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April 18, 2018

Via E-Mail

A. Thomas Levin, Esq.
Meyer Suozzi English & Klein PC
990 Stewart Avenue, Suite 300
Garden City, New York 11530

Re: Application for Zoning Change Regarding Premises known as
555 Stewart Avenue, Garden City, New York
Section 44; Block 76; Lot 15 (the "Property")

Dear Mr. Levin, Esq.

I am enclosing a letter dated April 17, 2018 from John M. Ellsworth, Chief Environmental Planner at VHB. I believe the submission addresses the open issues in the January 18, 2018 memo of Max Stack of H₂M.

In addition, I am responding to the discussion we had after the March 22, 2018 hearing about efforts to comply with the proposed law's limitation on height to four (4) stories. As you know, the plan which has been studied by the Zoning Review Committee and now the Board of Trustees has a 4,700 square foot fitness center located above the fourth floor. My client has reviewed the physical fitness center with a view towards relocating it so that the building complies with the proposed local law. Specifically, I indicated that I would have the architect study the prospect of relocating the fitness center to one of the wings of the building. The plan architect, Brian Newman has studied this and concluded that while it is possible to put the fitness center on one of the wings, it is not advisable for a number of reasons.

First, the design of the project was to create a tiered building in order to locate the higher portions of the building as far from the Raymond Court backyards as possible. Placing the fitness

center on a wing above the second story will create a third floor adjacent to the backyard of some of the residents at Raymond Court. I have not inquired of the Raymond Court residents about this but, upon leaving the meeting the other night, a member of the EPOA raised a possible concern for Raymond Court residents if this was required. We have consistently stated throughout the process that there would be two (2) stories directly adjacent to the Village Greenbelt; and

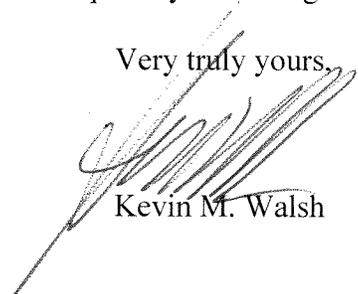
Second, according to Mr. Newman, the relocation of the fitness center to a wing of the building will create an architectural imbalance which would not be a desired visual result. The building was designed to elevate to a relatively small cap in the center of the building above the residential floors with balance on both sides of the cap. Thus, the limited fifth floor component is not only functional, it is an aesthetic amenity.

I understand the zoning concern. However, it seems that there might be a better way to limit any fifth floor precedential, concern the Trustees may have. My client is asking the Trustees to consider a slight week to the proposed law. The Village has zoning height exception (200-53 of the Zoning Code). This exception has been used to permit the hotel cupola on top of that hotel building. The Village could consider the following similar exception language be added to (d)(5) in the proposed new law. Subsection (d)(5) could read:

(d)(5) Maximum building height shall not exceed four stories nor forty-five (45') feet. Notwithstanding, the maximum height shall be exclusive of towers, cupolas and similar features providing aesthetic improvement or a building amenity provided such feature does not exceed ten (10%) percent of the horizontal projection of the roof of the building.

The above language would permit the building as has been studied and, at the same time, not create concern for a possible larger buildings in the R-T District. Nevertheless, my client will respect and do its best to comply with any law adopted by the Village.

Very truly yours,



Kevin M. Walsh

KMW:mrp

cc: Peter Bee, Village Attorney (via e-mail)
Ken Gray, Esq. (via e-mail)
A. Huertas, Building Superintendent (hand delivery)



April 17, 2018

Ref: 25621.00

Kevin M. Walsh, Esq.
Walsh Markus McDougal & DeBellis, LLP
229 Seventh Street, Suite 200
Garden City, NY 11530

Re: 555 Stewart Avenue, Garden City, New York

Dear Mr. Walsh:

Per your request, VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) has reviewed the memorandum dated January 18, 2018 issued on behalf of the Incorporated Village of Garden City (the "Village") by Nelson, Pope & Voorhis, as subconsultants to H2M (the "NPV/H2M Memo"), regarding the proposed development of the above-referenced property (the "Proposed Action"). As we discussed, VHB's review focused on comments 4.c and 5 in the NPV/H2M Memo.

The Proposed Action entails a zoning amendment to the Village's R-T Residential Townhouse district in which the subject property is located and site plan approval to allow the development of a two-to-four-story, 150-unit multi-family residential building with a fifth-floor penthouse on a 4.45-acre property. VHB previously prepared Part 1 of a Full Environmental Assessment Form (EAF), dated May 3, 2017, describing the Proposed Action for the purposes of the Village's determination of significance under the New York State Environmental Quality Review Act (SEQRA).

The following are VHB's responses to the comments in the NPV/H2M Memo we have been asked to address.

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4.c *Fiscal – The applicant has submitted project taxes to be generated by the project based on full valuation. The applicant has not submitted an estimate of future costs based on the incoming population’s demand for services, nor has it anticipated the impact of requesting a PILOT through the IDA.*

Response – The criteria for determining significance under SEQRA are set forth in the promulgating regulations, at 6 NYCRR §617.7(c). Fiscal or economic factors are not included among those criteria. Furthermore, the guidance for implementing the requirements of SEQRA provided in *The SEQR Handbook* (3rd Edition, 2010, New York State Department of Environmental Conservation), at Chapter 4 (Determining Significance), Section B.34, specifies that determinations of significance should not be based on economic costs.

Notwithstanding the foregoing, it is recognized that, as with any new development, the Proposed Action poses the potential for fiscal effects on public service providers, as noted in the NPV/H2M Memo. However, it is not believed that any such impacts would be significant.

Village services to be provided to the proposed development include police, fire protection, recreation and roadway maintenance. The costs for such services are funded primarily through the Village’s portion of local property taxes. In order to ensure that the proposed development pays a proportional share for these Village services, the applicant has agreed not to pursue an IDA abatement or exemption on the Village tax levy. With this mitigation measure in place, the Proposed Action will not negatively impact Village finances.

Regarding the potential effect on Garden City Public Schools (GCPS), the NPV/H2M Memo estimates that the Proposed Action would generate between 28 and 37 school-aged children, depending on the method used in the calculation. This is less than one percent of the total enrollment of 3,827, as of April 2017, reported in “Garden City Public Schools Profile” on the District’s website¹. Furthermore, a presentation document posted on GCPS’s website titled “Study of District Enrollment Trends”, prepared by Jonathan T. Hughes, Ph.D., St. John’s University, showed that District enrollment has declined steadily since 2004 and predicted that this trend would continue through 2023². A more recent analysis, by the Western Suffolk BOCES Office of School Planning and Research, dated January 2017, shows projected District enrollment increasing

¹ <https://www.gardencity.k12.ny.us/cms/lib/NY01913305/Centricity/Domain/4/2017%20District%20Profile.pdf>

² <https://www.gardencity.k12.ny.us/cms/lib/NY01913305/Centricity/Domain/4/Garden%20City%202013%20Demo%20Pres%20Final.pdf>.

The data in this document indicate that the study was undertaken in 2013-2014.



slightly through 2020 and then leveling off thereafter³. However, even under the latter scenario, two major aspects of the trend analysis are evident: that GCPS's enrollment has decreased by more than 400 students over the 12-year period through 2016 and that enrollment is expected to remain well below the 2006 peak in the near term. On this basis, it is not believed that the proposed development would result in a significant adverse impact to GCPS.

Additionally, as a general matter, it is important to recognize that multifamily uses make more efficient use of public infrastructure and services in comparison to single-family residences.⁴ In particular, by providing a more compact footprint, multifamily development reduces the per-unit costs for both construction and maintenance for a range of municipal services and utilities, including water and sewage systems, roadways, and emergency services.

5. ... the EAF must be amended to include information for the entire R-T district affected by the zoning amendments even if development on other R-T parcels is not likely.

Response – The Zoning District Map for the Village of Garden City shows only a single additional parcel within the Village's R-T district, located between County Seat Drive and Washington Avenue, north of 11th Street. This Nassau County-owned property is in the process of being developed with a new Family and Matrimonial Courts complex. Accordingly, this site will not be available for possible further redevelopment, and there is no realistic potential in the foreseeable future for the siting of multi-family residential use at this location under the proposed zoning amendment.

Section F in the Introduction of *The SEQR Handbook* states that:

...the regulations ask that the lead agency identify and address relevant areas of environmental concern. If a potential impact is too speculative, it should not be addressed. The agency's responsibility is to deal with impacts that are reasonably foreseeable.

³ <https://www.gardencity.k12.ny.us/cms/lib/NY01913305/Centricity/Domain/4/Demographic%20and%20Enrollment%20Review%20-%20January%202017.pdf>

⁴ "The Multi-Family Myth: Exploring the Fiscal Impacts of Apartments in the Suburbs." Dorothy Ives-Dewey, West Chester University of Pennsylvania. 2007. *Middle States Geographer*, 40, pp. 39-46.

"Overcoming Opposition to Multifamily Rental Housing." Mark Obrinsky and Debra Stein, Harvard University Joint Center for Housing Studies. March 2007. Prepared for: Rental Housing: A National Policy Summit, November 2006.

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In Chapter 4 (Determining Significance), Section B.13, *The SEQRA Handbook* specifies that:

...an environmental assessment must be limited to impacts that are probable, not speculative.

Based on the foregoing guidance provided by *The SEQRA Handbook*, and considering the development status of the County Court property, it is respectfully submitted that further analysis of the possible effect of the proposed zoning amendment on that property is not warranted.

Please feel free to contact us with any questions.

Very truly yours,

VHB Engineering, Surveying and Landscape Architecture, P.C.

A handwritten signature in black ink that reads "John M. Ellsworth". The signature is written in a cursive, flowing style.

John M. Ellsworth
Chief Environmental Planner