq. Additionally, only one spectrum was presented for each measurement location around the proposed New Hyde Park site. The Report does not indicate when the noise measurements were taken (i.e. Morning, Afternoon or Evening).
2. **Pg. 5, Final Scope 3.2 Noise:** The Scope called for pictures to be taken at each of the sites and during each measurement. The pictures were not presented in Appendix E.
3. **Pg. 6, Final Scope 3.2 Noise:** The Final Scope called for measurements of a working motorcycle during idle, revving, and acceleration. This information was not presented in Appendix E.
4. **Pg. 6, Final Scope 3.2 Noise:** The Final Scope called for 1/3rd octave noise measurement over a 24-hour period at the Great Neck facility. This information was not presented in Appendix E.

5. **Pg. 6 Final Scope 3.2 Noise:** The Scope called for the results to be assessed against the Village and State guidelines, but those guidelines are in Leq and Leq is not used in Appendix E in assessing noise levels against the Village and State guidelines.
6. **Pg. 6, Final Scope 3.2 Noise:** The Final Scope called for an assessment of Annual Sales Events with comparative data from the Great Neck motorcycle facility's Annual Sales Event as a reference. There was no mention of this data nor an explicit discussion of the Annual Sales Event in the Report.
7. **Pg. 6, Final Scope 3.3 Aesthetics, Visual Resources, Community Character:** Noise related issues were called for in the Final Scope 3.3 Aesthetics, Visual Resources, and Community Character. This section was not available for review with regards to noise.
8. **Pg. 3, Section 2.1 Annoyance by Sound:** The NYSDEC states that the potential for noise impacts occurs at 6 dBA or greater above background. Unless the Village accepts that the standard for acoustic "annoyance" is 5 dBA or greater above background levels, and plans to use this as a criteria, it does not serve the Village to use a criteria different from that of NYSDEC.
9. **Pg. 8, Section 3.4 Noise Criteria (NC):** Source for the Table and Figure in Section 3.4 should be cited.
10. In Table 4.1.1, morning noise levels at 9 Herkomer Street appear to be missing. Was the measurement not taken, invalid, or missing from Appendix E?
11. Figure 4.4.2. Some lines are not identified in the legend.
12. The 24-hour time histories (Figures 4.2.2 and 4.3.2) would be more meaningful if presented as Leq(1-hr).

13. **Pg. 9, Section 4 Analysis of Existing Conditions:** All noise and vibration measurement equipment used (make/model) as well as the meteorological equipment used during the measurements should be identified.
14. **Section 4 Analysis of Existing Conditions:** It was stated that the expected motorcycle noises were modeled for the proposed property. However, the methodologies or computer modeling program were not identified. The reference motorcycle noise levels or its source were not identified. Consequently, the estimated noise levels cannot be properly reviewed.
15. **Pgs. 23 to 25, Figures 5.1.1 through 5.1.5:** While the Leq from multiple sources can be added, such is not the case for L10, L90 or other statistical noise metrics. While it would be possible to review the data presented in Figures 5.1.1 through 5.1.5 if the raw data is available, the report does not identify the methodology or the data used to arrive at these figures. The figures using Leq as the metric would be more meaningful, especially since the Village, NYSDEC, and US HUD criteria and/or guidelines are in Leq, not L10. Changes in dB for statistical metrics, such as L10, are not necessarily equivalent to changes in Leq.
16. **Pg. 27, Section 5.4 Expected Impact of Reverberation “Tunnel Effect”:** While it is true that the distance between buildings adjacent and the service ramp is too wide for any meaningful reverberation (“tunnel effect”), the width of the ramp is narrow enough that a reverberation can occur. The potential for the resulting noise level to be significant should be addressed, particularly for motorcycles going up the ramp since the engine would be under load.
17. **Pg. 27, Section 5.6 Expected Impact of Groups of Motorcycles:** The report only obliquely address noise levels of the Annual Sales Event. While the report stated there would be no Special Events, it made no mention of whether the Annual Sales Event will have expanded hours, changes of procedure, or estimates of the attendance. The report stated that a tenfold

increase in motorcycle traffic would result in a perceived doubling of noise volume. However, it was not indicated what the expected attendance would be nor quantitatively estimate changes to the Existing noise environment, if any.

18. The scope says ... *The acoustical engineer will measure sound levels in locations proximate to a working motorcycle, including the noise resulting from idling, revving, and motorcycle acceleration/driving and deceleration.* This was never completed.
19. Any complaints about Annual sales events or other activities at the Great Neck Facility and how those would be avoided at the proposed location were not addressed as required by the scope.

ATTACHMENT B

REVIEW OF TRAFFIC IMPACT STUDY

Nelson & Pope, Engineers, Architects & Surveyors

March 19, 2019



NELSON & POPE

ENGINEERS | ARCHITECTS | SURVEYORS

JOSEPH R. EPIFANIA, PE • ROBERT G. NELSON JR., PE • THOMAS F. LEMBO, PE • ERIC J. McFERRAN, PE
THOMAS C. DIXON, PE • GREGORY D. PETERMAN, PLS • RUSSELL Z. SCOTT, PE • MICHAEL A. SCIARA, RA

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572 WALT WHITMAN ROAD, MELVILLE NY 11747-2188
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**Review of Traffic Impact Study
January 2019
Special Permit and Site Plan Approval
for a Proposed Harley-Davidson Facility
1324 Jericho Turnpike, Village of New Hyde Park**

Prepared by:
Nelson & Pope
Engineers, Architects & Surveyors
572 Walt Whitman Road
Melville, NY 11747
Contact: Joseph G. Pecora, PE, PTOE
March 19, 2019

INTRODUCTION

R&M Engineering (R&M) prepared a supplemental Traffic Impact Study (TIS; dated January 2019) for the proposed Harley-Davidson facility noted above.

This supplemental TIS was prepared in response to our June 1, 2017 comments (attached) on the initial VHB Engineering Study for the project, titled "*Traffic Impact and Parking Analysis Report*" (dated June 30, 2016).

REVIEW AND COMMENTS

Based upon our review of the R&M supplemental TIS, all of our comments have been addressed. However, we do have some further comments for the Village's consideration.

1. With respect to special events, R&M stated that the proposed dealership will not host special events. However, R&M did conduct an analysis of a special event at the Miracle Mile Harley-Davidson and noted that parking took place both on the site and on the street along the site's frontage on NYS Route 25A. The study indicated that based on the parking count, if the proposed site desired to host a special event, all parking can be contained on site. The analysis indicated 24 cars were parked both on site and on street at this event. It is difficult to predict how many parking spaces may be required for a special event. If, however, more spaces are needed, Herkomer Street does not allow parking Monday thru Friday from 7:00 AM – 5:00 PM which will not allow any on street parking.
2. The site access on Jericho Turnpike allows for left turns into the site. It would be beneficial to review the removal of the median in front of the site to provide for a left turn lane such as exists to both the east and west of the site.
3. The site access for Herkomer Street is only 32-feet south of Jericho Turnpike. If moving this access further to the south is not practical, as a minimum the northeast corner of this site should be free of landscaping, that would limit sight distance for vehicles turning right onto Herkomer Street in order to minimize conflicts with vehicles entering or exiting the site.



NELSON & POPE

ENGINEERS & SURVEYORS

JOSEPH R. EPIFANIA, P.E. • ROBERT G. NELSON JR., P.E. • THOMAS F. LEMBO, P.E. • ERIC J. McFERRAN, P.E.
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REVIEW OF TRAFFIC IMPACT AND PARKING REPORT

June 30, 2016

Special Permit and Site Plan Approval

For A

Proposed Harley –Davidson Facility

1324 Jericho Turnpike, Village of New Hyde park, NY

Prepared by: Nelson & Pope Engineers and Surveyors
572 Walt Whitman Rd
Melville NY 11747
Contact: Joseph G. Pecora, PE, PTOE

Prepared for: Benjamin Truncale, Esq.
Spellman Rice Gibbons Polizzi & Truncale, LLP
229 Seventh Street, Suite 100
P.O. Box 7775
Garden City, New York 11530

Date : June 1, 2017

Introduction

VHB Engineering, Surveying and Landscape Architecture prepared an analysis of the potential traffic impacts that would be associated with the proposed Harley-Davidson facility@1324 Jericho Tpk, Village of New Hyde Park, dated June 30,2016.

Nelson& Pope has been requested to review this report (Traffic Impact Study-TIS).

Review and Comments

Based upon our review, we offer the following comments regarding the VHB TIS.

- 1) The study intersections chosen were consistent with general traffic engineering procedures as well as the peak hours associated with this study.
- 2) VHB conducted Level of Service Analysis for the study locations utilizing the industry accepted HCM (2010) methodology. The associated ambient growth factors as well as other analytical factors used were also appropriate.
- 3) VHB assumed a directional distribution based upon the majority of the traffic entering or exiting the site via Jericho Tpke with the remainder of the traffic entering or exiting the site would utilize the site access on Herkomer St with site access providing for right turns in and left turns out.

Nelson & Pope does not concur with this distribution. We concur that most of the trips will utilize the Jericho Tpke site access but the VHB distribution does not account for the trips that originate south of the site. The VHB assumption appears to be that any trips south of the site will utilize New Hyde Park Rd and Jericho Tpke to access the site. Given the volume of traffic thru this intersection, it would be our professional opinion that many patrons of the site would access Herkomer St via the side streets that connect Herkomer St and New Hyde Park Rd. The distribution should be revised to reflect this issue.

- 4) The VHB study looked at the accident history at Jericho Tpke and New Hyde Park Rd and the segment of Jericho Tpke from New Hyde Park Rd to Central Blvd. Nelson and Pope is of the opinion that the accident data should include the intersection of Jericho Tpke and Central Blvd and Jericho Tpke and Herkomer St.
- 5) The VHB study utilized observed trip generation rates at the existing Harley- Davidson site located on Northern Blvd in Great Neck. These rates were then utilized to determine the trip rates for the proposed Harley – Davidson site. A review of the applicant’s web site and Facebook postings indicates that in addition to the general operation of the establishment, there are numerous special events that take place sometime on a weekly basis i.e. BBQ’s Parties, Music etc. The VHB study and trip rates do not account for these activities. It is our professional opinion that these events need to be taken into account with respect to their analysis.
- 6) The VHB study indicated that the dealership was meeting the Village’s zoning requirement with respect to parking. Since the special events were not included in their study, VHB needs to review and address this and the impact of the special events with respect to providing adequate parking

Summary

The VHB study needs to address the issues mentioned above, especially those associated with the multiple special events that appear to be a basic aspect of the operation of the proposed facility

ATTACHMENT C

DEIS COMPLETENESS REVIEW: AIR QUALITY AND RELATED ISSUES

RTP Environmental Associates, Inc.

Revised March 20, 2019



RTP ENVIRONMENTAL ASSOCIATES, INC.®

AIR • WATER • SOLID WASTE CONSULTANTS

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Westbury, New York 11590
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PROJECT MEMORANDUM

TO: Phil Malicki, Nelson, Pope & Voorhis, LLC
FROM: Kenneth Skipka, Principal
CC: Yeuk Moy, Analysis & Computing, Inc.
RE: **Lifelong Cycles, Inc. Proposed Harley-Davidson Dealership
DEIS Completeness Review; Air Quality and Related Issues**
DATE: March 20, 2019

RTP Environmental Associates, Inc. (RTP) is providing this completeness review of the air quality assessment contained in the Draft Environmental Impact Statement (DEIS) for Lifelong Cycles, Inc. proposed Harley-Davidson Dealership Project at 1324 Jericho Turnpike, New Hyde Park, New York. Specifically, the review focusses on Appendix I (Air Quality) of the DEIS prepared by Laurel Environmental Associates, LTD. The issues and analyses identified in the Final Scope for the DEIS were compared to the contents of Appendix I. This review is intended to assist the Village of New Hyde Park and the applicant with ensuring that all items included in the Final Scope are adequately addressed prior to release of the DEIS for public review.

The RTP comments on specific sections of the air quality assessment presented in the DEIS are not provided in this analysis as we were not provided copies of the DEIS sections related to air quality. Our comments are strictly associated with the Final Scope of Work and Appendix I, Air Quality. The comments on the DEIS Final Scope of Work include comment inserts identifying where a final scope item was either not addressed or inadequately addressed; comments on Appendix I are also included.

As general housekeeping comments, the Appendix is referred to as the ENVIRONMENTAL ASSESSMENT – AIR QUALITY. We have assumed this will be modified once the document becomes an Appendix to the DEIS. The document also has several missing references and typographical errors especially in the Table of Contents.

The following comments relate to Section 3.6 - Air Quality and Odors of the Final Scope of Work.

Section 3.6 - Air Quality and Odors

This section of the DEIS will include the performance of an air quality analysis, which will be appended to the DEIS and summarized in the body of the text. As part of the air quality

DEIS Completeness: Lifelong Cycles, Inc.
Proposed Harley-Davidson Dealership
March 20, 2019
Page 2 of 7

analysis, a screening evaluation will be performed and Best Management Practices will be proposed, as necessary. A comparative discussion of the existing and projected traffic data and its effect on air quality and potentially sensitive receptors will also be included. This comparative discussion will be based upon the average daily traffic volumes (“ADTs”), Vehicle Miles of Travel (“VMTs”), vehicular speeds, and vehicular capacity (“v/c”) and level of service (“LOS”) for the proposed project and the years studied. *Comment: None of the above data was presented in the Appendix.* The air quality analysis will research and collect existing air monitoring data from the nearest monitors to the subject property. Data for all nonattainment or maintenance pollutants for all projects and nonattainment or maintenance pollutants plus hazardous air pollutants (“HAPs”) of concern (such as mobile source air toxics) for regionally significant projects being monitored within the area will be summarized from USEPA/NYSDEC records. Direct, Indirect (Secondary) and cumulative air quality impacts will also be assessed. The air quality analysis will also include a general discussion of air pollutant emissions expected during construction and any construction mitigation measures, if required, as well as an assessment of the need for an exhaust venting system in the vehicle service area within the cellar. *Comment: The Appendix appears to indicate there will be an exhaust system for engine exhaust pipes but it doesn’t conclude that it is a necessity. Also, there is no discussion of ventilation of the repair and maintenance area from an OSHA perspective and whether this area would have an HVAC system in common with the remainder of the occupied space.* The potential for odors to be generated and best management practices to be implemented for those potential emission sources will also be discussed including whether there is any record of odors being an issue at the Great Neck facility. *Comment: Odors at the Great Neck facility were not addressed.* As there will be no special events held on-site, the potential air quality impacts associated with such events will not be evaluated except as may occur or be exacerbated by the annual sales event or other worst case scenario. *Comment: It has been rumored complaints were registered during various events held at the Great Neck facility and these should be verified or debunked.*

Comment: All of the other issues identified in the Section 3.6 of the Final Scope of Work above are discussed in Appendix I. We have not reviewed the body of the DEIS as it was not provided for review at this time.

COMMENTS ON APPENDIX I (Air Quality)

- Pg. 1 2nd Paragraph** Revised, adopted by the Commissioner on June 27, 2018, are in effect as of January 1, 2019 and the approved Final Scoping document February 12, 2018. *Comment: Please revise the sentence as something is missing.*
- Pg. 1 Last Paragraph:** The facility is being relocated from its current location at 215 Northern Blvd, Great Neck, NY 11021 with no changes in types or methods of operation. Therefore, no significant changes to operations that will affect the ambient air quality from the existing facility versus the proposed facility (Proposed Action). [sic] However, the document explains on page 3 that... *There will also be no special events that would significantly alter evaluations conducted for normal operations....* *Comment: contradictory statements; which is correct?*
- Pg. 2 Last Paragraph:** Historic wind data from representative year (2017) was compiled from Queens College, Queens, NY and Eisenhower Park Nassau County, NY for the Long Island area (Figures 3 and 4). *Comment: The data presented is from Islip and LaGuardia airports for 1992. Why were these two stations and times chosen?*
- Pg. 3 1st Paragraph:** This report indicates from parking study portion that offsite parking will not be needed. *Comment: Awkward sentence, please revise.*
- Pg. 4 Last Paragraph:** Chemical use and fugitive emissions from current site operations could be expected to be similar to proposed operations, with some minor differences (see Section IV.E Fugitive Emissions). *Comment: Does this refer to the uses of chemicals at the Great Neck site? If so, please differentiate between the No Action alternative and Great Neck operations.*
- Pg. 5 Last Paragraph:** Nassau County is a moderate nonattainment area for the 2008 and 2018 8-hour ozone standard... *Comment: Actually, it is the 2008 and 2015 8-hour ozone national ambient air quality standards.*
- Pg. 6 1st Paragraph:** ... Table 2... *Comment: Table 2 is missing the standards for beryllium, fluoride, and hydrogen sulfide.*
- Pg. 6 1st Paragraph:** The NYSDEC guidance thresholds represent ambient levels that are considered safe for public exposure. *Comment: Suggest you modify guidance thresholds*

to guideline concentrations.

Pg. 9 Indent: As per NYSDEC guidance on PM (CP-33), assessment and minimization of PM_{2.5} impacts shall be required for all projects that trigger identified thresholds, irrespective of the project's location. This interim policy does not distinguish between areas on the basis of monitored ambient PM_{2.5} concentrations. As such, observed ambient concentrations are not a determining factor in analyzing PM_{2.5} impacts for the specific purposes defined hereunder. **Comment:** As per CP-33 “A project with an annual potential to emit PM₁₀ of 15 tons or more, calculated under Section V.C. above, that is shown to have maximum PM_{2.5} air quality impacts equal to or less than two percent (2%) of the annual NAAQS standard of 15 µg/m³, or 0.3 µg/m³, and equal to or less than 5 µg/m³ on a 24-hour basis, will be considered to have insignificant impacts. Therefore, PM would not have to be analyzed.

Pg. 9 Last Paragraph: The Proposed Action would not involve the addition of any new stationary emission sources of SO₂. Therefore, an analysis of potential increases in SO₂ emissions from stationary sources was also not warranted. **Comment:** What will be the SO₂ emissions from the new boiler?

Pg. 12 Last Paragraph: Monitored ambient pollutant concentrations for the metropolitan region are shown in Table 4. **Comment:** Table 4 does not contain the NYSDEC monitoring data for 2017. See Reference:

https://www.dec.ny.gov/docs/air_pdf/2017airqualreport.pdf

Comment: Typically, 3 years of ambient data are presented to represent the ambient conditions.

Table of Contents: Table 5 – Ambient Monitored Air Pollutant Concentrations **Comment:** Table 5 is missing.

Table of Contents: **Comment:** Table 6 is missing from the Table of Contents but is contained in the Tables at the end of the text document as TABLE 6 - CHEMICALS THAT CAN BE FOUND IN BEAUTY SALON PRODUCTS.

Pg. 14 3rd Paragraph: Per the TEM, any intersection that does not meet any of the following criteria may be eliminated and will not require further screening or a microscale analysis:

3. A 10% or more reduction in the source-receptor distance: The Proposed Action is

- leaving roadways intact with the addition only of entrance and exit ways.
4. A 10% or more increase in traffic volume on affected roadways for ETC, ETC+10 or ETC+30: The Proposed Action is adding much less than 10% increase in traffic volume;
 5. A 10% or more increase in vehicle emissions for ETC, ETC+10 or ETC+30: The Traffic Report is showing no change in Level of Service (LOS) for 99% of the lanes and with less than 10% increase in traffic volume, a 10% increase in emissions will not occur.
 6. Any increase in the number of queued lanes for ETC, ETC+10 or ETC+30: However, the Project will not result in any additional queued lanes at any location in the Project area.
 7. A 20% reduction in speed, when build estimated average speed is at 30 mph or less: The Proposed Action will not reduce speeds 20% based on the Traffic Report.

Based on this screening analysis performed for this Project **Comment:** Where is the screening analysis? and indicates that a CO the proposed Project does not require a CO microscale analysis.

Comments: a.) No traffic data analysis is provided so we cannot verify the findings. b.) (TEM) Chapter 4.4.16 refers to transportation conformity. c.) the numbering of the screen levels should be 1 through 5 and not 3 through 7. d.) Level of Service (LOS) Screening: Comment: Intersections impacted by a project, with a build Estimated Time of Completion (ETC), ETC+10, and ETC+20 LOS of only A, B, or C, are generally excluded from microscale air quality analysis. The LOS levels are as defined by the Highway Capacity Manual (HCM). Regardless of the LOS, if there are potentially sensitive receptors, i.e. schools, hospitals, retirement communities, etc., the REC/RELM (Regional Environmental Contact/Regional Environmental-Landscape Manager) or EAB staff should be contacted to determine if a microscale analysis may be appropriate. If there is no documented LOS information for an intersection or it cannot be calculated due to overcapacity traffic volumes, the intersection will be deemed to have a LOS of D or worse. e.) Please properly reference the TIS in Appendix H in connection with the above issue and the basis for the statement the ... "proposed Project does not require a CO microscale analysis"

Pg. 15 First Full Paragraph: There will be no spray booths or significant surface coating operations, no significant paint stripping or use of constituents containing hazardous air pollutants. **Comment:** Please provide the amount of coating materials to be applied in this section or reference fugitive section. Also, in this paragraph: This station source of air pollutants will be examined within this section. Comment: misspelling; should be

stationary source.

Pg. 16 Third Paragraph: When added to even worst case air quality from 2017 (Table 5) there are no exceedances of the NAAQS due to the exhaust system as expected. Comment: As noted earlier, Table 5 is missing.

Pg. 17 First Full Paragraph: The maintenance shop will use fewer than 25 gallons per month collectively of paints, lacquers, makeup solvents, and cleanup solvents, and will perform all abrasive cleaning and minor surface coating operations within the enclosed building and the emissions will be exhausted to roof-level exhaust stack with an exit velocity of at least 480 feet per minute. Comment: Is this an emission point independent of the HVAC and engine exhaust stack? Also, please refer to the first full paragraph on page 18.

Pg. 18 As-of-Right Alternative: Comment: As a general comment, odors should be addressed based on the history of complaints at the Great Neck facility in relation to neighbors and other sensitive receptors at the proposed facility. Using an Alternative as the benchmark doesn't provide an accurate or reasonably comparable assessment of the odor potential in relation to the requirements for sources to comply with 6 NYCRR-NY 211.1:

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

Pg. 21 Section V: Odors. Comment: The previous comment applies to this section as well.

Pg. 23 End of First Full Paragraph: Comment: Consider adding the following at the end of this paragraph. "As of February 2019, New York State and the USEPA are in discussions on a request by New York to have EPA address the control of background sources from other states that are interfering with the attainment of Ozone standards in New York. "

Pg. 23 Fourth Paragraph: ...maximum extent practicable by incorporating as conditions practicable mitigative measures - Comment: Awkward sentence.

Pg. 23 VI: Comment: Conclusions should be rewritten if changes to the main document warrant.

DEIS Completeness: Lifelong Cycles, Inc.
Proposed Harley-Davidson Dealership
March 20, 2019
Page 7 of 7

COMMENTS ON THE DEIS

Pg. vii: Construction-Related Air Quality Impacts – An air quality analysis was prepared by Laurel Environmental Associated LLC and included the potential air quality impacts during demolition and construction. ***Comment:*** No air quality analysis was prepared. The applicant concluded BMPs would mitigate any problem.

Pg. 75 End of Second Full Paragraph: ***Comment:*** Include a note on why some of the receptors were outside of the 300 foot radius.

Pg. 76 D. Sulfur Dioxide:... Also, the proposed action would not involve the addition of any new stationary emission sources of SO₂. ***Comment:*** Almost all stationary sources have SO₂ in their exhaust. Suggest ... ” involve the addition of very minor ... ”

Comment: The remainder of the DEIS, as it relates to air quality, is essentially a summary of the analyses in Appendix I. Therefore, any comment to Appendix I will need to be addressed (modified or corrected) in the corresponding section of the DEIS.



Incorporated Village of New Hyde Park
Building Department
1420 Jericho Turnpike
New Hyde Park, NY 11040
516 354-0022

Notice of Disapproval

BOARD OF TRUSTEES & ZONING

Date: July 21, 2015

Applicant Name: John Notaro

Applicant Address: 1005 Glen Cove Avenue, Glen Head, NY 11545

Owner's Name: James Jr. & John Miller

Owner's Address: 1324 Jericho Turnpike, New Hyde Park, NY 11040

Sec: 33 **Block:** 492 **Lot(s):** 21-24 **Zone:** Business

Address: 1324 Jericho Turnpike, New Hyde Park, NY 11040

Description of Work: The applicant is seeking approval to demolish the existing building and construct a new Harley Davidson Motorcycle showroom on the first floor with accessory offices on the second floor and motorcycle repair and maintenance in the basement. As per the plans submitted, the required off street parking for the entire building is 22 spaces that measure 10'x 25'. The plans show provisions for 21 spaces that measure 9'x 20' and 3 spaces that measure 10'x 25'

Seeking Approval for: Special use for Motor vehicle sales and service center (**Board of Trustees**)

Seeking Variance for: 19 undersized parking spaces (**Zoning**)

PLEASE TAKE NOTICE that your request has been disapproved as contrary to the Code of the Village of New Hyde Park as follows:

Violation(s):

1. **195-7. Permitted Uses: B. Special Uses**
A building may be erected, altered or used for any purpose set forth in this subsection only when authorized by the Board of Trustees as a special use after a public hearing:
(6) Sales, service, warehousing, repairing, storing, preparation and/or inspection of vehicles and motor vehicles
2. **195-49. Parking provisions for specific zones.**
Required surface dimensions in a business zone: 10'x 25'

Building Official: _____
Thomas P. Gannon
Superintendent of Buildings

SEAL



**FINAL SCOPE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
LIFELONG CYCLES, INC. PROPOSED HARLEY-DAVIDSON DEALERSHIP**

**1324 JERICHO TURNPIKE
INCORPORATED VILLAGE OF NEW HYDE PARK, NY**

Lead Agency Village Board of Trustees
Issuing Final Scope: Inc. Village of New Hyde Park
1420 Jericho Turnpike
New Hyde Park, NY 11040

Draft Scope KGO Consulting, Inc.
Prepared By: 626 RXR Plaza
Uniondale, New York 11556

Final Scope Nelson, Pope & Voorhis, LLC
Prepared By: 572 Walt Whitman Road
Melville, New York 11747

Village Board of Trustees
Inc. Village of New Hyde Park

Date: February 12, 2018

1.0 Overview

This document is the Final Scope for a Draft Environmental Impact Statement (“DEIS”) for a special permit, site plan approval and yard setback and parking stall dimension variances for the proposed Lifelong Cycles Harley-Davidson dealership to be located on a 0.61±-acre property at 1324 Jericho Turnpike in the Incorporated Village of New Hyde Park, Nassau County, New York (the “subject property”). The subject property is further identified as Nassau County Land and Tax Map Section 33 – Block 492 – Lots 21-24 and is located within the Village’s “Business District B” zoning district.

The proposed project includes the construction of a two-story 17,090± square-foot (“SF”) total gross floor area (“GFA”) building containing useable basement space, associated parking, access curb cuts and driveways, landscaping and signage (hereinafter the “proposed action”). The subject property is currently commercially developed with Miller Bros. Plumbing & Heating, Inc. and is surrounded primarily by a combination of commercial and single-family residential land uses. As part of the proposed action, the buildings associated with the existing plumbing and heating business (approximately 5,684±-SF) would be demolished and cleared from the site for redevelopment.

In July 2016, the applicant submitted an Expanded Environmental Assessment (“EEA”) report (hereinafter, referred to as the “July 2016 EEA”), which addressed the following potential impacts: Construction-Related Impacts, Land Use and Zoning, Community Services and Utilities, Transportation and Parking, Noise, and Aesthetics, Visual Resources and Community Character. A traffic and parking impact assessment and noise study, along with other analyses, were prepared and included as part of the July 2016

EEA. Public hearings were also held by the Village of New Hyde Park Board of Trustees (“Village Board”) during this initial review.

On February 7, 2017, the Village Board commenced coordinated review with potentially involved agencies under the New York State Environmental Quality Review Act (“SEQRA”) and once the minimum required 30-day lead agency coordination period had lapsed, declared itself lead agency pursuant to 6 NYCRR §617.6(b)(3) by resolution dated June 13, 2017. The Village Board, as lead agency, then classified the proposed project as an “Unlisted” action under SEQRA and issued a Positive Declaration on June 13, 2017, thereby indicating that one or more moderate-to-large impacts were possible from the subject action and that a DEIS must be prepared to further evaluate and mitigate impacts to the maximum extent practicable. To ensure that the DEIS will address all significant issues, the Village Board, as lead agency in the subject matter, elected to conduct formal DEIS scoping pursuant to the SEQRA regulations set forth in 6 NYCRR §617.8. The Applicant prepared a Draft Scope dated November 7, 2017 and submitted it to the Village Board for its review and distribution to other involved agencies, as well as to make it available to the general public for its review and consideration. A duly noticed DEIS scoping session (public hearing) was held by the Village Board on January 16, 2018 to hear any and all recommendations relating to the DEIS’s scope and content and copies of the Draft Scope were made available to attendees at the hearing. The Applicant, Applicant’s representatives, Village Board, the Village’s environmental, traffic and noise consultants, involved and interested agencies, local organizations, residents and business persons from the community were given an ample opportunity to provide background, identify issues and concerns, and/or make suggestions as to the necessary scope and content of the DEIS. A ten-day written comment period was provided following the hearing/scoping session so that anyone having additional input or afterthoughts or who was unable to attend the hearing/scoping session could provide written correspondence to the Village Board.

This Final Scope prepared by the Village and its consultants provides a general description of the proposed action as revised by the Applicant and details the required scope and content of the DEIS based on the substance of the original Draft Scope, input received from the Village Board, the Village’s environmental consultants (Nelson, Pope & Voorhis’) as indicated in its November 27, 2017 memorandum titled “SEQRA DEIS Draft Scope Comments,” the public at the duly noticed public scoping session held by the Village Trustees on January 16, 2018, and letters and email correspondence received from involved agencies and the general public during the designated written comment period.

This Final Scope has been prepared in accordance with 6 NYCRR §617.8(f) and addresses the following general topics:

- Brief description of the proposed action
- Potentially significant adverse impacts
- Extent and quality of information needed to adequately address potentially significant adverse impacts
- Initial identification of mitigation measures
- Reasonable alternatives to be considered

2.0 Description of the Proposed Action

The proposed action requires a special permit, site plan approval and yard setback and parking stall dimension variances for the development of the Harley-Davidson dealership. The subject property is currently developed with an existing 5,684±-SF plumbing and heating business (and associated buildings) and, as part of the proposed action, would be demolished and replaced with a two-story, 17,090±-SF GFA

Harley-Davidson sales, service and repair center. The ground floor would total 8,380±-SF and be used for sales and motorcycle display area with ancillary spaces. The second floor would be smaller than the ground floor and contain 1,800±-SF of office space. A 6,910±-SF cellar would be used as a motorcycle service center. The cellar would be accessed on the northwest side of the building via a ramp that descends along the west side of the building to the cellar. The proposed Harley-Davidson dealership would be strictly a sales and service center.

The new building would be an L-shaped design positioned on the southwestern portion of the subject property, with paved and landscaped areas to the north and east. The shipping, receiving and basement service access areas would be located in the front (north side) of the building. All on-site parking for the dealership would be located north of the building, along the western property boundary and adjacent to Jericho Turnpike. New landscaping and plantings would be installed along the northern border of the property, between the proposed parking lot and Jericho Turnpike; the eastern border of the subject property, along Herkomer Street; and the southern boundary of the subject property. A pylon sign for the dealership would be placed in the northeast corner of the subject property, near the intersection of Jericho Turnpike and Herkomer Street.

Site access to the subject property would be provided by two site driveways. The primary or main site access would be from a new curb cut on Jericho Turnpike, across from Central Boulevard. One ancillary or secondary access would be provided via a new curb cut on Herkomer Street. This secondary access would be located at the north end of the property 33± feet south of the intersection of Herkomer Street and Jericho Turnpike and would be limited to right turns in and left turns out of the site. Appropriate signage would be installed to inform drivers and riders of this restriction. The existing curb cuts along the frontage of the subject property on Jericho Turnpike (one total) and Herkomer Street (two total) would be closed.

A total of 26 surface parking spaces would be provided (including one land banked space) on the north side of the proposed building and two Americans with Disabilities Act (“ADA”) spaces located near the front entrance. A variance is required for the proposed standard space parking stall dimensions, as the Village of New Hyde Park requires parking stalls to measure 10-feet-by-25-feet, while the proposed parking stalls would measure 9-feet-by-20-feet. The proposed setbacks would be as follows: 80’-0” front yard (Jericho Turnpike), 12’3” second front yard (Herkomer Street), 1’-0” side yard, and 10’-0” rear yard. As the maximum setback requirement is 2 feet, a variance is required.

Regarding operations, the anticipated hours for the proposed dealership and service center are as follows:

Sales

March 1st to October 31st

M-F 9:00 am to 7:00 pm
Sat 9:00 am to 5:00 pm
Sun 10:00 am to 4:00 pm

November 1st to February 28/29

M-F 9:00 am to 6:00 pm
Sat 9:00 am to 5:00 pm
Sun Closed

Service

M-F 9:00 am to 6:00 pm
Sat 9:00 am to 5:00 pm
Sun Closed

The number of employees at the site would vary by season from 15 to 25.

Regarding events, an annual sales event over a period of days (similar to that held by an automobile dealership) could be expected. The DEIS will discuss the typical attendance, scale/intensity, month of the year, duration of the event in days, hours if different from normal operating hours, special activities, and related impacts associated with this annual event, including parking, traffic, and noise. The only potential “special” event would relate to an annual Ride for a Cure, a one-day charity fundraising event of Harley Davidson when riders participate in a pre-determined route. Prior to undertaking any such event, the applicant would apply for a special event permit in accordance with Village Law. While customers of the proposed dealership may elect to participate, the applicant is not proposing to host any pre- or post-ride events at the subject property (e.g., bike wash, barbeque).

This section of the DEIS will also indicate whether or not events which are not specifically “hosted” by Lifelong Cycles (such as a group that wants to hold a rally, event or meet at the shop location) or that might be sponsored by the business at some time in the future, may affect routine operating conditions and impact the community. The DEIS will examine the potential for this to occur based on other dealership locations and indicate if and how impacts from such events will be prevented, or include full disclosure and analysis of the traffic, parking, noise and related impacts.

In order to implement the proposed action, the following approvals are required:

Agency	Permit/Approval
Village of New Hyde Park Planning Board	Architectural Review, Preliminary Site Plan Approval
Village of New Hyde Park Board of Trustees	Special Use Permit, Final Site Plan Approval
Village of New Hyde Park Zoning Board of Appeals	Setback and Parking Stall Dimension Variances
Village of New Hyde Park Department of Public Works	Curb Cuts
Water Authority of Western Nassau County	Water Connection
Nassau County Planning Commission	239-m
Nassau County Department of Public Works	Sewer Connection, 239-f
Nassau County Health Department	Sewer Connection, Water Connection
New York State Department of Transportation	Highway Work Permit

The DEIS shall comply with 6 NYCRR §617.9, “Preparation and Content of Environmental Impact Statements” and conform to this Final Scope. The section of the DEIS entitled *Description of the Proposed Action* will provide a thorough description of the proposed action and of the existing conditions on the approximately 0.61±-acre subject property. The *Description of the Proposed Action* section of the DEIS will specifically include information relating to the following:

- Description and location of the proposed action, including text description and appropriate maps, aerial photographs, tables, etc.;
- Physical characteristics of the site, such as the boundaries, size and existing pervious and impervious areas and site conditions, land use and zoning and applicable community service districts;
- Summary of surrounding land uses and zoning, surrounding roadway/highway network;
- Information about the proposed demolition, removal of any existing subsurface structures (drywells, sanitary systems, storage tanks, etc.), any existing site conditions requiring cleanup, and proposed development, including operational information, building area,

- landscaping including retention of any existing landscaping and proposed landscaping to maintain or enhance the aesthetic quality of the site, and buffers;
- Summary of proposed traffic and circulation, parking and site access, egress and circulation;
 - Infrastructure requirements, including water supply, wastewater treatment and disposal and stormwater management;
 - Project purpose, need and benefits, including social and economic benefits, such as local tax revenues, any new temporary, full-time or part-time employment opportunities for locals;
 - Projected construction schedule and potential construction impacts; and
 - Required local, county and state approvals.

3.0 Potentially Significant Adverse Impacts

The DEIS will be prepared in accordance with the Final Scope promulgated by the lead agency and in accordance with 6 NYCRR §617.9(b). Based upon review of the site, the proposed plan and the July 2016 EEA, a Positive Declaration was issued by the Village Board on June 13, 2017 identifying the following potential impact issues: construction-related impacts; noise; aesthetics, visual resources and community character; land use and zoning; transportation and parking; air quality and odors; community services and utilities; and subsurface conditions.

The proposed application is for the development and operation of a Harley-Davidson dealership, providing sales and repair services to customers; however, several comments related to potential impacts from special events held on-site have been raised. The potential impacts of special events should be assessed, whether currently proposed or not, to address this possibility and provide a “worst case” evaluation of potential environmental impacts.

Based upon the above, the identified potential significant adverse impacts, as well as other relevant issues, will be fully addressed in the various DEIS sections, as briefly outlined below.

3.1 Construction-Related Impacts

This section of the DEIS will summarize the analyses and findings of the July 2016 EEA, with supplemental analyses of the potential impacts identified in the Village’s EEA Analysis, including fugitive dust during demolition; construction vehicle, equipment and materials staging; hours and days work will be performed; erosion and sedimentation controls; site cleanup and required procedures as applicable based on the proposed Phase I Environmental Site Assessment (“ESA”) and Phased II ESA (if warranted); management of construction-related debris; and solid waste management and disposal. This section will summarize the proposed construction schedule and phasing. A description of mitigation measures proposed to address and minimize the potential demolition and construction impacts, including noise impacts will also be summarized in this section of the DEIS.

3.2 Noise

This section of the DEIS will include quantitative analyses of the existing and potential noise levels of the proposed Harley-Davidson dealership. A complete Noise Study will be prepared for the most recently proposed plan by an acoustical engineering firm and appended to the DEIS and summarized in the body of the text. Technical terms or terms of art included in the discussion will be defined as necessary. The Noise Study will include the use of a 1/3 octave band spectrum analyzer to identify existing ambient noise (or background noise levels) at the proposed construction location in New Hyde Park, in both the morning and the evening. At both times, the acoustical engineer will also take four (4) readings at four (4) different locations (16 readings total) for 20 minutes each with pictures taken at each location at the time of each reading. Noise-sensitive locations will be included in the noise study, including the nearby church,

New Hyde Park School and closest residential neighbors to the south and east of the subject property. The noise analysis will also address noise impacts during times of low ambient noise to evaluate the worst case scenario. A discussion of noise related impacts and mitigations to address potential motorcycle test drives along side streets, noise for groups of two or more motorcycles and sound levels from motorcycle sound systems which must be louder than the bikes themselves to be heard by the driver will also be provided. The acoustical engineer will measure sound levels in locations proximate to a working motorcycle, including the noise resulting from idling, revving, and motorcycle acceleration/driving and deceleration. A 1/3 octave band spectrum analyzer will also be used to identify the ambient noise levels over a 24-hour period at an existing Harley-Davidson dealership located in Great Neck and the resultant levels will be compared with any applicable standards, as well as sound levels and the unique tonal range of motorcycles.

Noise from the existing Great Neck dealership, as recorded at adjacent locations during peak noise periods, will be evaluated and compared to the maximum levels set forth in Chapter 122, "Noise," of the Village Code and New York State Guidelines. The potential maximum noise levels from the proposed Harley-Davidson dealership as recorded at the four (4) closest sensitive receptors will also be evaluated and compared to the maximum levels set forth in the Village and by the State.

The reverberation effect ("tunnel effect") of the proposed building will be assessed using an appropriate methodology, in order to determine any potential amplified noise impacts which may occur as a result of the configuration of the building in consideration of the neighboring building to the west. If the results of the assessment/screening are found to be significant relative to existing regulations, a more detailed assessment may be necessary.

If the noise analysis determines the potential for exceedances from motorcycles coming, going or congregating; routine operational activities; and an annual sales event, as indicated in the Village Noise Ordinance, mitigation measures will be presented. Comparative data from the Great Neck motorcycle facility's annual sales event should be used as a reference.

Finally, this section will also address any anticipated issues or concerns related to vibrations from motorcycles that may adversely affect neighboring land owners.

3.3 Aesthetics, Visual Resources and Community Character

This section of the DEIS will summarize the analyses and findings of the July 2016 EEA, with supplemental analyses of the potential impacts identified in the Village's EEA Analysis. This section of the DEIS will discuss the existing sound levels and ambient noise conditions including the cumulative effects of the LIRR, local plane and helicopter traffic, and motor vehicle traffic along Jericho Turnpike as they relate to community character, as determined by the Noise Study as discussed above. The projected changes in sound levels or the noise environment as it relates to the character of the community will be assessed. This section of the DEIS will discuss the prior real estate assessment prepared and included in the EEA, and as part of the DEIS, such assessment will be updated to include quantitative analyses of the potential impacts to property values, community character and the pattern of development. Visual/aesthetic conditions relating to proposed building architecture, site landscaping, retention of any existing trees or landscaping, visual screening and signage will also be discussed.

3.4 Land Use and Zoning

This section of the DEIS will summarize the analyses and findings of the July 2016 EEA, with supplemental analyses identified in the Village's EEA Analysis with respect to the criteria for issuance of a special permit, as set forth in §195-7(B) of the Village Code. Such analyses will consider the potential impacts associated with the projected changes to noise levels, pursuant to the Noise Study discussed above. The compatibility of the proposed land use with surrounding uses will be considered. A discussion of proposed operations will be provided including the typical attendance, scale, duration, intensity and related impacts associated with the anticipated annual sales event. Conformance to dimensional zoning requirements and analysis of requested variances will be discussed in conjunction with the variance standards set forth in the §195-36 (2) and (3) of the Village Code.

3.5 Transportation and Parking

This section of the DEIS will describe the existing traffic conditions and evaluate the effects of the proposed action on the surrounding area roadways and parking pursuant to the comments set forth in the Village's EEA Analysis. The analysis will utilize verified data from the previously submitted Traffic Impact and Parking Analysis Report ("TIS") prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. and included in the July 2016 EEA, as well as supplemental analyses to address the Village's EEA Analysis. Specifically, the following will be performed:

- Assessment of the directional distribution of traffic for trips originating south of the subject property that may potentially utilize the side streets (specifically Herkomer Street and S. Park Place) rather than New Hyde Park Road and Jericho Turnpike (NYS Route 25).
- Perform an expanded accident analysis to include the intersections of Jericho Turnpike (NYS Route 25) at Central Boulevard and Jericho Turnpike (NYS Route 25) at Herkomer Street, in addition to the roadway segment of Jericho Turnpike (NYS Route 25) to Central Boulevard.
- Conduct additional observations at an existing Harley Davidson facility in Great Neck to confirm the level of traffic and parking demand and to assess how the level of activity would translate to the proposed facility.
- Consider potential traffic conflicts and safety issues associated with the locations of the proposed site accesses and any nearby driveways.
- Consider impacts on pedestrian activity and safety including potential impacts on pedestrians commuting to and from the New Hyde Park train station, as well as potential conflicts with or dangers to school children at the nearby New Hyde Park Road Elementary School and school street crossings, especially during student drop off, pick up, and after school activities.
- A discussion will be provided of the potential traffic issues that may arise from the proposed project in conjunction with the LIRR Third Rail roadwork that is planned in the area. This will include any changes to traffic patterns from road closures or detours and how the proposed project may exacerbate traffic conditions.
- Consider potential impacts of the proposed project in conjunction with increased traffic and demand for parking from farmers' market activities occurring during weekends in the summer.

The Applicant will assess traffic and parking impacts related to the proposed annual sales event as well as any possible future events that could be held, whether currently proposed or not, to determine and evaluate the "worst case" scenario. A complete TIS will be prepared and appended to the DEIS and summarized in the body of the text and the TIS will fully address comments made by Nelson & Pope Engineers and Surveyors ("N&P") in the July 2016 Analysis of Expanded Environmental Assessment prepared by NP&V.

3.6 Air Quality and Odors

This section of the DEIS will include the performance of an air quality analysis, which will be appended to the DEIS and summarized in the body of the text. As part of the air quality analysis, a screening evaluation will be performed and Best Management Practices will be proposed, as necessary. A comparative discussion of the existing and projected traffic data and its effect on air quality and potentially sensitive receptors will also be included. This comparative discussion will be based upon the average daily traffic volumes (“ADTs”), Vehicle Miles of Travel (“VMTs”), vehicular speeds, and vehicular capacity (“v/c”) and level of service (“LOS”) for the proposed project and the years studied. The air quality analysis will research and collect existing air monitoring data from the nearest monitors to the subject property. Data for all nonattainment or maintenance pollutants for all projects and nonattainment or maintenance pollutants plus hazardous air pollutants (“HAPs”) of concern (such as mobile source air toxics) for regionally significant projects being monitored within the area will be summarized from USEPA/NYSDEC records. Direct, Indirect (Secondary) and cumulative air quality impacts will also be assessed. The air quality analysis will also include a general discussion of air pollutant emissions expected during construction and any construction mitigation measures, if required, as well as an assessment of the need for an exhaust venting system in the vehicle service area within the cellar. The potential for odors to be generated and best management practices to be implemented for those potential emission sources will also be discussed including whether there is any record of odors being an issue at the Great Neck facility. As there will be no special events held on-site, the potential air quality impacts associated with such events, will not be evaluated, except as may occur or be exacerbated by the annual sales event or other worst case scenario.

3.7 Community Services and Utilities

This section of the DEIS will update (to reflect the new plan) and summarize the analyses and findings of the July 2016 EEA, with supplemental analyses of the potential impacts associated with site security, as identified in the Village’s EEA Analysis. The DEIS will assess the ability of the Nassau County Police Department – Third Precinct (“NCPD”) to accommodate and serve the proposed commercial development, including during the proposed annual sales event and any other event that may be held in the future, whether currently proposed or not. The impact assessment will include consultations with the NCPD to determine the ability to serve the proposed future development as a Harley Davidson dealership. As part of the DEIS, consultations with the New Hyde Park Fire Department and Nassau County Fire Marshal will also be undertaken to determine fire protection and safety requirements. Regarding utilities, this section of the DEIS will include consultations with the Nassau County Department of Public Works (“NCDPW”) (sewage disposal) and the Water Authority of Western Nassau County to confirm the availability of services for the proposed development. This section will also address the “Water Supply” comments provided in the May 18, 2017 lead agency Coordination response letter from Carlos A. Pareja, P.E., Bureau Environmental Engineer for the Nassau County Department of Health.

3.8 Subsurface Conditions

This section of the DEIS will include a summary of the existing conditions, as it relates to recognized environmental conditions (“RECs”) and/or potential environmental concerns (“PECs”), as determined from a Phase I Environmental Site Assessment (“ESA”). A Phase II ESA will be performed, if required, and discussed. With respect to toxic and hazardous waste handling and disposal, this section of the DEIS will address waste generation, on-site handling and disposal methods for the service center, including solid waste, recyclable materials, waste oil, degreasers, and rags containing oil, degreasers or other potentially hazardous materials. The relevant County, State, and Federal regulatory requirements as they relate to the site and the proposed project will also be discussed. This section will also address the “Site Environmental Assessment” comments and “Other Requirements” outlined in the May 18, 2017 lead

agency Coordination letter from Carlos A. Pareja, P.E., Bureau Environmental Engineer for the Nassau County Department of Health.

4.0 Extent and Quality of Information Needed to Adequately Address Potentially Significant Adverse Impacts

In order to conduct the analyses of potential adverse impacts, available information will be collected and reviewed, and empirical information will be developed. Relevant information from the July 2016 EEA will be incorporated, as appropriate and information and analyses will be revised and updated as warranted to reflect, evaluate and address the newly proposed plan. While it is not possible to determine all information sources to be used, the following represent sources/research that have been preliminarily identified as necessary to perform the required analyses in the DEIS.

Construction-Related Impacts

- Construction schedule and phasing
- Local noise and construction ordinances
- Relevant standards and regulations governing sediment and erosion control
- Waste management and staging

Noise

- Noise measurements utilizing 1/3 octave band spectrum analyzer at the subject property and similar facility
- Noise measurements taken to evaluate potential sensitive noise receptors such as churches and surrounding residential neighborhoods.
- Noise measurements taken in the morning and evenings (16 readings), as well as during low ambient noise levels when a new source of noise will be most disruptive and during Sunday morning church services.
- Incorporated Village of New Hyde Park Noise Ordinance (Chapter 122 of the Village Code
- The “reverberation effect” of the proposed building will be analyzed using an appropriate methodology, in order to determine any amplified noise impacts which may occur as a result of the configuration of the building in consideration of the neighboring building to the west.
- Cumulative noise impacts from the proposed action and ambient noise associated with the nearby LIRR, plane and helicopter activity, and traffic along Jericho Turnpike will be assessed.

Aesthetics, Visual and Community Character

- Noise Study, as prepared by acoustical engineer
- Real estate assessment (updated)
- Relevant information, attachments and analyses within the July 2016 EEA
- Site and building elevations that show proposed layout, building architecture, landscaping, site screening and signage.

Land Use and Zoning

- Sections 195-7(B) and 195-36 (2) and (3) of the Village Code of the Incorporated Village of New Hyde Park
- Technical reports prepared as part of this DEIS (e.g., Noise Study, Air Quality Analysis, real estate assessment, etc.)
- Land use and zoning maps and aerial photograph

- Field inspection(s) observations, photographs, project rendering
- Relevant information, attachments and analyses included within the July 2016 EEA

Transportation and Parking

- Supplemental Traffic Impact Study, based on the Highway Capacity Manual (“HCM”), latest edition
- Institute of Transportation Engineers (“ITE”) publications and recommended practices.
- New York State Department of Transportation (“NYSDOT”) Highway Design Manual
- NYSDOT Yearly Traffic Data Report and Traffic Data Viewer
- VHB Traffic Impact and Parking Analysis Report dated June 30, 2016
- Applicable N&P comments provided in the July 2016 Analysis of Expanded Environmental Assessment” report

Air Quality and Odor

- New York State Department of Transportation (“NYSDOT”) Environmental Procedures Manual (“EPM”)
- New York Department of Environmental Conservation (“NYSDEC”) published air quality data, Rules for Indirect Sources and Air Quality Technical Manuals
- SCREEN3
- VISCREEN

Community Services and Utilities

- Consultations with the NCPD, NCDPW, New Hyde Park Fire Department, Nassau County Fire Marshal, and the Water Authority of Western Nassau County

Subsurface Conditions

- Phase I and/or II Environmental Site Assessment
- Relevant County, State and Federal regulations
- Comments provided in the May 18, 2017 lead agency Coordination letter from Carlos A. Pareja, P.E., Bureau Environmental Engineer for the Nassau County Department of Health

5.0 Initial Identification of Mitigation Measures

As the DEIS analyses have not yet been conducted, no specific mitigation measures have yet been developed. Nonetheless, where the impact analyses conducted in the DEIS indicate the potential for significant adverse impacts, this section of the DEIS will set forth measures to mitigate those impacts.

6.0 Reasonable Alternatives to Be Considered

Pursuant to 6 NYCRR Part 617, the DEIS must contain a No-Action alternative, and a description and evaluation of any reasonable alternatives to the proposed action. The DEIS will analyze the impacts of the No-Action alternative (site remains as it currently exists) and will be quantitatively and qualitatively compared to the impacts to those associated with implementation of the proposed action.

A second alternative (i.e., an “As-of-Right” alternative) will also be discussed. This alternative will include an assessment of a site development consisting of an alternative land use that is permitted as-of-

right in the Business District B zone and does not require zoning variances relative to the proposed project.

A third alternative will discuss relocating the proposed project to an alternative site. This assessment will include the identification of the site or sites that were considered, whether a realtor was consulted in the site selection process, a discussion of the potential impacts and benefits of locating at an alternative site, and why an alternative location was not selected.

7.0 General Organization of DEIS

The DEIS will conform to content requirements promulgated under §617.9, “Preparation and Content of Environmental Impact Statements” of SEQRA and will contain the following sections:

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Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

An application was made to the Village Board of the Village of New Hyde Park by Lifelong Cycles, Inc., for a new proposed Harley Davidson Facility to be located on a 0.61±-acre, property at 1324 Jericho Turnpike in the Village of New Hyde Park, Nassau County, New York. The proposed action involves a special permit and site plan approval for development of a Harley-Davidson facility at the subject property.

The proposed project would involve the construction of a 2-story 16,012 square-foot (SF) building, including a 6,206 SF repair facility in the cellar, and associated parking, access driveways, and landscaping (hereinafter the "proposed action"), to be located at 1324 Jericho Turnpike in the Incorporated Village of New Hyde Park, Nassau County (the "subject property"). The subject property is currently commercially developed with Miller Bros. Plumbing & Heating, Inc., surrounded primarily by a combination of commercial and residential land uses, and is designated on the Nassau County Land & Tax Map as Section 33 – Block 492 – Lots 21-24.

The applicant has submitted documents in support of the application including an Expanded Environmental Assessment prepared by VHB dated July 2016, which was reviewed and re-certified by three independent consultants on behalf of the applicant, specifically RMS Engineering for traffic impacts (letter dated April 6, 2017), SoundSense for noise impacts (letter dated March 31), and KGO Consulting for environmental impacts (letter dated March 29, 2017).

The Village Board has held public hearings on the pending application, reviewed environmental documents, inspected the subject property and members have completed collective and individual deliberations regarding the application. The Village Board of the Village of retained Nelson, Pope & Voorhis, LLC (NP&V) a professional environmental planning consulting firm based in Melville, New York to review the SEQRA documentation and environmental impacts (including affiliated firm Nelson & Pope, Engineers (N&P) to review traffic impacts) and RTP Environmental Associates, Inc. to review noise impact and related documents. NP&V, N&P and RTP have reviewed the above referenced submissions and find that there are one or more potential significant adverse environmental impacts that have not been adequately addressed in the documents. NP&V, N&P and RTP have prepared supplemental reports outlining these potential impacts and deficiencies in the applicants documentation which are appended hereto in support of this Determination of Significance.

6NYCRR Part 617.7 outlines criteria for determining significance of an action. The proposed action may result in potential impacts related to traffic, parking, noise, air/odor, community character, aesthetics, visual impacts, land use and zoning, community services and utilities and related potential significant adverse impacts pursuant to Part 617.7, the Village Boards review of the matter, and reports provided by consultants to the Village. There is public interest and concern with respect to the project. The Village Board believes that a Draft Environmental Impact Statement (EIS) is appropriate to assess these impacts, and further finds that the public process would best be served by conducting public scoping pursuant to 6NYCRR Part 617.8. A Draft EIS also provides an opportunity to review mitigation measures and alternatives to reduce potential impacts. As a result, the Village requests that the applicant submit a Draft Scope of the Draft EIS to initiate this process, after which the Draft Scope will be reviewed and an opportunity for public input on the Draft Scope will be provided with the intent for the Village to issue the Final Scope within 60 days of receipt of the Draft Scope pursuant to SEQRA.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information including Village Board public meeting input, Board review of documents, site reconnaissance, familiarity with the site, area and project, and supporting review documents prepared by the Village's consultants NP&V, N&P and RTP,

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Village Board of the Incorporated Village of New Hyde Park, New York _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Proposed Harley Davidson Facility

Name of Lead Agency: Village Board of the Incorporated Village of New Hyde Park, New York

Name of Responsible Officer in Lead Agency: Hon. Lawrence J. Montreuil, Mayor

Title of Responsible Officer: Mayor of the Village of New Hyde Park

Signature of Responsible Officer in Lead Agency: _____ Date: _____

Signature of Preparer (if different from Responsible Officer) _____ Date: _____

For Further Information:

Contact Person: Cathryn A. Hillmann, Village Clerk Treasurer
Address: 1420 Jericho Turnpike, New Hyde Park, New York 11040
Telephone Number: 516-354-0022
E-mail: nhpclerk@vnhp.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

INCORPORATED VILLAGE OF NEW HYDE PARK

BOARD OF TRUSTEES

JUNE 13, 2017

WHEREAS, The Board of Trustees of the Incorporated Village of New Hyde Park (“Board of Trustees”) has received a special permit application on behalf of Lifelong Cycles, Inc. for a special use permit pursuant §195-7(B) and variances pursuant to §195-23 and §195-50(B)(2) of the Municipal Code of the Incorporated Village of New Hyde Park, to allow the construction of a Harley-Davidson facility consisting of a 2-story, 16,012 square foot building, including a 6,206 square foot repair facility in the cellar and associated parking, access driveways and landscaping upon the property located at 1324 Jericho Turnpike, New Hyde Park, New York and designated on the Nassau County Land and Tax Map as Section 33, Block 492, Lots 21-24 (hereinafter, the “Application”); and

WHEREAS, In accordance with 6 NYCRR §617.6(a) and (b), the Board of Trustees has reviewed this proposed action and has determined that same is an Unlisted Action; and

WHEREAS, At its meeting of February 7, 2017, the Board of Trustees adopted a resolution indicating its intent to serve as the lead agency for this application; and

WHEREAS, The Board of Trustees undertook a coordinated review; and

WHEREAS, Nassau County Department of Health submitted comments related to the application, but had no objection to the Village serving as lead agency; and

WHEREAS, The Village did not receive any further comments from any other potentially involved agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby declares itself as lead agency.

Incorporated Village of New Hyde Park

**RESOLUTION SUPPORTING THE ADOPTION OF A SEQRA POSITIVE
DECLARATION AND DETERMINATION OF SIGNIFICANCE IN CONNECTION
WITH THE SPECIAL PERMIT APPLICATION
OF LIFELONG CYCLES, INC. FOR THE CONSTRUCTION OF A HARLEY-
DAVIDSON FACILITY**

Date: June 13, 2017

WHEREAS, the Village of New Hyde Park (hereafter “Village”) has received an application on behalf of Lifelong Cycles, Inc. for a special use permit pursuant §195-7(B) and variances pursuant to §195-23 and §195-50(B)(2) of the Municipal Code of the Incorporated Village of New Hyde Park, to allow the construction of a Harley-Davidson facility consisting of a 2-story, 16,012 square foot building, including a 6,206 square foot repair facility in the cellar and associated parking, access driveways and landscaping upon the property located at 1324 Jericho Turnpike, New Hyde Park, New York and designated on the Nassau County Land and Tax Map as Section 33, Block 492, Lots 21-24 (hereinafter, the “Application”); and

WHEREAS, the Proposed Action is classified as an Unlisted Action for which the Incorporated Village of New Hyde Park, Village Board of Trustees, is the lead agency for the purposes of coordinated environmental review in connection with the Proposed Action; and

WHEREAS, the Village Board of Trustees in accordance with Article 8 of the New York State Environmental Quality Review Act (SEQRA), has reviewed the provisions of SEQRA as related to the Proposed Action, including the review of the information contained in the SEQRA documentation consisting of: (a) the application; (b) the Part 1 – Environmental Assessment Form (EAF), Expanded Environmental Assessment prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), reviewed and recertified by RMS Engineering, SoundSense and KGO Consulting; and (c) the criteria set forth in 6 NYCRR§617.7(c); and

WHEREAS, the potential impacts and the magnitude and importance of potential impacts and benefits have been considered by the Village Board of Trustees and a recommendation for adoption of a Positive Determination has been made as the Proposed Action may result in potential impacts related to traffic, parking, noise, air/odor, community character, aesthetics, visual impacts, land use and zoning, community services and utilities and related potential significant adverse impacts pursuant to Part 617.7, the Village Board of Trustees review of the application and reports provided by Village consultants. The Village Board of Trustees believes that the preparation of a Draft Environmental Impact Statement (“DEIS”) is appropriate to assess these impacts; and

NOW, THEREFORE, BE IT

RESOLVED, that the Proposed Action is an “Unlisted Action” pursuant to 6NYCRR Part 617 and may result in potential impacts on the environment; and **BE IT FURTHER**

RESOLVED, that the Village Board of Trustees hereby adopts the annexed SEQRA Positive Declaration pursuant to the State Environmental Quality Review Act.