

**DRAFT SCOPE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
LUBAVITCH OF OLD WESTBURY
JANUARY 3, 2020**

**267 GLEN COVE ROAD
VILLAGE OF OLD WESTBURY, NASSAU COUNTY, NEW YORK**

Introduction

This document is a Draft Scope for the Draft Environmental Impact Statement (DEIS) for the Proposed Action, the construction of a 7,711 square foot synagogue and associated facilities on the existing premises located at 267 Glen Cove Road, Old Westbury. The application includes the proposed synagogue structure, in addition to a 361 square foot addition to the existing residence, as well as new driveways and parking areas. Currently, the site is occupied by a main residence, a mikveh (ritual bath) building, and two (2) swimming pools.

The DEIS will include a preliminary site master plan for the purpose of quantifying any potential environmental impacts and identifying corresponding mitigation measures.

The 5.27-acre property is zoned B-4. The total area does not include the 1.47-acre parcel (Sec. 19, Blk. E, Lot 91) at 165 Bacon Road as part of the overall site, as it is not a part of the application that will be submitted. Although the property is zoned residential, the property is being operated as a religious use, which is permitted with the granting of a Special Exception Use Permit by the Village Board of Trustees. The property is situated on the east side of Glen Cove Road, south of Old Westbury Road, and north of Bacon Road. The property is in the Village of Old Westbury, Nassau County (Tax Map #s: Section 19, Block E, Lots 73, 452, 1115, 1994 and 1995).

The Village of Old Westbury Board of Trustees, as lead agency, issued a Positive Declaration at its April 15, 2019 meeting, and directed the Applicant to prepare and submit a Draft Scope pursuant to the New York State Environmental Quality Review Act (SEQRA) regulations set forth at 6 NYCRR §617.8. This Draft Scope provides a description of the Proposed Action, the Applicant's proposed content for the DEIS, and relevant issues identified during the public scoping period. The Draft Scope has been prepared in accordance with 6 NYCRR §617.8(e) (1) through (5) and sets forth the following:

- 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.

The Applicant, independent from Cameron Engineering, notes that it follows form with this submission to the customary organization of DEIS documents such as this one, including in its organization and the subject matters addressed. The Applicant with this submission and its content does not admit nor does it concede the propriety of any particular inquiry to which it is required to respond or the necessity of any

particular information submitted. The Applicant expressly reserves and does not waive its legal rights, including those alleged in the lawsuit pending in the United States District Court for the Eastern District of New York involving the Applicant, the Village, and other parties.

Organization of DEIS

Cover Sheet

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Brief Description of the Proposed Action

The Proposed Action is a product of multiple written submissions by the Applicant to the Village and its responses, multiple meetings with Village officials, and the Applicant’s understanding from those events and related sources of what the Village will consider for approval from this Applicant, including the application of the Places of Worship section of the Village Code that was adopted in 2001. It includes the construction of a 7,711 square foot synagogue, with a building footprint of 4,297 square feet. The

structure will have one (1) story at ground level and two (2) levels that are built sub-surface. The Proposed Action also includes the construction of a 361 square foot addition onto the rear of the existing residence that faces Glen Cove Road. Site improvements included with the Proposed Action include the asphalt paving of on-site driveways and parking areas providing 60 parking spaces. An additional 61 parking spaces will be landbanked within the parcel located north of Bacon Road. In addition to the main residence, there is also a mikveh (ritual bath) building, and two (2) swimming pools currently existing on the subject property.

In addition to site plan approval, in accordance with § 216-111.2 of the Village Code (adopted 3/19/01) the Applicant is also seeking the approval of a Special Exception from the Village Board of Trustees to allow the residentially zoned property to develop and be made available as a place of worship. In conjunction with the granting of the Special Exception, the Proposed Action also requires the granting of several variances for the subject property in order to comply with the zoning conditions placed upon a place of worship in the B-4 zoning district.

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 site plan drawings, the Environmental Assessment Form (EAF) Part 1 and additional information received from the Applicant, a Positive Declaration was issued by the Village of Old Westbury Board of Trustees on April 15, 2019 identifying the following potential impact issues:

- stormwater and soil erosion;
- construction duration;
- wastewater generation;
- traffic and pedestrian safety;
- noise;
- on-site chemical contamination;
- community character; and
- consistency with Zoning Code and Village Comprehensive Plan, in consideration of the number and magnitude of variances requested.

Extent and Quality of Information Needed to Address Potentially Significant Impacts

The following describes the level and type of analysis to address each section of the DEIS.

Description of Proposed Action

Project Introduction and Location

- There will be a brief discussion of the project location, including appropriate maps and aerial photographs, tax lot numbers, tables, and a discussion of adjacent land use.
- Discuss the proposed development plan and the history of the site, as well as the current uses on the site.

Purpose and Need

- The document will discuss the justification for the proposed site plan in terms of the potential new land use and the public need.

Operation

- This section will describe how the new use proposed for the site will operate, in terms of use of the building, number of people that will use the buildings and accessory facilities, and the hours they will be in use. This section will include an extensive discussion of the proposed operations for the proposed facility, including the types of activities (including holidays and special events) that will occur, as well as the hours and days of operation, and how these compare to the current operation of the existing facility. Any potential changes will be highlighted and described.

Layout and Design

- This section will provide information on the proposed site plan, including zoning data (e.g. lot coverage, building area, setbacks, access easements, impervious pavement, landscaping, buffers, etc.) for the overall site.
- Describe the design approach to enhance aesthetics and maintain proper buffers.

Parking, Access and Circulation

- This section will summarize the proposed parking on the site and will describe the proposed landbanked parking.
- Provide a discussion of the proposed driveway system and how it allows for drop-off areas and for circulation throughout the site.
- Provide a discussion of the proposed access from the internal circulation using a gravel access road on the property to a common access driveway located at the northern property line that provides access to Bacon Road.
- Describe how in accordance with §216-111.2. A. of the Village Code, vehicular access for all users of the religious facilities and commercial traffic will be limited to Glen Cove Road. The proposed use of the east-west access easement located northeast of the subject property is to maintain it as a common driveway that will be further regulated by the proposed electronic vehicular access gate that will be maintained for use by the residents.
- Describe the installation of an electronic access gate at the northeastern corner of the subject property. The Applicant proposes the installation of a controlled gate on both sides to provide westbound ingress and eastbound egress. Access would be restricted to only residents.
- Provide a discussion about the installation of the electronic gate on the property of 153 Bacon Road and the need for coordination with the property owner. Coordination with the owner of 153 Bacon Road is noted, as the easement is within said property. The vehicular gate will be placed within the boundaries of the subject property, however one of the two gates will extend into the easement within 153 Bacon Road. If the owner of 153 Bacon Road chooses not to give permission for the gate, the east-west access easement would be able to be used by any vehicle without restrictions.
- Describe how the east-west access easement would remain in its current state as a pervious gravel pathway that would only be used by residents living on the property. There are no potential impacts associated with having the access easement restricted to only residents.

- Describe traffic generation on the adjacent street system.
- Describe proposed pedestrian access to and from the site via Glen Cove Road, as well as how pedestrian access on-site will be accommodated.

Regulatory/Approval Process

- This section will provide a discussion of the SEQRA process as it pertains to the proposed site plan. The required local, County and State approvals will be listed as well.

Construction

- This section will describe the projected construction schedule and potential mitigation measures to mitigate construction impacts.
- A qualitative discussion of travel routes and construction-related traffic and parking (construction workers) will be included.
- Potential noise impacts associated with construction activities will be qualitatively evaluated compared to applicable noise limits found in the Village Noise Ordinance.
- Potential construction-related erosion and sedimentation due to ground disturbance and grading, air quality (including fugitive dust), vibration and visual/aesthetic impacts will also be qualitatively discussed, as will the anticipated mitigation measures inherently required by a SWPPP.

Geology

This section will briefly describe the underlying aquifer and the depth to bedrock below the property.

Soils and Topography

The Soils Survey of Nassau County will be used to determine the general soil types on the site and the characteristics of such soils. Soil borings will be discussed in terms of their applicability to the future stormwater management system design. If available, site-specific soil boring data will be presented and discussed in this section of the DEIS. The DEIS will also include topographic information reviewed from the relevant United States Geologic Survey (USGS) maps and incorporate a site specific topographic survey into the analysis.

A thorough narrative description of the potential impacts to soils and topography and strategies to minimize such impacts will be included in the DEIS. This section will include a discussion of typical mitigation measures for potential erosion and off-site sediment transport, and the means by which the Village will enforce same, as typically required for a Stormwater Pollution Prevention Plan (SWPPP). The DEIS will include discussion of erosion and sediment control measures that may be required and are tailored to site-specific conditions and circumstances resulting from the Proposed Action.

This section will discuss the project's site history and current environmental conditions of the site based on published data and available Phase I Environmental Site Assessments (ESAs), in order to characterize the subject property and determine the possible need for remedial action. If remedial action is determined to be necessary, based on the information from the aforementioned assessment of on-site environmental conditions, the process for completing this work will be described.

The DEIS will also discuss the changes to the site resulting from the proposed sub-surface excavation and will provide estimates of the cut and fill required. This section will also discuss the project's site history and current environmental conditions of the site.

Vegetation and Wildlife

This section of the DEIS will describe ecological communities and identified flora and fauna. Any potential impacts to these features will be described, as will the mitigating measures incorporated to minimize said impacts. A survey of existing trees will be provided as part of the DEIS, which identifies the existing trees located on the site by size (diameter at breast height), species, and condition. The survey will also indicate which trees are proposed for removal under the Proposed Action. Also included will be a mitigation plan to show compensation for any trees that will be removed, which will be a part of a proposed planting plan.

Groundwater and Stormwater Collection, Treatment and Wastewater Recharge

This section will describe groundwater and surface water. The site is currently served by public water and sanitary wastewater is treated on-site. There will be discussion on the proposed sanitary flow generated by the site and its impact on the Special Groundwater Protection Area (SGPA). The impact to the SGPA and the allowable amount will be quantified, and if necessary, there will be discussion of the need for a waiver from NCDOH. A request for a waiver from NCDOH has been made, and the Applicant anticipates receiving an approval, as it is understood that approval of the waiver is required for the project to proceed. This section will also analyze any potential impacts that may be associated with the approval of the waiver, as well as discussion on potential mitigation measures to mitigate such impacts, such as the installation of water efficient fixtures.

Site drainage and stormwater management will also be presented. Existing and proposed stormwater management infrastructure will be described, with supporting calculations of the proposed on-site stormwater storage capacity relative to the amount of new stormwater runoff. The supporting calculations will include a calculation of the proposed storage volume in terms of the design storm event (in inches of rainfall) as compared to the applicable standards for on-site stormwater retention. The proposed methodology behind the new drywell structures and rain gardens, to retain all stormwater on-site, will be discussed and analyzed for compliance with applicable regulatory requirements. The DEIS will identify reasonably anticipated changes to precipitation patterns and any need for additional drainage capacity to account for State climate change projections.

Transportation and Parking

A comprehensive traffic study has been conducted, which included a detailed traffic investigation of the traffic impacts of the proposed development on the adjacent street system. Since this traffic study was completed in 2017, it will be updated to accurately reflect current conditions. The study reviewed the area's existing roadway characteristics and traffic conditions (including traffic volumes, traffic flow quality, and geometry), determined future conditions if the project is not constructed, and estimated the project's expected peak-period trip generation, and assessed the effect of this additional traffic on the surrounding roads. The traffic study will be updated to reflect access provided to residents of 165 Bacon Road to the subject parcel via access easements.

The following key intersections were included in the study:

- Glen Cove Road and Old Westbury Road (LIE South Service Road)
- Glen Cove Road and NYSDOT Maintenance Yard
- Glen Cove Road and Bacon Road
- Glen Cove Road and Site Access

Traffic counts at those key intersections were performed during weekday PM (3:00-6:30 pm), Saturday midday (9:30 am-12:30 pm), and Sunday midday (9:30 am-12:30 pm) peak traffic periods to establish the existing peak hour volumes. The volumes were adjusted to June, to represent the busiest month, using NYSDOT seasonal adjustment factors. The traffic study determined the existing “Level of Service” (LOS) operating conditions during the peak hour periods using the appropriate methodology.

The “No Build” traffic conditions are projected from looking at the area’s ambient growth rate and other planned developments close to the site. These two (2) features together provided the expected future traffic volumes in two (2) years if the project is not constructed. Future traffic conditions if the project is built were calculated using the volumes typically generated by the site’s proposed use during peak hours. The “Build” scenario also distributes site-generated traffic to specific movements at key intersections. The study also examined the number of parking spaces required by the Village to determine if the parking needs on the site will be met.

The “No Build” and “Build” levels of service are compared to indicate the initial impact on traffic conditions. Any potential impacts are addressed by proposed mitigation. A Signal Warrant Study was prepared to determine if the driveway warrants a traffic signal.

This section of the DEIS will also address the existing and proposed conditions as they relate to pedestrian access between the site and Glen Cove Road. Any measures proposed to ensure pedestrian safety will be included in this section, especially considering that Glen Cove Road is a County arterial roadway, and it is expected that a large portion of the congregants will be accessing the proposed facility on-foot.

Community Services

The existing community facilities and services, as well as utilities (i.e., police, fire, ambulance, solid waste, water supply infrastructure, sewer infrastructure, electricity and natural gas) and the ability of these services to accommodate the proposed development will be discussed. The impact assessment will include correspondence with each of the respective utility providers, requesting their input regarding the Proposed Action, including to the extent possible, to determine their ability to satisfy the increased service demand of the proposed future development. As for water usage, this section will quantify existing and proposed water consumption, accounting separately for domestic use and irrigation use. Solid waste management will also be quantified for existing and proposed usage. The DEIS will identify any potential increased demand upon community recreational facilities.

Taxes/Economic Impacts

This section of the DEIS will describe the current tax exemption on the subject property that will continue with the expansion of a religious use. The property tax exemption eliminates any net tax benefits associated with the proposed additions.

Land Use, Zoning and Community Character

This section of the DEIS will describe and provide maps depicting the existing land uses, zoning and character of the project site and the surrounding area. The surrounding area to be studied will include at a minimum a one-quarter mile radius. There will be an analysis of the effect of an expanded religious use on the surrounding residential area, high-volume transportation corridor, and highway maintenance facility. This will include discussion on the compatibility of the Proposed Action with the existing land use pattern and community character within the study area.

Included in this section of the DEIS will be a complete zoning analysis for the proposed project on the subject property, which will be shown on an accompanying table. The table will show all of the relevant dimensional parameters for the Proposed Action, as set forth in Article IV of Chapter 216 of the Village Code (BB Residence Districts, §§216-11 through 216-22.1) and §216-111.2 (Places of Worship), identifying the specific parameters for which the Proposed Action would be in compliance and which parameters would require the request of specific relief under application of the Village Code. An analysis of the consistency of each of the proposed variance requests with the five (5) criteria specified in §7-712-b.3(b) of New York State Village Law, which governs decisions on the granting of such relief, will be provided.

Air Quality

Existing ambient air quality, climate, and meteorological data for the project area will be summarized. The site's status regarding the National Ambient Air Quality Standards (NAAQS) will be identified.

Noise

This section of the DEIS will qualitatively assess potential significant adverse noise impact associated with the proposed synagogue. There will be discussion on how the Proposed Action will comply the applicable regulations and guidelines regarding noise found in Chapter 137 of the Village Code, which clearly states that it is unlawful to make any noise which is intolerable to a reasonable person. The document will also discuss the ability to minimize new site-generated noise and construction noise using best management practices. There will be an evaluation of the potential noise generated by construction activities, and how these activities will comply with the regulations found in §137-11 of the Village Code, particularly in regard to restricting construction work to between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Visual Impacts

This section of the DEIS will discuss the aesthetic character of the subject site and the surrounding area. Representative photographs of the subject property and surrounding area will be provided to present the existing visual conditions. Views of the subject site from surrounding areas will be presented using visual cross sections. At least two (2) cross-sections across the site will be provided, showing the proposed synagogue building west-to-east, spanning from Glen Cove Road to the nearest residential dwelling to the east, and south-to-north spanning across the site from the nearest residences to the south. The cross-sections provided will accurately reflect topographic conditions, vegetation and other relevant factors.

Elevation drawings will be provided that will depict the proposed synagogue building on all sides. This section will also describe the architectural style of the proposed synagogue building. This discussion will include construction materials, colors and other aesthetic characteristics. If needed, realistic renderings or

architectural illustrations will be provided to assist in demonstrating the visual appearance of the proposed building. In addition, a preliminary landscape plan will be provided which can be used to show how any potential visual impacts as seen from viewers along Glen Cove Road and from adjacent residential properties to the east and south will be mitigated.

Historic and Cultural Resources

The document will discuss any potential impacts to any historical properties that are eligible for or listed on the State and/or National Registers of Historic Places, as well as any pertinent information obtained from New York State's Cultural Resources Inventory System (CRIS) regarding the subject property and the surrounding area.

Alternatives

Pursuant to 6 NYCRR Part 617, the DEIS must contain a description and evaluation of reasonable alternatives to the Proposed Action. The DEIS will fully analyze the impacts of the following alternatives and quantitatively and qualitatively compare these impacts to those associated with implementation of the Proposed Action, based upon the issues outlined above.

- No Action (site remains as it currently exists)
- Site plan that is zoning compliant residential subdivision, which conforms to B-4 zoning standards.
- Construction of a synagogue building with a reduced amount of floor area.
- Construction of a synagogue building with a reduced building footprint that reduces the number and/or magnitude of variances requested.

Impacts on the Use and Conservation of Energy

This section will examine the Proposed Action's impact on increased energy usage and will discuss means of conserving energy and promoting energy efficiency.

Measures to Avoid or Reduce Impacts on Climate Change, Sea Level Rise and Flooding

This section will provide an analysis of any contributions of the Proposed Action to avoid or reduce impacts on climate change, as well as on sea-level rise and flooding.

Unavoidable Adverse Impacts

The environmental impacts associated with the proposed site plan and the proposed mitigation measures to minimize such impacts will be described in the previous sections. Those impacts that cannot be either entirely avoided or fully mitigated will be described in this section of the DEIS.

Irreversible and Irrecoverable Commitment of Resources

An irreversible or irretrievable commitment of resources refers to impacts on or losses to resources that cannot be recovered or reversed. Such resources will be described in this section of the DEIS.

Growth-Inducing Aspects

Growth-inducing aspects are generally described as the long-term secondary effects of the Proposed Action. This section of the DEIS will discuss any long term environmental impacts resulting from the construction of the synagogue building.

Initial Identification of Mitigation Measures

Where the impact analyzes conducted in the DEIS indicate the potential for significant adverse impacts, the DEIS will set forth measures to mitigate those impacts. Such measures will be discussed, by topic, along with the existing environmental setting and the potential environmental impacts. Based on prior and recent studies, certain mitigation measures and improvements have already been identified, as listed below.

- Covering spoil piles, covering the haul vehicle loads that contain fill or cut materials, spraying the site with water during construction and providing paved vehicle wash-down areas.
- Adequate maintenance of equipment, including proper engine maintenance, adequate tire inflation, and proper maintenance of pollution control devices.
- Running times for fuel-burning equipment would be kept to a minimum, and engines would be properly maintained. Ultra-low sulfur diesel fuel would also be utilized.
- Measures to reduce runoff, e.g. construction site stabilization, dust control, sediment traps, and temporary swales. Coverage under NYSDEC SPDES General Permits would be required.
- Revegetation of exposed soils should use native planting of landscape vegetation following construction.
- Additional trees would be planted to replace trees that had to be removed prior to construction.
- Construction activities shall abide by local noise ordinance, with the operation of heavy machinery only during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
- Local ordinances for work around utilities must be followed. Utility connections shall be approved by the affected public service companies and be completed in accordance with their requirements and local building codes.

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

To conduct the analyses of potential adverse impacts, available information will be collected and reviewed, and empirical information will be developed. While it is not possible to determine all information sources to be used, the following represents sources/research that has been preliminarily identified as necessary to perform the required analysis in the DEIS.

Geology

- NYSDEC environmental databases
- Relevant NYSDEC, USEPA and Village documents related to the subject property

Soils and Topography

- *Soil Survey of Nassau County*
- Soil borings and soil sampling on-site, as available
- Phase I report
- USDA Natural Resources Conservation Service Soil Survey Manual
- USGS Maps and site-specific topographic surveys

Vegetation and Wildlife

- Previous ecological site assessments
- Tree survey

Groundwater and Stormwater Collection, Treatment and Wastewater Recharge

- USGS water table map, Long Island Depth to Water Viewer
- Nassau County Sanitary Code
- *New York Guidelines for Urban Erosion and Sediment Control*
- *New York State Stormwater Management Design Manual*
- Consultations with NCDPW
- NYSDEC Freshwater Wetland / National Wetland Inventory maps

Transportation and Parking

- Traffic data collection
- Most-recent three-year accident data
- Institute of Transportation Engineers (ITE) *Parking Generation, 4th Edition*
- *Highway Capacity Manual*, latest edition
- Synchro software
- Consultations with Village representatives

Community Services

- Consultations with community service providers

Land Use, Zoning and Community Character

- Available and relevant Village zoning codes, maps, and planning documents
- Site and area inspections

Air Quality

- Traffic data (collected and analyzed as part of Traffic Impact Study)
- USEPA National Ambient Air Quality Standards (NAAQS)
- NYSDEC Designation Recommendations for the 2015 Ozone NAAQS, High Ozone Values During 2017, 8-Hour Averages, and 2016 High Ozone Values data table
- New York State Ambient Air Quality Reports

Noise

- Traffic data (collected and analyzed as part of the Traffic Impact Study)
- Village of Old Westbury Noise Ordinance

Visual Impacts

- Local and State cultural databases
- Site and area inspections and photographs

Historic and Cultural Resources

- Local and State cultural databases
- Site and area inspections and photographs

Construction Impacts

- Village of Old Westbury Noise Ordinance
- Local and State building codes
- Relevant standards and regulations governing sediment and erosion control

