

**Nassau County Planning Commission
RESOLUTION**

NCPC File #1997-P-1 Map of Willow View Estates

Approval of the Extension of Time to Act on a Preliminary Map in the Public Interest to Conduct the State Environmental Quality Review Act (“SEORA”) Public Hearing on the Draft Environmental Impact Statement for the Proposed Subdivision of Willow View Estates Due to the COVID-19 Pandemic and Certain Executive Orders Issued by the New York State Governor

WG Woodmere LLC, LH Barick LLC and SG Barick LLC – Map of Willow View Estates

WHEREAS, the applicants/owners (“Applicants/Owners”) WG Woodmere LLC, LH Barick LLC and SG Barick LLC have proposed to subdivide the 114.25-acre Woodmere Club (golf and country club) into 284 single-family lots, together with the development of other related improvements including but not limited to new roadways and a stormwater bioretention area (the “Proposed Action”); and

WHEREAS, the property is known on the Nassau County Land & Tax Map as Section 41, Block F, Lots 37, 40, 48, 123, 310, 3028-3030 and 3032, Section 41, Block D, Lots 53 and 55, and Section 41, Block 72, Lot 1 and is located within the Hamlet of Woodmere, Town of Hempstead (248 lots), Village of Lawrence (approximately 21 lots, including drainage retention areas, wholly or partially within the Village of Lawrence), and Village of Woodsburgh (about approximately 21 lots, including drainage retention areas, wholly or partially within the Village of Woodsburgh) (hereinafter the “Property”); and

WHEREAS, the Proposed Action requires subdivision approval from the Nassau County Planning Commission (“Commission” or “Lead Agency”) as well as other discretionary approvals from certain local, County and State involved agencies (the “Involved Agencies”); and

WHEREAS, the Applicant submitted to the Commission an application for the preliminary approval of a subdivision map and Full Environmental Assessment Form, Part 1 for the Proposed Action on December 20, 2018, and

WHEREAS, the Commission commenced a coordinated review under the State Environmental Quality Review Act (“SEQR”) and circulated to all identified Involved Agencies the Full Environmental Assessment Form (“Full EAF”), with attachments, and provided notice to all identified Involved Agencies that the Commission intended to act as the SEQR Lead Agency for the Proposed Action on January 31, 2019; and

WHEREAS, the Commission did not receive any objections from any Involved Agencies with respect to the Commission acting as the SEQR lead agency for this action within the time frames provided by 6 NYCRR 617(b)(3); and

WHEREAS, the Commission declared itself Lead Agency for the SEQR review, classified the Proposed Action as Type I, and issued a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement (“DEIS”) by the Applicants/Owners in accordance with SEQR on March 7, 2019, and,

WHEREAS, the Applicant submitted a DEIS scope to the Commission on April 22nd, 2019; and

WHEREAS, the Commission commenced the public comment period on the DEIS scope for a period ending on July 15, 2019 which was extended with the consent of the Applicant/Owners to August 14, 2019; and

WHEREAS, a public scoping comment hearing was held on June 26th, 2019 at the Theodore Roosevelt Executive and Legislative Building, 1550 Franklin Avenue, Mineola, NY; and

WHEREAS, the Commission, acting as Lead Agency for the Proposed Action, adopted the Final Scope for the preparation of the DEIS for the Proposed Action on September 26, 2019; and

WHEREAS, the Applicants submitted a proposed DEIS prepared by the Applicants' consultant, VHB Engineering, Surveying and Landscape Architecture, P.C. ("VHB") on December 6, 2019, and

WHEREAS, the Commission, acting as Lead Agency for the Proposed Action, determined the proposed DEIS was not adequate for public review on January 30, 2020; and

WHEREAS, the Applicants submitted a Revised Proposed Draft Environmental Impact Statement ("1st Revised DEIS"), prepared by VHB on February 26, 2020; and

WHEREAS, the Commission determined the 1st Revised DEIS was not adequate for public review on March 12, 2020; and

WHEREAS, the applicant submitted the 2nd Revised Proposed DEIS (2nd Revised DEIS) to the Commission on April 13, 2020; and

WHEREAS, the filing and circulation of the Notice of Completion commences the public comment period on the DEIS pursuant to 6 NYCRR 617.9(a)(3); and

WHEREAS, the Lead Agency has determined that it will conduct a SEQRA public hearing concerning the DEIS for the Proposed Action pursuant to 6 NYCRR 617.9(a)(4) because of the degree of interest in the action shown by the public or involved agencies; whether substantive or significant adverse environmental impacts have been identified; the adequacy of the mitigation measures and alternatives proposed; and the extent to which a public hearing can aid the agency decision-making processes by providing a forum for, or an efficient mechanism for the collection of, public comment; and

WHEREAS, on March 12, 2020, Nassau County Commissioner of Health issued a Declaration of Imminent Public Health Threat from COVID-19; and

WHEREAS, on March 13, 2020, Nassau County Executive issued Executive Order 2 of 2020 which declared a State of Emergency in Nassau County due to the COVID-19 pandemic; and

WHEREAS, on March 7, 2020, the New York State Governor issued Executive Order 202, declaring a State disaster emergency due to the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, the New York State Governor issued Executive Order 202.1, which, among other things, required the cancellation or postponement of any event if more than 500 persons were expected to be in attendance; and

WHEREAS, on March 16, 2020, the New York State Governor issued Executive Order 202.3, which, among other things, required the cancellation or postponement of any event if more than 50 persons were expected to be in attendance; and

WHEREAS, on March 16, 2020, the New York State Governor issued Executive Order 202.4, which, among other things, required local governments to allow non-essential personnel to work from home or take leave; and

WHEREAS, on March 18, 2020, the New York State Governor issued Executive Order 202.6, which, among other things, required all businesses and not-for-profit entities in the state to use telecommuting to the maximum extent practicable and reduce their in-person workforce by at least 50% no later than March 20, 2020; and

WHEREAS, on March 19, 2020, the New York State Governor issued Executive Order 202.7, which, among other things, required all businesses and not-for-profit entities in the state to reduce their in-person workforce by at least 75% no later than March 21, 2020; and

WHEREAS, on March 20, 2020, the New York State Governor issued Executive Order 202.8, which, among other things, required all businesses and not-for-profit entities in the state to reduce their in-person workforce by 100% no later than March 22, 2020; and

WHEREAS, on March 23, 2020, the New York State Governor issued Executive Order 202.10, which, among other things, required that all non-essential gatherings of any size for any reason to be canceled or postponed; and

WHEREAS, on March 29, 2020, the New York State Governor issued Executive Order 202.13, which, among other things, extended the dates set forth in 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, and 202.11 for which prior Executive Orders closed or otherwise restricted public or private businesses and required postponement or cancellation of non-essential gatherings to April 15, 2020; and

WHEREAS, on April 7, 2020, the New York State Governor issued Executive Order 202.14, which, among other things, extended the dates set forth in 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, and 202.11 for which prior Executive Orders closed or otherwise restricted public or private businesses and required postponement or cancellation of non-essential gatherings to April 29, 2020; and

WHEREAS, on April 9, 2020, the New York State Governor issued Executive Order 202.15, which, among other things, postponed local government public hearings without prejudice until June 1, 2020; and

WHEREAS, on April 16, 2020, the New York State Governor issued Executive Order 202.18, which, among other things, extended the dates set forth in 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, and 202.11 for which prior Executive Orders closed or otherwise restricted public or private businesses and required postponement or cancellation of non-essential gatherings to May 15, 2020 (the aforementioned New York State Executive Orders shall be referred to collectively as the "State Executive Orders"); and

WHEREAS, on May 8, 2020, the Nassau County Executive issued Executive Order 33 of 2020 which extended the State of Emergency in Nassau County for 30 days (Nassau County Executive Order 2 of 2020 and Nassau County Executive Order 33 of 2020 shall hereinafter collectively be referred to as the "County Executive Orders"); and

WHEREAS, on September 4, 2020, the New York State Governor issued Executive Order 202.60, which extended the State Executive Orders to October 4, 2020; and

WHEREAS, on October 5, 2020, the New York State Governor issued Executive Order 202.67, which extended the State Executive Orders to November 3, 2020; and

WHEREAS, the aforementioned State Executive Orders and County Executive Orders shall be referred to herein collectively as the "Social Distancing Prohibitions"; and

WHEREAS, there is uncertainty as to when the Social Distancing Prohibitions may be lifted; and

WHEREAS, Section 1610(c) of the Nassau County Charter provides legal authority for the Commission to extend the time by which the Commission must take action on a preliminary map and states that “the time by which the Commission must take action on a preliminary map may be extended by mutual consent of the Commission and the subdivider or if the Commission deems such extension of time to be in the public interest;” and

WHEREAS, the Commission accepted the DEIS and approved the issuance of a Notice of Completion on May 14, 2020; and

WHEREAS, the Applicants/Owners consented on the record to an extension of time to conduct the SEQRA public hearing on the DEIS for the Proposed Action at the May 14, 2020 NCPC meeting; and

WHEREAS, on May 14, 2020, the Commission and Applicant/Owners mutually agreed:

1. to an extension of time to conduct the SEQRA public hearing on the DEIS for the Proposed Action; and
2. that that the public hearing on the DEIS for the Proposed Action would commence no more than **sixty (60)** calendar days after the New York State Governor lifts the Social Distancing Prohibitions or modifies the Social Distancing Prohibitions in a manner that permits the Commission to convene the public hearing by personal gathering at a single hearing location; and that public comments will be received and considered by the Lead Agency for no less than **thirty (30)** and no more than **forty-five (45)** calendar days following the close of a public hearing at which the environmental impacts of the Proposed Action are considered; and that in the event the New York State Governor does not lift the Social Distancing Prohibitions or modify them in a manner that permits the Commission to hold a public hearing by personal gathering at a single hearing location on or before August 31, 2020, the Parties shall communicate in good faith as to whether to modify the terms of this Resolution; and

WHEREAS, the Commission and Applicant/Owners have communicated in good faith as to whether to modify the terms of the May 14, 2020 Resolution,

NOW THEREFORE, BE IT RESOLVED, that the Commission hereby modifies the terms of the May 14, 2020 as set forth herein; and it is further

RESOLVED, that the Commission will commence the public hearing on the DEIS in a virtual format on a mutually agreeable time on November 17, 2020; and it is further

RESOLVED, that public comments will be received and considered by the Lead Agency for approximately **forty-five (45)** calendar days following the close of the public hearing(s) at which the environmental impacts of the Proposed Action are considered.

The foregoing resolution was voted upon with members voting as follows:

Marty Glennon, Chair	Aye
Jeffrey H. Greenfield, Vice-Chair	Aye
Leonard Shapiro, 2 nd Vice-Chair	Aye

Neal Lewis, 3 rd Vice-Chair	Aye
Jerome Blue	Aye
Ronald Ellerbe	Excused
Rick Shaper	Aye
Lisa Warren	Aye

The Chairman declared the resolution duly adopted on October 1, 2020.

NCPC File Number 1997-P-1
Adopted: October 1, 2020

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

I, Sean Sallie, *Deputy Commissioner* of the Nassau County Planning Commission, do hereby certify that the resolution herein was passed by the concurring affirmative vote of the Planning Commission of the County of Nassau.

IN WITNESS WHEREOF, I have hereunto set my hand, this 9th day of October in the year 2020.



Sean Sallie
Deputy Commissioner
NASSAU COUNTY PLANNING COMMISSION