

Bill No. ___ of 2016

**INCORPORATED VILLAGE OF GREAT NECK
BOARD OF TRUSTEES**

Local Law No. ___ of 2016

**A LOCAL LAW TO AMEND CHAPTERS
317 AND 492 OF THE VILLAGE CODE
CONCERNING ON-SITE STORMWATER
RETENTION**

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Great Neck,
as follows:

Section 1. Chapter 317 of the Village Code, entitled, "Grading, Filling and Excavating", is hereby amended as follows:

§ 314-7 On-site stormwater retention.

All of the sites upon which new dwellings, offices, commercial establishments, or other new principal buildings are to be built, or where substantial renovation is to take place, shall be improved so that, as to each site, all stormwater generated on the site from an eight-inch a three-inch rainfall will be retained entirely on such site, with the exception of stormwater which would flow directly onto a public street, and, with regard to such stormwater that flows directly onto a public street, such site shall only be required to retain the stormwater from a five inch rainfall. In a subdivision, each lot or parcel on the approved final plat shall be deemed a separate site. Notwithstanding the foregoing, a waiver from all or a portion of the stormwater retention requirements of this section with regard to nonimpervious surfaces may be granted by the Planning Board or the Board of Appeals upon a showing that:

A. Fulfilling the requirements of this section would result in:

- (1) A significant alteration of what would otherwise be undisturbed land, thereby creating a loss of significant trees and other vegetation, which, when balancing such loss against the provision of such stormwater retention, would not be in the best interests of the adjacent properties and/or the Village as a whole; or
- (2) A significant economic hardship, because, among other things, of steep slopes or significant retaining walls or other existing structures in close proximity to adjacent property lines, and so long as such hardship is not based upon a subdivision of land or upon the impermeability of the soil, with regard to either:
 - (a) The construction of an addition or other alteration to an existing, legal single-family or two-family dwelling;

- (b) The construction of an addition or other alteration to a single-family or two-family dwelling to legalize the dwelling;
 - (c) The demolition of an existing single-family or two-family dwelling and the construction of a new single-family or two-family dwelling on the same lot; or
 - (d) The construction of a structure as an accessory to an existing legal single-family or two-family dwelling; and
- B. Neither the granting of such waiver nor the construction to be performed as a result of such grant will result in a violation of any federal or New York State laws, rules, or regulations with regard to erosion, sediment, and/or stormwater control.

Section 2. Chapter 492 of the Village Code, entitled “Subsurface Investigation”, is hereby amended as follows:

§ 492-2 Definitions.

PROFESSIONAL

An architect, professional engineer, or land surveyor, licensed to practice in the State of New York.

REQUIRED WATER RETENTION

~~Surface water retention for all new impervious areas for a five-inch rainfall in a twenty-four-hour period if the overflow will run directly onto a street, or for an eight-inch rainfall within a twenty-four-hour period if the overflow will not run directly onto a street~~ Required Water Retention for all new impervious areas shall be as specified in Section 314-7 of the Code, as amended from time to time by the Board of Trustees.

SUBSURFACE STRUCTURE

Any structure or object to be placed underground as part of or in support of a structure, excluding: trees and shrubs and other live landscaping; fence posts; wires; pipes not in excess of 18 inches in diameter; walls not in excess of six feet in total height of which not more than four feet in height shall be above grade and not more than three feet in depth shall be below grade; poles not exceeding 18 inches in diameter; and similar objects as may be determined by the Building Inspector

Section 3. This local law shall take effect immediately upon filing with the Office of the Secretary of State.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: A Local Law to Amend Chapters 317 and 492 of the Village Code Concerning On-Site Storm Water Retention Requirements			
Project Location (describe, and attach a location map): The Incorporated Village of Great Neck, New York			
Brief Description of Proposed Action: The Proposed Action is a local law to amend certain provisions of the Village Code to reduce the minimum storm water retention requirements, for new and substantial renovation of, residential and commercial buildings in the Village.			
Name of Applicant or Sponsor: The Incorporated Village of Great Neck, New York		Telephone: (516) 482-0019 E-Mail: jgill@greatneckvillage.org	
Address: 51 Baker Hill Road			
City/PO: Great Neck		State: NY	Zip Code: 11023
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Incorporated Village of Great Neck</u> Date: _____</p> <p>Signature: _____</p>		

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Please see the attached Addendum.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

The Incorporated Village of Great Neck

Name of Lead Agency

Joe Gill

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Village Administrator/Clerk

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

INCORPORATED VILLAGE OF GREAT NECK, NEW YORK

**ADDENDUM TO SEAF PART 3 ON
A LOCAL LAW TO AMEND CHAPTERS 317 AND 492 OF THE VILLAGE CODE
CONCERNING ON-SITE STORMWATER RETENTION REQUIREMENTS**

The Proposed Action consists of the adoption of legislation amending certain provisions within Chapters 317 and 492 of the Village Code concerning stormwater retention requirements on all properties within the Village. The Board of Trustees, upon consideration of the proposed legislation, makes the following findings:

(a) the Proposed Action does not, in and of itself, authorize any particular project, nor otherwise alter or amend the Village zoning and planning regulations, for any particular property, development or project, and each such project will require independent review pursuant to SEQRA prior to approval;

(b) in the course of its review of the EAF, the Board of Trustees has considered the following factors, among others, and hereby makes the following findings with respect to each of the following factors:

(i) the Proposed Action will not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems; the Village's Superintendent of Buildings, in consultation with various design and engineering professional on the Ad Hoc Committee, has advised that storm water retention suitable for a 3" weather event is an acceptable standard for universal storm water retention throughout the Village;

(ii) the Proposed Action will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any

resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(iii) the Proposed Action will not impair the environmental characteristics of any Critical Environmental Area;

(iv) the Proposed Action will not conflict with the community's current plans or goals as officially approved or adopted, and is consistent with such plans and goals;

(v) the Proposed Action will not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) the Proposed Action will not result in a major change in the use of either the quantity or type of energy;

(vii) the Proposed Action will not create a hazard to human health;

(viii) the Proposed will not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the Proposed Action will not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(x) the Proposed Action will not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) the Proposed Action will not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process; and

(xii) the Proposed Action will not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular.

Accordingly, adoption of a Negative Declaration of Environmental Significance is appropriate.