PO Box 159, Sea Cliff, NY 11579 | 516.801.6792 | info@thecshh.org

January 6, 2023



Mayor Sandy K. Quentzel and Board of Trustees
Village of Roslyn Harbor
500 Motts Cove Road South
Roslyn Harbor, NY 11576

RE: Response to DEIS for the Residences at Engineers Country Club

Dear Mayor Quentzel and Members of the Board of Trustees:

The Coalition to Save Hempstead Harbor (CSHH) has worked vigorously over the last 36 years to improve conditions in the local environment. We have worked with many partners to attain significant improvements to water quality in Hempstead Harbor, thereby improving the quality of life for residents in harborside communities. We appreciate the opportunity to share comments on RXR's Draft Environmental Impact Statement for the proposed multi-unit development at the Engineer's Country Club. Though we have significant concerns about the project, we are encouraged by the proposed preservation of 121 acres of open space.

Our concerns include:

- Adequacy of the proposed stormwater management plan to mitigate runoff.
- Site disturbance during the construction phase.
- Questionable on-site sewage disposal plan.
- Increased population density.
- Lack of workforce housing plans.
- Adequacy of the potable water supply.
- Failure to address potential provisions of the NYS Climate Leadership and Community Protection Act.

*(continued)*

**3.3 Water Resources**

3.3.1.1 Groundwater

In the Draft Environmental Impact Statement (DEIS), the applicant states that there is known contamination from previously allowed pesticides, herbicides, and metals at the site:

*"Additionally, metals such as arsenic, cadmium, chromium, lead and mercury were found in concentrations exceeding their standards at 0 – 2 inches bgs in 14 surface samples, but not at deeper sample locations. Arsenic, cadmium, chromium, lead and mercury have historically been used as ingredients in now-banned pesticides and fungicides that were typically applied on golf courses. Soils containing metals in excess of Restricted Residential SCOs were limited to six of 14 sample grids, five of which were located on the north-central and northwestern portion of the proposed redevelopment area.* ***Soils that are to be disturbed during the proposed redevelopment may require special handling, off-site disposal, or capping.****"* (pg. 49)

The applicant's investigation into this contamination is incomplete. The Environmental Site Assessment is not finalized nor has the Nassau County Department of Health's (NCDH) review been completed. There is no way of knowing whether the groundwater at this site is contaminated as it was never tested by the applicant. The disturbance of known surface contamination during construction is a significant concern because runoff from this property directly threatens Hempstead Harbor.

Furthermore, the disturbance is not limited to the residential building site, but it will also affect the reconfiguration of the golf course for a total of 54 acres, or more than one-third of the property. The DEIS outlines many uncertainties regarding the contamination at the residential site, which may also apply to the reconfigured sections of the golf course:

*"Based on the identified pesticide and metal contamination, the Applicant is expecting to perform the following in consultation with NCDH:*

- *Additional characterization of soils at the site. Based on the size of the property, NCDH may request a greater sample frequency for surface soils than was completed as part of the Phase II ESA.*
- *Preparation of a Soil and Materials Management Plan (SMMP) for the site to be implemented during redevelopment activities. Data obtained during the Phase II ESA will be submitted to the NCDH for review. Additional sampling may be required to meet NCDH requirements. A SMMP will then be generated that identifies areas where the soil exceeds RRSCOs. During construction, these areas may be capped with hardscape or clean fill, or these soils may be disposed of offsite at a properly permitted facility. The SMMP will also likely require community air monitoring during soil handling activities. The SMMP will be submitted to the NCDH for review before it is implemented. An example outline of an SMMP is included as Appendix R.*
- *Engineering controls to be incorporated into redevelopment plans for the site to prevent potential human exposure to impacted soils.* ***Engineering controls may include a composite cap system consisting of concrete or other impervious surfaces, and/or clean fill material capping pesticide-***

***/metal-impacted soils throughout the proposed residential area****."* (pg. ix of the Executive Summary)

More information and testing of these golf course sections should be performed prior to approval of the DEIS to determine the scale of remediation that is necessary.

3.3.1.2 Stormwater

The applicant describes flooding issues in and near the eastern and southern portions of the subject property. Though it is recommended in the DEIS to create a 5-inch stormwater storage capacity for the 20.6-acre residential and recharge basin parcel, the applicant specifies a plan to deploy 3-inch rain retention for the 33.5-acre reconfigured golf course portion of the property. We suggest that the stormwater management of the entire disturbed portion of the property meet a 5-inch retention capacity, particularly because the extent of contamination on the property has not been fully investigated. We are specifically concerned with stormwater runoff from the western side of the property, which is only 400 feet from Hempstead Harbor and is not addressed in the DEIS. The higher retention standard will also help protect against additional nitrogen and other contaminant loading to Hempstead Harbor as a result of stormwater runoff.

Given the known flooding issues of the subject property and known surface contamination, the applicant should consider extensive deployment of green infrastructure alternatives such as rain gardens and bioretention structures as part of the stormwater management plan.

**3.5 Zoning, Land-Use, and Community Character**

3.5.1.1 Land Use and Zoning

We urge the lead agency to approve only the maximum number of units for which the property is currently zoned. The applicant should not be permitted to create more density than would be allowed if Alternative 2 were approved.

The applicant has requested that the Village of Roslyn Harbor create a special overlay zone that would allow density bonuses to be given in return for community benefits. In exchange for a zoning change to allow building multi-unit residences on a portion of the property, the applicant states it will provide “community benefits,” defined as follows:

*"Community benefits or amenities" shall include one or more of the following: open space, parks, and recreational facilities; housing for persons of low or moderate income; infrastructure improvements including water, sewer, transportation network, or stormwater system improvements; or other specific physical, social, or cultural amenities or cash in lieu thereof, of benefit to the residents of the community authorized by the Village Board.”*
(pg. 123)

The community benefits that the applicant claims the project will create will not offset the potential negative outcomes of the requested 92-unit density of the proposed project. For example, addressing

traffic and road conditions at the intersection of Glen Cove Road and Back Road should not be considered a community benefit if they are needed to mitigate the adverse impacts of the development project.

Further, incorporating mention of "housing for persons of low or moderate income" into a menu of potential community benefits does not fulfill the requirements of the Long Island Workforce Housing Act. The requirement to include 10% affordable housing, or an allowable alternative for this, into development projects of 5 or more units must be addressed separately. (See https://www.osc.state.ny.us/files/local-government/audits/2017-12/lgsa-audit-swr-Long-Island-Workforce-global.pdf and https://www.osc.state.ny.us/files/local-government/audits/2017-12/lgsa-audit-swr-Long-Island-Workforce-north-hempstead-town.pdf.)

**3.7 Community Facilities and Services**

3.7.1.6 Sewage Disposal

The DEIS states that the preferred option for sewage disposal is an on-site septic system because the nearest connection to an existing sewer system, such as the Glen Cove Water Pollution Control Plant, would be several miles away. If on-site sewage management is the preferred method, it must incorporate state-of-the-art septic technologies that greatly reduce nitrogen leaching, because nitrogen--and bacteria pollution--are the main sources of contamination in Hempstead Harbor. Given more recent state and local efforts to lower nitrogen levels in water bodies, the DEIS's plan to follow old protocols of Nassau County's Manual for On-site Sewage Disposal is totally inadequate.

3.7.1.7 Water Supply

A main concern we have about this proposed project relates to the extent to which it threatens the drinking water supply. Water districts often give the approval for new connections based on whether there is physical/engineering capacity to pump the water, not on consideration of whether the water supply is adequate or whether over-pumpage could result in saltwater intrusion or increased pollution risk to the aquifer. Long Island has one source of potable water, which means extreme precautions must be observed to protect the entire supply.

Although the DEIS considers Long Island's water supply, it resorts to a 2005 groundwater report that is just factually wrong in 2023:

*"The Nassau County Groundwater Report also notes that annual public water demand has been increasing over the recent years due to large scale development, as well as increased warm weather water usage (i.e., lawn irrigation). Despite the increase in water usage, the report notes that* ***there is no threat of running out of available groundwater for water supply purposes, as recharge to the groundwater exceeds the amount of water withdrawn.*** *However, lawn irrigation represents an issue that should be targeted to control future increases in annual water demand.*" (pg. 58)

The DEIS states this proposed development would continue to rely on the Glenwood Water District (GWD) to meet the majority of its needs while recognizing that GWD obtains water from the Roslyn

Water District. Four new developments have already been approved resulting in 213 new units in these two water districts. This proposed development would add 92 more units which is a 43% increase in units. Further, the proposed development would increase the water use on the site by 54% based on information provided in the DEIS. **These increases directly conflict with the New York State Department of Environmental Conservation's 2016 directive to all water suppliers to reduce peak water demand by 15%**.

CSHH has commissioned a water-sustainability report entitled, "Water Supply Sustainability for Hempstead Harbor Communities" (see the attached PDF document). This report has been thoroughly researched by Professor Sarah Meyland, NY Institute of Technology, who is a well-known expert on the status of Long Island's sole source aquifer. The report investigates the potential impact on local water suppliers of the many multiunit development projects proposed or partially completed along the Hempstead Harbor shoreline. Most local water districts failed to even get close to achieving the 15% reduction mentioned above. In several instances, water use increased. The data collected for the analysis in the water sustainability report is conservative as it covered three years from 2018 to 2020 and therefore does not include the impact of many recently completed and now occupied multiunit developments nor the hot, dry weather events over this past summer, which highlighted the fragility of our local water supply. The cumulative impact of increased development that ignores the fragility of our water supply threatens the sustainability and availability of safe potable water.

**3.10 Energy and Climate Change**

3.10.1.2 Climate Change

New York State will require compliance with its Climate Leadership and Community Protection Act (CLCPA), the nation's leading climate law (enacted in June 2019), although currently regulatory steps remain to be completed. (The New York State Climate Action Council finalized the scoping plan last month, on December 19, 2022.). The DEIS insufficiently addresses how renewable energy will be deployed in the proposed project, let alone how the applicant will meet the newly finalized renewable energy plan outlined by New York State's Climate Action Council. This includes 70% renewable energy use by 2030 and an 85% reduction in greenhouse gas emissions by 2050. The New York State legislature is already considering state-wide regulations to ban gas hookups for new construction, just as New York City has already done. We strongly encourage the lead agency to demand more details about the applicant's plan to incorporate renewable energy strategies before approving this project.

**ADDITIONAL COMMENTS**

For 36 years, CSHH has been documenting the health of the harbor through our award-winning water-monitoring program and working towards restoring what was once one of the most polluted bodies of water along the north shore of Long Island. The result of our efforts and those of our partners and other long-time stakeholders is a harbor that once again supports a diversity of marine life, birds, and other wildlife, including a growing population of ospreys and bald eagles. Water quality and habitat enhancement projects have been undertaken around the harbor to help ensure that conditions continue to improve.

Additionally, CSHH has participated in the review of every major commercial and/or multiunit residential proposal along the harbor since the early 1990s. In our experience, so many of the mitigations and technological fixes that are proposed by developers, when put into practice, do not perform as expected. For example, during the construction of RXR's Phase I at Garvies Point, the stormwater pollution prevention and retention system failed miserably and required major revisions to the plan. Even now, in the face of more frequent and severe storms, the harbor and the adjacent ponds and creeks are overwhelmed by inadequate stormwater retention.

CSHH's concerns over the proposed RXR development at Engineers Country Club relate not only to the issues listed above and specific to the country club property, but also to the cumulative impacts of the increased number of development projects in all harborside communities. Inadequate planning to protect the sustainability of the water supply, increased risk of nitrogen and bacteria pollution to the harbor, and a lack of consideration for climate planning will have an impact not only on the current and future residents of Roslyn Harbor, but also on those of all harborside communities.

Thank you,

Lisa Cashman
Associate Director

Michelle Lapinel McAllister
Programs Director