

SECTION 8

THRESHOLDS FOR FUTURE ENVIRONMENTAL REVIEW OF RELATED ACTIONS

8.0 INTRODUCTION:

This section of the DGEIS provides information regarding the manner by which the lead agency and involved agencies will evaluate the potential environmental impacts of “future related actions”. The SEQRA Regulations state that when a DGEIS and FGEIS has been prepared in connection with the environmental review of a proposed action such as the Westwood Project, that the Findings Statement issued by the lead agency should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent compliance with SEQRA.¹

The Project Sponsor will not be able to proceed with the construction of the proposed mixed use project upon a decision by the Town Board approving the requested rezoning of portions of the Project Site from RC to TND, MFR-7 and GB. As such, if the requested rezoning of portions of the Project Site is approved, there will be opportunities for additional environmental review(s) of the Westwood Project in the future if Project Site is not developed as an integrated mixed use project in a manner consistent with the approved Conceptual Master Plan or the thresholds for future environmental review as described in Section 8.3 below. It is important to mention that future related actions do not include any applications for discretionary

¹ See 6 NYCRR Part 617.9(c). The same subsection of the SEQRA Regulations also states that a Findings Statement issued by a lead agency may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.

approvals or permits that will result in the Project Site being developed in a manner consistent with the approved Conceptual Master Plan.

8.1 SEQRA COMPLIANCE FOR FUTURE RELATED ACTIONS:

The establishment of thresholds for the future environmental review of related action is an important aspect of a project (“action”) that has been the subject of an environmental review utilizing a DGEIS. Examples of possible future related actions for the proposed mixed use neighborhood include the development of specific components of the project in manner that is not entirely consistent with the approved Conceptual Master Plan. This may occur given that the layout of the mixed use project as depicted on the Conceptual Master Plan is conceptual in nature and not intended to represent the precise and final layout of all of the components of the mixed use project. Instead, the project layout as depicted on the Conceptual Master Plan is meant to depict the anticipated components of the mixed use project and the maximum potential development of the Project Site without the need for additional environmental review(s) pursuant to SEQRA. The precise layout of project components will be the subject of site plan and subdivision applications to be filed with the Town in the future based upon the preparation and review of fully engineered plans and building plans for the various mixed use project components.

The thresholds for environmental review for future related actions are intended to provide a framework for the lead agency and interested agencies to utilize to ensure compliance with the procedural and substantive requirements of SEQRA.

Upon receipt of the Town’s, or an interested agency’s, request for a discretionary approval or permit along with an Environmental Assessment Form (“EAF”), the Town and

involved agencies will need to determine if the potential environmental impacts associated with the action have been adequately addressed within the DGEIS, the FGEIS and the Findings Statements.

In making this determination, the agency will need to determine whether the application is consistent with the thresholds outlined in Section 8.2 below. In the event the Town or the relevant involved agency determines that:

1. the future action is consistent with the thresholds established in Section 8.2 below, then no further SEQRA compliance will be required;
2. if the future action is consistent with the thresholds established in Section 8.2 below, but is not addressed, or is not adequately addressed in the Findings Statement, then an amended Findings Statement must be prepared;
3. if the future action is not addressed in the Findings Statement and the proposal does not exceed any of the thresholds established in Section 8.2 below and it will not result in any significant adverse environmental impact, then a negative declaration must be prepared and issued; or
4. if the future action is not addressed, or is not adequately addressed, in the Findings Statement and/or the application will exceed one of the thresholds established in Section 8.2 below and may have one or more significant adverse environmental impacts, then a supplement to the FGEIS must be prepared.²

8.2 THRESHOLDS FOR THE DEVELOPMENT OF THE PROJECT SITE:

The following thresholds have been established for the redevelopment of the Project Site as a mixed use neighborhood to assist the Town and involved agencies in evaluating applications

² See 6 NYCRR Part 617.10(d).

for future related actions for the Westwood Project. If a future related action is not consistent with the thresholds as provided below, the Town will need to conduct an environmental review of the future action.

1. The Project Site will be developed as an integrated mixed-use project consisting of 700± residential units comprised of a combination of a single-family homes, town homes, patio homes, condominiums and apartments; 340,000± square feet of neighborhood business, shops, restaurants, professional and/or medical office space and public and civic uses (including places of worship, not-for-profit and/or civic uses); a four story hotel (on the small portion of the Project Site zoned GB); senior housing facilities consisting of two stories with 200± assisted care units and 100± independent senior housing units; and the reuse of the original club house facility as a restaurant, banquet and/or catering facility, or for other permitted uses. The above categories of the proposed mixed use components represents the maximum anticipated build-out of the Project Site as an integrated mixed use project in a manner consistent with the Conceptual Master Plan.
2. The mixed use project will include 64± acres of permanent open space including an approximately 23± acres of publicly accessible parks and water features (inclusive of the parks, lake and ponds located in the portion of the Project Site that is contiguous with Ellicott Creek), and areas of permanent open space that will not be accessible to the public (inclusive of the permanent buffer areas to be provided along the perimeter of the Project Site that will remain zoned Recreation Conservation District (“RC”)).
3. The mixed use project will include a recreational trail component in order to encourage pedestrian use and integration of the various mixed use components.
4. The Project Site will be developed in a manner that is consistent with the approved Conceptual Master Plan.

5. The Project Site will be developed and utilized in accordance with mitigation measures as contained in the Findings Statements issued by the Town Board, in its capacity as the designated lead agency.
6. The Project Site will be developed in accordance with any conditions imposed by the Town Board or the Planning Board in connection with their review and approval of specific components of the mixed use project.

The thresholds for the environmental review of future related actions will be included in the Findings Statement to be issued by the Town Board at the conclusion of the pending environmental review of the proposed mixed use neighborhood pursuant to SEQRA.